REVISTIA

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Qualitative Analysis Concerning Universal Basic Income - Perceptions in Portugal

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Abstract

The economic and social debate has been intensifying globally as a result of concerns about the increase in poverty in the world and the progressive separation between rich and poor. There is an urgent need to find ways and alternatives that can be tested and put into practice. This is an exploratory study on the perception of the Portuguese regarding Unconditional Basic Income or Universal Basic Income (UBI). UBI has defenders and opponents, both parties with convincing arguments about its practical applicability, however, conclusions cannot be reached without experience in the field and convincing results. Likewise, the idea should not be abandoned without understanding its real applicability, as its success could be important for the future development of the world. Studies on the UBI are still in their infancy. Therefore, Portugal's contribution to the enrichment of knowledge within the topics of "the future of work" and "work of the future" and, more specifically, about UBI, is seen as urgent. In this context, we prepared and analysed a survey, having obtained 273 valid responses. The results of the qualitative analysis on which this study focuses allow us to infer that there are still many flaws in the management and leadership of human resources and, among other aspects, that, in general, the respondents would prefer to work even though they might eventually receive a UBI.

Keywords: development, future, unconditional or universal basic income, work.

Introduction

The word "trabalho" ("work" in Portuguese) comes from the Latin *tripalium*, which means punishment. *Tripálio* (from the late Latin "*tri*" (three) and "*palus*" (stick) - literally, "three sticks") is a Roman instrument of torture, to which slaves were subjected. Hence the verb in vulgar Latin *tripaliare*, which initially meant to torture someone on the *tripálio*. This instrument made of three sharp sticks, sometimes still equipped with iron spikes, would also serve for farmers to beat the wheat and ears of corn, to separate and fray them. These terms gave rise to, in Portuguese, the words "*trabalho*" and "*trabalhar*" (to work), although in the original sense the "*trabalhador*" (worker) would be the executioner, and not the alleged "victim", as is the case today.

Based on the concepts of slave labour, servility or a change in the paradigm from the industrial revolution, a historical context was developed with the main objective of understanding how the (possible) myth about compulsory labour (wage-labour) took root in the industrial revolution, complemented by the contributions of Karl Marx in his essays "Wage-Labour and Capital".

The philosopher Hannah Arendt in her work "The Human Condition" studied and interpreted the structures that condition the human experience, investigated the meaning and the modes of human activities and their respective dignities. For Arendt, work is an activity that man imposed on his own species, that is, it is the result of a cultural process (Arendt, 2010).

Governments of several countries concerned about the future of work and the predictable social changes that the changes may cause, have been discussing the possibility of implementing a basic and unconditional income for all citizens.

Finland was the first country in Europe to implement (in 2017) an idea close to UBI, which consisted of paying a group of unemployed people 560 euros per month, without conditions or demanding anything in return. The experience, limited to two years, covered two thousand unemployed people, but was abandoned by the Government. The pilot project ended without having achieved the desired results. Olli Kangas, an expert involved in the project, said: "Two years is a too short period to be able to draw definitive conclusions from such a valuable experience. We should have had more time and more money to achieve reliable results"[1].

Defenders of UBI want to grant state support capable of ensuring a dignified life for all citizens. UBI is a regular fixed payment of money provided by the government - or another institution in the public sphere - to each citizen or resident, regardless of whether the individual is rich or poor and/or in a paid employment. This income is based on three characteristics (Van Parijs, 2004):

Universality: it must encompass the entire population;

Individuality: it must be designed to serve individuals, not families, since it is considered a truly individual right;

Unconditionality: it must be unconditional (or employ conditions that do not violate inclusion).

In a changing world, where the reality of work is changing due to automation, there are those who believe that UBI makes perfect sense. With the granting of this support, the State could ensure living conditions for its citizens, preventing the growth of political populisms, allowing everyone to share the success of a "new economy" (Birnbaum, 2012; FitzRoy & Jin, 2018; Huws, 2017; Pereira, 2017a, 2017b; Widerquist, 2001; Yunker, 2013).

For some authors, work arises from humans' need to satisfy their needs and survive, while for others work is the activity developed by humans, under certain forms, to produce wealth (Chandra, Chandra, & Pasma, 2010; Frank, 2008; Jordan, 2010; Pech, 2010). There are, however, several authors who contest UBI, reflecting and presenting studies with the aim of demonstrating that it is not a reasonable option (Altman & Markham, 2019; Aydinonat, 2015a; Denniss & Swann, 2016; Kaighin, 2019; Mays, 2016; Quiggin, 2019; Van Donselaar, 2009; Widerquist, 2018).

This work intends for the reflection to not be limited to the UBI, to its pros or cons, defenders or critics. Rather it is intended that it be seen in a broader perspective, taking into account the inevitability of changes in the "work of the future" and the "future of work".

Theoretical framework

Evolution of work

The denomination of work first appeared in the Bible, in the book of Genesis, when it referred to the division of tasks between men and women; men would be responsible for hunting and guaranteeing protection, and women for fulfilling domestic duties, as well as educating and caring for offspring. After the Neolithic period, and the development of animal husbandry and agriculture, manual labour was constantly devalued. In classical Greek philosophy, work was seen as a punishment, that is, it was inherent in negative thinking, although there are two theories about it: one related to the fact that work is considered the essence of man, created by those who practised it, and another, interconnected with the idea that work neglected and stifled human intelligence. Among thinkers in Ancient Greece, work was frowned upon. Aristotle put work in opposition to freedom, and Homer saw a desirable goal in the idleness of the ancient Greek nobility. Hard labour was for women, servants and slaves (Silva, 2016). In the Middle Ages, working in agriculture was an arduous task. Those who were obligated to practise forced labour by their employers had no choice. But whoever had the choice, preferred leisure and festivity and not worrying about tomorrow. Thinking of some kind of profit was considered an addiction. A quota of up to one hundred days off per year served to ensure that work was not in the foreground[2]. In the 16th century, Martin Luther declared idleness a sin. Man was born to work, Luther wrote. According to him, work is a "divine service" and at the same time "vocation" (Silva, 2016). In Anglo-American Puritanism, work was seen as a sign that whoever did it was chosen by God. This philosophy accelerated the development of capitalism (Guilherme De Moura & Florianópolis, 2006). In the

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[1] The project covered unemployed people aged between 25 and 58. Retrieved from:
https://www.demoshelsinki.fi/en/2016/08/30/thousands-to-receive-basic-income-in-finland-a-trial-that-could-lead-to-the-greatest-societal-transformation-of-our-time/. Accessed on: 30/09/2019

[2] Retrieved from: http://www.amaso.com.br/PDFs/AMASOn18.pdf. Accessed on: 30/09/2019

18th century, the time of industrialisation in Europe, the population grew and the cultivable space decreased. People migrated to cities in search of work in factories and foundries. In 1850, many workers worked 14 hours a day, six days a week. Wages were barely enough to survive. Discoveries such as the steam engine and the loom tripled production (Burns, 2011). In the early 20th century, Henry Ford perfected work on the automotive industry's assembly line, setting standards for the industry in general. With that, the production of the Ford Model T in series, reduced the costs, which on the one hand lowered the sale price of the vehicle and on the other hand enabled higher salaries to the employees[1]. With the factories a new class appears: the proletariat. For Karl Marx, who coined this term, work is the essence of man. The socialist Paul Lafargue, son-in-law of Carl Marx, said in 1880 that a strange addiction dominated the working class in all countries; he referred to the "love" of work and classified it as a frantic addiction, responsible for leading individuals to exhaustion (Henrique & Mota, 2016). Throughout the 20th century, social costs for workers in the world's richest nations have increased significantly. As a result, companies have moved production to where labour is cheaper. In many poor countries, circumstances that are reminiscent of the beginning of industrialisation in Europe still prevail: child labour, low wages and a lack of social security. Meanwhile, in Europe jobs are increasing in the service sector. Elderly caregivers are desperately wanted. New fields of work are opening up as a result of social changes and technological advances. Over time, the workday was reduced and the volume of work per capita decreased by 30% between 1960 and 2010 (Ursula Huws, 2016). Then there is robotization; machines do not strike, do not demand salary increases and are extremely thorough: industrial robots are revolutionising the world of work.

The American economist Jeremy Rifkin argues that we are experiencing an industrial revolution that will end wage-labour. Will the Robots replace us? This question has been asked for 40 years, since automation arrived at the factories, but now the situation intensifies the debate. With the advancement of digitalisation, the Internet of Things and the Industrial Internet of Things 4.0 (Fourth Industrial Revolution), many occupations are becoming "obsolete" - and not only in industry (Rifkin, 2014). Seen from a positive point of view, if machines do the work normally under the responsibility of humans, people now have time for other tasks such as environmental protection, support for the elderly, sick and needy, many tasks that are already being performed at the moment by volunteers. Maybe in the job market of the future, people can go back to doing what they like and what gives them pleasure? The question remains.

Dani Rodrik (2015), professor of International Political Economy at the John F. Kennedy School of Government, Harvard, and author of "Economics Rules: The Rights and Wrongs of the Dismal Science", argues that there is good and bad news for the future of work in developing countries. Thanks to social policies and labour rights, workers can become full players in the economy much earlier in the development process. At the same time, the traditional engine of economic development - industrialisation - is likely to operate at much lower capacity. The resulting combination of high public expectations and low growth production capacity will be a major challenge for all the developing economies in the world (Aydinonat, 2015a).

With all these transformations happening at a speed that can make predictions difficult, in addition to it being necessary to take maximum advantage of the differentiating competences of the human being, especially our creative and innovative side in order to develop alternatives, it is also necessary to think beyond the normal; Bill Gates, for example, launched the idea of charging a fee for users and implementers of robotics, which in parallel can provide an income for citizens[2].

Unconditional Basic Income (UBI)

The idea of an Unconditional Basic Income for the poor emerged in the 16th century, defended by humanist thinkers Thomas More and Ludovicus Vives. Thomas More defended the idea in his book Utopia in 1516 (More, 2014), curiously by the voice of a Portuguese traveller, Raphael Nonsenso, but it is Ludovicus Vives in 1526 who in his book "De Subventione Pauperum" defends the idea in more detail (Vives, 2017). In the 18th century, the idea of an income paid at once to all was defended by the Marquis de Condorcet in his posthumous book entitled "*Esquisse d'un tableau historique des progrès de l'esprit humain*" (Condorcet, 1795) and shortly after (1796) by his friend Thomas Paine in his book "Agrarian Justice" (Foner, 1995). This idea of income paid at once was also defended by two law professors at Yale University, Bruce Ackerman and Anne Alstott, in the book "The Stakeholder Society" (Ackerman & Alstott, 1999) and is now widely discussed by other authors, as can be read in the book "The Ethics of Stakeholding" (Dowding, Wispelaere, & White., 2003). In the 19th century, the idea of an Unconditional Basic Income that is defended is that which combines the two previous ideas -

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[1] Retrieved from: https://www.ford.pt/experiencia-ford/historia-e-herenca. Accessed on 30/09/2019

[2] Retrieved from: https://www.ft.com/content/d04a89c2-f6c8-11e6-9516-2d969e0d3b65. Accessed on 30/09/2019

that of a basic income for the poor, with the idea of an income paid at once to everyone. This idea was defended by several distinguished thinkers, among them, the French utopian Charles Fourier in his book "*La Fausse Industrie*" (Fourier, 1836), the 19th century English political thinker and philosopher, John Stuart Mill in his 1848 book "Principles of Political Economy" (Mill, 2006), and the Belgian Joseph Charlier) who defends the idea in his book "*Solution du problème social or constitution humanitaire* (Charlier, 1848).

In the 20th century, there were three periods in which the UBI was defended

First, it was during the period between the two great world wars, mainly in Great Britain, with the philosopher and mathematician Bertrand Russell, the first to do so in his book "Roads to Freedom" published in 1918, (Russell, 2004), followed by economist George DH Cole in several of his books (Pound, Davis, & McWhirter, 2015), and by economist James Meade, winner of the Nobel Prize in Economics, in his book "Outline of an Economic Policy for a Labour Government" published in 1935, (Blankenagel, 2012).

In the 60-70s, the debate took place mainly in the USA, where two of its most famous defenders and both Nobel Prize winners in Economics, Milton Friedman, and James Tobin, emerged (Friedman, 2009; Tobin, 1980). Other prominent figures showed themselves to be in favour of UBI, such as Martin Luther King and American President Richard Nixon (Marcelo, Merrill, Bizarro, & Pinto, 2019).

Since the 1980s, the UBI was mainly defended in continental Europe, particularly through the creation, in 1986, of the BIEN (Basic Income European Network) based at the Catholic University of Louvain, with Belgian philosopher Phillipe Van Parijs, Head of Hoover Chair, and one of its most active founders. Since 2004, BIEN has come to mean Basic Income Earth Network.

At present, the debate is moving forward and backward, with defenders and opponents settling their arguments. It is expected that the debate will leave the academic circuit and be shared with citizens so that they can reflect, discuss and consolidate their ideas.

Universal Basic Income (UBI) in Portugal

In Portugal, the existence of a movement organised around the defence of a UBI is very recent. Until today, the experience that exists in Portugal closest to a UBI is the payment of a Guaranteed Minimum Income, created during the socialist government of António Guterres (1999 to 2002). Currently, it is called Social Insertion Income (RSI) and consists of the payment of a minimum income to all individuals who do not integrate in the work and social livelihood circuit. The bibliography produced in Portugal is almost non-existent, but there is some activity and ideas on the subject, mainly reflected on the website: *www.rendimentobasico.pt.*

Martim Figueiredo (2013) in his book "Será que os surfistas devem ser subsidiados?*"* (Should surfers be subsidised?) presents some reflections (Figueiredo, 2013). Roberto Merrill presented an article entitled *"*O Rendimento Básico Incondicional como um novo direito humano?" *"*Da exploração à pré-distribuição*"* (Basic Unconditional Income as a new human right? From exploration to pre-distribution), published on the website Esquerda.net, in which he develops a normative defence of the UBI[1]. In 2017, the 17th BIEN Congress was held in Portugal, as a way to encourage debate on the topic of UBI, with the participation of several speakers, researchers and academics and the presentation of articles[2]. Two years before the aforementioned congress, several public figures addressed their arguments in the media. Francisco Louçã, a politician with a left-wing ideology and a university professor, criticised the UBI saying that "it is strangely unfair, because it pays the same to the poor and the rich, and it is poorly reasoned, because it does not propose any consistent way of paying the bill"[3]; this position was immediately criticised by several defenders of the UBI such as Roberto Merril, spokesman of the campaign in favour of UBI, who accused him of being "a right-wing guy", also by André Barata, leader of the Livre Party, who compared him to a modern-day slave trader, and José Neves, a defender of the UBI, who criticised him for outright refusing the idea without wanting to discuss it. Louçã supports his concerns by saying "(…) if it is a commitment that should be left to the State and to be paid by all, then the minimum in this debate is for us to evaluate the

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[1] Retrieved from: https://www.esquerda.net/dossier/rendimento-basico-incondicional-2/33969. Accessed on: 01/10/2019

[2] Retrieved from: http://rendimentobasico.pt/17o-congresso-bien/ Accessed on 01/10/2019

[3] Retrieved from: https://blogues.publico.pt/tudomenoseconomia/2015/03/02/rendimento-basico-incondicional-como-quanto-e-para-quem/ Accessed on: 10/10/2019

feasibility, costs, effects and ways of proceeding"[1]. However, in the initiative for the European petition[2] on the possible implementation of the UBI within the European Union, one of the UBI's responses would be to simplify social security systems, concentrating all social support, namely unemployment benefit, social reintegration allowance, family allowance, etc., in a single social support. For sociologist Adriano Campos and party leader Ricardo Moreira, giving up the requirement of full employment is announcing the death of the right to work[3]; they also accuse that "(…) the proposers of the UBI refuse the utopian nature of the proposal, claiming its full application as a real and effective possibility, but in doing so they are entangled in a narrative that denies the most immediate of possibilities: the creation of jobs"[4]. Turning to the Austro-French philosopher André Gorz, Adriano Campos and Ricardo Moreira say that "it is important to understand the extent to which the notion of abstract work - the pillar of the theory of value/work - will have to be updated in order to provide a more accurate analysis of new forms of labour exploitation, at a time when the social cost of labour is increasingly moving away from the market measure of its immediate cost. The hypothesis of the disappearance of work is therefore not to be confused with the search for a better analysis of its crisis in the commercial and capitalist way of our times "[5]. In 2019, Gonçalo Marcelo, Roberto Merrill and Sara Bizarro, presented the book "Rendimento Básico Incondicional: uma defesa da liberdade" (Basic Unconditional Income: a defence of freedom) in order to, in their words, make an old idea known, in detail but accessible to the general public, but which has had a renewed interest in recent years (Marcelo et al., 2019).

From the brief framework carried out, it can be inferred that in addition to the reflections and debates on UBI in Portugal being recent and reduced, there are still many doubts about those who have already thought, reflected and discussed the topic. It was in this context that it is important to investigate the topic and, in particular, about the perception of ordinary Portuguese citizens. Namely, on the one hand whether you have heard of the UBI and, on the other hand, what your possible stance is on various issues about current and future work and about the implementation of the RBI.

Experiences and work on UBI in the World

Some restricted and inconclusive experiences took place in India and Namibia. In 2012 in India, for a year and a half, only for some villages in the state of Madhya Pradesh in which around 200 rupees per month (2.74 euros) and 100 rupees for children were allocated. In Namibia, between 2008 and 2012, approximately 10 euros per month was allocated to around 1200 inhabitants.

In turn, in Switzerland, a group of protesters and apologists of the UBI, who, with the justification that the unemployment level would increase with the replacement of humans by robotics, due to the progression and acceleration of technological development, gathered 126 thousand signatures to be delivered to Parliament in order to change the constitution and implement the UBI. In 2016, there was a referendum to propose the implementation of a UBI of 2,500 Swiss francs per adult and 625 francs for every minor under 18 years old. The measure was rejected by a wide margin; 76.9% of voters opposed the idea. Albert Jörimann, in his article "Financing Basic Income in Switzerland, and an Overview of the 2016 Referendum Debates" presents some studies to determine the real static cost of introducing UBI in Switzerland, analyses the available funding resources, and assesses the benefits of social security, pointing out several issues and concerns with its sustainability (Jörimann, 2017).

Finland was the first country in Europe to test the allocation of a universal basic income in the year 2017, allocating €560 to two thousand unemployed people, aged between 25 and 58 years old, every month, with no obligations or compensation on their part. After 2 years of implementation, the Government ended the experiment. Olli Kangas, an expert involved in the project, said: "Two years is a too short period to be able to draw definitive conclusions from such a valuable experience.

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[1] Retrieved from: https://blogues.publico.pt/tudomenoseconomia/2015/03/02/rendimento-basico-incondicional-como-quanto-e-para-quem/ Accessed on: 25/10/2019

[2] Retrieved from: https://www.grundeinkommen.de/content/uploads/2011/10/11-10-09-mindesteinkommen-grundeinkommen-europa-en.pdf Accessed on: 11/10/2019

[3] Retrieved from: https://www.esquerda.net/dossier/rendimento-basico-incondicional-1/33951. Accessed on: 11/11/2019

[4] Retrieved from: https://www.esquerda.net/dossier/rendimento-basico-incondicional-1/33951#sdfootnote3sym. Accessed on: 11/11/2019

[5] Retrieved from: https://www.esquerda.net/dossier/rendimento-basico-incondicional-1/33951#sdfootnote6sym. Accessed on: 11/10/2019

We should have had more time and more money to guarantee reliable results"[1]. The conclusions were disappointing for those who believed that the UBI would be a good strategy with regard to increasing employment. According to the preliminary results of the study (Fig.1), people who received UBI had more half-days employed for an entire year, compared to what happened in an identical group of unemployed (control group) who did not receive this benefit. Those on the pilot test were employed for 49.6 days in 2017. Those in the control group worked for 49.3 days. "We can say that during the first year of the experiment, those who received the UBI were neither better nor worse than those in the control group," said Ohto Kanninen, one of the people in charge of the pilot test[2]. If they got a job, UBI beneficiaries would continue to receive the benefit; on the other hand, they had no penalty if they did not actively seek employment, or refused offers that arose.

Figure 1 - Effects of UBI on employment (Finland 2017 experience)

	Treatment group	Control group	Difference	p-value
Employment status				
Days in employment (number of days)	49.64	49.25	0.39	0.87
Persons with earnings or income from self-employment (%)	43.70	42.85	0.85	
Earnings and income from self-employment, total (€)	4,230	4,251	-21	
Benefits provided by Kela (€)				
Unemployment benefits	5,852	7,268	-1415	
Social assistance	941	1,344	-403	
Housing allowance	2,525	2,509	16	
Sickness allowance	121	216	-96	
Number of observations	2,000	173222		

Note: (i) The days in employment are based on data on accrual periods from the Finnish Centre for Pensions. Days of employment are defined as periods in the open labour market for which the calculated daily wage amounts to at least 23.74 euros; (ii) The percentage who have received earnings or income from self-employment and their number is based on data from the Finnish Tax Administration; (iii) The data on benefits provided by Kela is based on data from Kela's benefit register; (iv) The p-value shows the level of significance at which the equality of the averages for the treatment group and the control group can be cancelled out. Typically the difference between the groups is considered statistically significant when the p-value is 0.05 or smaller.

Source: Kela – The Social Insurance Institution of Finland

If the impact on employment was negligible, the UBI ended up improving the well-being of the people included in the test (Fig.2). "The UBI beneficiaries in the pilot test reported better levels of well-being in all criteria, compared to what was reported in the comparison group", says another person in charge of this test, Olli Kangas[3].

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[1] Retrieved from: https://expresso.pt/internacional/2018-04-23-Finlandia-acaba-com-a-experiencia-de-rendimento-basico-universal. Accessed on: 15//11/2019

[2] Retrieved from: https://www.sabado.pt/ultima-hora/detalhe/rendimento-basico-incondicional-nao-ajudou-a-criar-emprego-na-finlandia. Accessed on: 15/11/2019

[3] Retrieved from: https://www.jornaldenegocios.pt/economia/seguranca-social/detalhe/rendimento-basico-incondicional-nao-ajudou-a-criar-emprego-na-finlandia. Accessed on: 15/11/2019

Figure 2 - Effects of UBI on Well-Being (Finland 2017 experience)
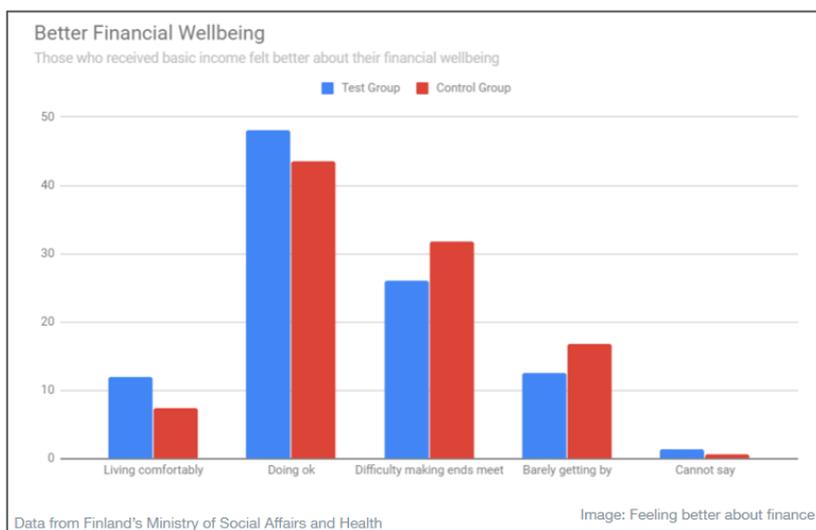
Source: Finland's Ministry of Social Affairs and Health

The people included in the test showed "fewer stress symptoms, fewer concentration difficulties and fewer health problems," said Minna Ylikanno, a researcher who was also involved in this experiment. Beneficiaries "were also more confident in the future," he added[1]. Finland is seen as a model country in social support policies, especially with regard to education and encouraging births; the northern European country, one of the oldest in the region, has experienced solid economic growth and has managed to lower the unemployment rate in recent years. The rate dropped to 6.6% in December 2018, which corresponds to the lowest level in 10 years. In parallel to the various experiences that are emerging, several researchers have followed and supported reflections worldwide:

In Australia, Altman, (2016) and Altman & Markham, (2019) studied the application of a basic income for indigenous Australians in a subsistence approach in neoliberal times and the reasons for the failure of the Government's goals to halve the difference in results employment between indigenous and other Australians by 2018. In the year 2016, Greg Marston, asks the question whether the UBI can play an important role in the future and answers in his article "Greening the Australian Welfare State: Can Basic Income Play a Role? In Basic Income in Australia and New Zealand" (Marston, 2016). Gary Flomenhoft (2017), in his article "Total Economic Rents of Australia as a Source for Basic Income" presents an approach to UBI establishing a link with artificial intelligence (AI), defending the urgency to resolve the issue of how to finance the UBI (Flomenhoft, 2017). In a very recent approach, Tin Hollo argues that the implementation of UBI in Australia requires an examination of the political context and a political strategy to change the discourse and build power, which is why in his article "Finding a Political Strategy for a Basic Income in Australia", he describes the political context in Australia, analysing the positions of the main political parties and civil society organisations, proposing approaches to create support for Unconditional Basic Income (Hollo, 2019).

In South America, Alzúa, Cruces, & Ripani, (2013) analysed the effect of 3 welfare programmes and incentives for work and the supply of adult labour in developing countries in rural areas: Mexico's National Education, Health and Nutrition Programme (PROGRESA), Nicaragua's Social Protection Network and the Honduras Family Allowance Programme and concluded that the effects that the programmes had on the labour supply of participating adults were mainly negative, but they are still small and are not statistically significant.

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[1] Retrieved from: https://www.sabado.pt/ultima-hora/detalhe/rendimento-basico-incondicional-nao-ajudou-a-criar-emprego-na-finlandia. Accessed on: 15/11/2019

In the Netherlands, in 2019, Loek Groot, Ruud Muffels and Timo Verlaat, realising that the focus on state support for well-being has shifted from anti-poverty policies to social investment strategies, address the UBI and its motivational psychological perspectives and behavioural economics in his article "Welfare States' Social Investment Strategies and the Emergence of Dutch Experiments on a Minimum Income Guarantee" (Groot, Muffels, & Verlaat, 2019).

In Ireland, following the serious financial crisis that shook the country in the early 2010s, concerns about future employment became one of the concerns and in this way we can see the emergence of some studies and proposals on the implementation of the UBI; Randall Wray, studies and presents some proposals in his article "The Euro Crisis and the Job Guarantee: A Proposal for Ireland" (Wray, 2013).

In Alaska, since the 1980s, the annual payment of a Permanent Fund dividend to all residents has been instituted, but its impacts on the economic, social and political scenario have never been studied; Scott Goldsmith, in his article "The Economic and Social Impacts of the Permanent Fund Dividend on Alaska" presents only a systematic reflection based on various observations, interpretations and research (Goldsmith, 2012).

In China, the topic of UBI is relatively new, but it could become relevant, especially in a post 2020 approach, when, despite the projected eradication of extreme poverty at the national level, other forms of social challenges may arise or become more prominent. This can raise questions about current welfare policies and possible barriers to maintaining effective support for those in need. In this context, China has started a research project to discuss UBI. According to promoters, the goal is to start exploring the potential of UBI as an alternative political tool to provide social protection, based on theoretical discussions about the pros and cons of UBI, as well as an overview of its current or expected practices (Zhen, Guerriero, Lopez, & Haverman, 2020).

Finally, it is also interesting to refer to the vision of UBI and its future impacts on the perspective of gender equality, shared by Eva Cox, in her article "Feminist Perspectives on Basic Income" where she demonstrates concerns regarding the integration of women in future work (Cox, 2019).

Methodology

In order to investigate the perception of the Portuguese about "the future of work" vs "the work of the future" and its relationship with UBI, an online survey was created on the Google Drive platform. 273 individuals participated in the survey. All responses were considered valid. After the profiling of the participants (sex, age, marital status, workplace and profession), 21 closed questions for quantitative assessment and 4 'open' questions for qualitative analysis were asked. In this study, the answers to the 4 open questions are analysed:

If you work. If your hours were cut in half, without reducing your pay, what would you do in the remaining hours?

If you work. For some people, work is simply a means of "earning a living"; for others it means much more than that. What about you?

If you work. What amount of money would allow you to stop working?

If you work. What was the most useless task (job) you have ever performed in your professional life?

In complementary studies, other variables will be analysed, such as knowledge about UBI, the position regarding the application of UBI in Portugal, the opinion about the increase in the minimum wage, about current work and the work of the future and the relationship between work and happiness.

3. Data analysis

To handle the answers to the open questions, the qualitative analysis software webQDA was used. WebQDA is a software to support the analysis of qualitative data in a collaborative and distributed environment; it is a software aimed at researchers, in different contexts, who need to analyse qualitative data, individually or collaboratively, synchronously or asynchronously. With webQDA, the researcher can edit, view, link and organise documents. Simultaneously you can create categories, code, control, filter, search and question the data in order to answer the questions that emerge in your investigation (Costa, 2016; Costa & Amado, 2018; Costa, de Sousa, Moreira, & de Souza, 2017; Costa, de Souza, Moreira, & de Souza, 2018; Costa, Linhares, & de Souza, 2014; Costa, Moreira, & Souza, 2019). From our point of view, qualitative research aims to develop an understanding of the context in which phenomena and behaviours occur and, for this reason,

we believe that qualitative approaches can be complementary to quantitative studies. Altinay & Paraskevas (2008) also indicate that the qualitative approach is based on an inductive model and on phenomenology.

3.1 Characterisation of the sample

The total sample consists of 273 participants (Table 1); the majority of respondents are female (66.9%) and 57.4% were between 36 and 67 years old; about half of the respondents were married or in a non-marital partnership (50.4%); 90.4% of the sample were workers, with 71% working for others.

Table 1 – Distribution of sociodemographic variables

		n	%
Gender	Male	90	33.1
	Female	182	66.9
Age	≤ 18 years	4	1.5
	19 to 25 years	51	18.8
	26 to 35 years	50	21.7
	36 to 49 years	91	33.5
	50 to 67 years	65	23.9
	>67 years	2	0.7
Marital Status	Single	105	38.6
	Married/Non-marital partnership	157	50.4
	Divorced	28	10.3
	Widower	2	0.7
Occupation	Employed	246	90.4
	Student	26	9.6
Type of contract	Self-employed	50	18.4
	Dependent employment	193	71.0
	Unemployed	29	10.7

3.2 Analysis of the findings

The results obtained with the support of the software for home are presented below, one of the open questions posed to the respondents.

3.2.1 Question 1: If you work. If your hours were cut in half, without reducing your pay, what would you do in the remaining hours?

The data obtained shows that 21.8% of the respondents report that they would use the available time to dedicate to their family and friends, 21.5% would dedicate more time to their hobbies and leisure activities, 15.5% would choose to use the time on their training and 13.9% report that they would take advantage to practice more sport and physical exercise. It should also be mentioned that 9% of respondents, if they had more time available, would choose another job, 6.8% would dedicate more time to themselves and their personal life, 5.2% would dedicate the time to volunteering and 3.5% chose that they would simply rest The analysis of the answers to the first question, by sex of the respondents, shows that female individuals would primarily spend more time with family and friends (22.6%), followed by Hobbies and Leisure activities (21%) and training (14.3%). Regarding male individuals, the order of priorities is different: first, they would choose to dedicate more time to hobbies and leisure activities (22.6%), followed by family and friends (20%) and thirdly, they would dedicate more time to their training (18.3). In addition to these three items, which represent more than 50% of the sample in both sexes, especially 13.9% of the sample, which also refers to dedicating more time to physical exercise and sport. On the other hand, only 9% said they would find another job and 5.2% would volunteer. They report that they would dedicate more time to themselves and their personal lives, 6.8%, and 3.5% say they would use that free time to rest. The age analysis of the respondents shows that individuals aged between 19 and 25, of they had more free time, would favour training (33.3%) while respondents between 26 and 35 would favour dedicating themselves to family and friends (32.6%)

as well as those aged between 36 and 49 years (28.1%). Those aged 50 and over say that they would favour their hobbies and leisure activities. Regarding the analysis of the options for the use of free time, by respondents' marital status, 21.7% of single respondents said they would use it to invest in their training and 20.7% to their hobbies and leisure activities, married people say they would choose to dedicate more time to family in first place (30.6%) and 20.2% would choose to increase the time they spend doing leisure activities and hobbies. Divorced people in turn respond that they would use the free time for their hobbies and leisure activities in first place (27.9%), with 18.6% devoting more time to sport and exercise.

3.2.2 Question 2: If you work. For some people, work is simply a means of "earning a living"; for others it means much more than that. What about you?

Regarding the second question, 7 tree codes were created. The data shows that 15.2% of respondents only work because they need to earn money. Of the remainder, 13.1% say that it is effectively a way to make money, but not exclusively and still 24.1% of the respondents say that for them work is more than a way to make money. In addition to these generic responses, 23.8% of respondents say that work is part of their personal fulfilment, 8.2% like their work and 2.8% even say they love their work. Finally, 12.8% consider that work makes them feel useful to society. The analysis of the answers to the second question, by sex shows that there is a great proximity between sexes, in relation to work being simply a way of making money; 16.3% male and 14.8% female. There is also a great similarity in the percentage between women and men when they consider it a way to make money, but not just that. 40.7% of individuals say that for them work is more than a way to earn money in contrast to 16.8% of women. In addition to these three items, which represent more than 50% of the sample in both sexes, 27% female and 16.3% male consider that work is part of personal fulfilment.

The age analysis of the respondents shows that individuals aged between 19 and 25 consider that work is a way of earning a living (27%); respondents between 26 and 35 also consider it a way to earn a living (22.7), with an equal percentage considering that work is a form of personal fulfilment. Regarding the age group between 36 and 49 years old, only 8.2% consider that work is just a way to earn money, with 24.5% defining work as part of their personal fulfilment. The respondents aged 50 and over have a similar opinion; only 11.7% say that work is a way of making money; 29.9% consider work to be a form of personal fulfilment. Regarding the analysis by respondents' marital status, 26.6% of singles are of the opinion that work is only a way to earn money, while only 10% of married or unmarried partners and 15.7% of divorcees have the same opinion. For married people, work is more than a way to earn a living (28%) and is part of personal fulfilment (26%). For widowers, 19.4% also agree that it is more than a way of earning a living, with 30.6% saying it is also a way of personal fulfilment.

3.2.3 Question 3: If you work. What amount of money would allow you to stop working?

Regarding the third question, 9 tree codes were created. The data shows that 16.9% would never stop working. Of the remainder, 23% say that if they had an income between 500 and 1,000 euros they would stop working; 17.7% say that to stop working they would need a monthly income between 1,000 and 1,500 euros and 14.8% between 1,500 and 2,500 euros. On the other hand, only 2.5% of respondents would stop working if they had an income below 500 euros. Above 2,500 and up to 3,500 is indicated by 7.8%; between 3,500 euros and 4,500 euros by 1.2% and above 4,500 euros by 6.6% of respondents. The analysis of the answers to the 3rd question by sex (Graph 7), shows that there is a great proximity between sexes, in relation to never stopping working; 17.3% of men and 16.7% would never stop working whatever their income. Regarding the values that each sex mentioned that with which they would stop working, there are some differences: For income of up to 1,500 euros, only 28.4% of men would stop working, as opposed to women (50.6%). For values between 1,500 euros and 2,500 euros, 18.5% of men say they would stop working and 13% of women. The age analysis of the respondents (Graph 8) shows that 55.9% of individuals aged between 19 and 25 years old would stop working with an income below 1,500 euros; for that same value, in the age group between 25 and 35 it reduces to 50.9%; in the 36-49 age group, 36% would stop working if they had an income of up to 1,500 euros and 37.1% of the age group of 50 and over. Regarding the analysis by respondents' marital status, while 20.9% of married or unmarried partners would never stop working and 15.5% of singles, while only 3.6% of divorcees express this opinion. With regard to the amounts of money they would need to stop working, the answers are different: for 35.7% of singles, less than 1,000 euros per month would suffice; this value for married couples would only attract 20.9% and 17.9% of divorcees.

3.2.4 Question 4: If you work. What was the most useless task (job) you have ever performed in your professional life?

Regarding the 4th question, of the 273 respondents, 140 reported having already performed unnecessary work in their professional lives (51.4%). Of these, 59.3% were reported by female respondents and 40.7% by male respondents. In the

analysis by age, it is clear that as age advances (up to 50 years), the opinion about useless jobs also increases: 12.1% up to 25 years old; 22.1% between 26 and 35 years old and 36.4% between 36 and 49 years old; over the age of 50, this value reduces to 28.6%. When analysing the results by marital status, it is noticed that there are significant differences because while divorcees report 13.6% of useless jobs and singles, 34.3%, the majority, 51.4%, of married people report the same opinion: In the tables below, we highlight some of the references noted by respondents. In table 8, as we can see, there are several indications that reveal problems with managers and leaders, which add up to almost 10% of the total observations.

In table 2, we report the references to useless jobs that are related to wasting time; there are several comments about "useless meetings" in the opinion of the respondents as well as the dead time in companies.

Table 2 - Selected references

		Observations about useless jobs - wasting time
1	Reference 21	*Meeting presentations that were never seen. Preparation of repetitive documents with no added value.*
2	Reference 42	*Being inside a store waiting for customers to enter*
3	Reference 44	*Training time or completely useless meetings*
4	Reference 72	*Staying at work having no customers to serve*
5	Reference 74	*"Dead" times with no customers*
6	Reference 78	*Doing tasks a few minutes before finishing time.*
7	Reference 85	*Wasting hours in useless meetings*

Finally, in Table 3 we present some references related to personal observations about jobs considered useless by the respondents:

Table 3 - Selected references

		Observations about useless jobs - Functions
1	Reference 76	*Counting 5000 advertising pamphlets to certify that the company was not being cheated!!!!*
2	Reference 95	*I don't know, I work for the State, so there are several useless situations.*
3	Reference 99	*Working for the extremely heavy and grinding machine called "the State" where there is no meritocracy*
4	Reference 103	*Bringing coffee to people when I have a master's in marketing management*

The data allows us to highlight that two of the references are directed to public services and, according to their authors, to the lack of meritocracy and the uselessness of various situations; the other two refer to situations related to the functions performed by the authors.

In general, the results of the qualitative analysis allow us to infer that there are still many flaws to resolve with regard to the management and leadership of human resources.

Among other aspects, the qualitative analysis allows us to infer that, in general, the respondents would prefer to work even though they could possibly receive a UBI. At the same time, it appears that there is no clear awareness of the implications of the UBI and that there is a great variation in the value that respondents understand as the minimum value to not need to work.

Finally, it should be noted again that the results of this qualitative study complement other quantitative articles on the same theme published by the authors[1].

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[1] Rendimento Básico Incondicional – A perceção em Portugal. Available at:
https://www.finersistemas.com/atenaeditora/index.php/admin/api/ebookPDF/3026?fbclid=IwAR0X7Bhl_2Ri75BJFIZ3IeQUU7x-3O4vHNv7QyT0uWCz7QhIyHJLX_YrPu8. Accessed on: 19/02/2020.

4. Final considerations

Technological advances, together with demographic changes, globalisation and work organisation, have changed the structure and nature of work. Technological developments, namely in terms of digital transformation and robotization, open up space for the development of new sectors of work, but also raise growing concerns about future job losses. The question of how to maintain balanced living conditions for all is inextricably linked to these global trends, especially for those whose jobs may be more negatively affected by advances in technology. The UBI therefore appears as a possible solution to this growing problem. The solution is considered attractive, as it could help support social, environmental, cultural areas, etc. also acting in the key areas of personal development and being able to generate positive synergies, such as the free choice of individual activities, flexibility in employment and promotion of the entrepreneurial spirit, in addition to providing support for the basic rights that each citizen should have.

However, the UBI has other implicit problems as it may be seen as a negative incentive for work (due to the current parameters) and will imply the allocation of financial resources that are incalculable at this stage. It is too early to study a possible performance of the UBI in global terms, since most pilot projects, on the one hand, cannot be considered universal and unconditional and, on the other hand, some are only in the initial stages of implementation.

The results of the qualitative analysis of the survey on the work of the future and the future of work and the perception of the UBI allow us to infer, as indicated in the previous chapter, that there is no clear notion about the UBI or its implications, so from our point of view it is essential and urgent to launch the debate in Portugal at the academic level; this must be done in a careful and objective way, based on literature and approaches by international researchers, as well as on studies and results of previous experiences, some of which are presented in a summary form in this study.

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Contribution of the US Congressman Joseph John DioGuardi to human rights abuses in Kosovo during the 1990's

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Abstract

US foreign policy commitment to the Kosovo issue begins with US Congressman Joseph DioGuardi from 1985, who succeeds in convincing his congressional colleagues that Slobodan Milosevic's regime is exerting violence on Kosovo Albanian population. This paper highlights the extraordinary contribution of Congressman DioGuardi and the US foreign policy on the Kosovo issue. Serbian nationalism, led by Milosevic, had begun violence against Albanians in Kosovo in all political, economical and cultural areas since the 1980's. Basic human rights abuses in Kosovo were treated seriously in Congress and the US Senate by Joseph DioGuard, who also adopted resolutions against human rights abuses. Considering the use of violence against Albanians in Yugoslavia, DioGuardi founded the Albanian-American League in 1989 in the United States, challenging the US Department and internationalizing the Kosovo issue. The aggravating situation of the Albanian people in Kosovo was confirmed by DioGuardi and Senators D'Amato and Bob Dole, who brought facts that violence is being used against Albanians in Kosovo, with which Joseph DioGuardi demands US policy to recognize the right of the Albanian people for independence in Yugoslavia.

Keywords: Joseph John DioGuardi, US foreign, policy, human rights, Kosovo.

Situation of Kosovo Albanians in former Yugoslavia in the early 80's

In a last century, at the beginning of 80s, regarded as the culmination of chauvinistic violence against Kosovo Albanians, by Serbian and Yugoslav regime at that time. In this difficult, delicate period, unification of human and intellectual energies was required, especially the unification and mobilization of the whole community to develop a strategy and vision in order to change the situation and the increased violence against Albanians. Different from other nations within Yugoslavia, the people of Kosovo were in very difficult situation politically, economically and culturally.

Under these difficult circumstances, Serbian nationalism was further rising by taking even stricter measures of violence by undertaking an expansion in all directions, especially in the Kosovo issue, by spreading prejudice, slander and hatred propaganda towards Albanians (Advic and Vllasi, 2013, p. 265). mposition of repressive measures by Serbian (Yugoslav) regime brought about the movement of 1981, where Kosovo Albanians demanded *"Equal status with other nation within Federation of ex- Yugoslavia"* Obviously, every expression of the Albanian national identity, for the Serbians looks like promotion of nationalist's movement and was punished by taking the most brutal measures.

This anti-Albanian policy took course and was clearly evident after the 1981 student demonstrations.

"Oppression, violence and injustice were a continuation where the punishments and persecutions against Albanians were highly increased" (Bytyqi, 2008).   Serbian nationalist politics in Yugoslavia began its political and economic discourse in Kosovo, through constant disruption (Placeholder1)of nations in Yugoslavia. The sole determination was Serbia to have control over Kosovo, which begins by killing and imprisoning intellectuals, students and collectively dismissal from job of Kosovo Albanians.

The continuous violence of Serbs against Kosovo Albanians built on a well-thought-out strategy and plan, would undoubtedly affect the collective response of Albanians under foreign sovereignty and raise the voice and collective consciousness of Albanians around the world, especially in US.

Albanians in the diaspora expressed their deepest concerns about the situation of Albanians in Kosovo and rise their voice about the current situation to all Western chancellery and beyond, specially through demonstrations. Through this demonstration of Albanian diaspora was followed with a big interest and opinions in international community and centers of political powers, were Kosovo Albanians problems turned to a particular attention on the foreign press *(Reka, 1995).*

So, the demonstration of Kosovo Albanians took the important place in Kosovo's most recent history, which fostered this issue at the international level and get attention on this problem. Fears began to emerge that the breakup of Yugoslavia would have big consequences, especially to the people of Kosovo. By anticipating this situation and what will happen in the future, several Albanian volunteers and associations continued to contribute and spread their ideas and vision for resolving the Albanian issues.

All of these circumstances and situations that occurred created results by encouraging scientific research centers and international institutes to carefully discover and study the Kosovo problem.

The Albanian community in America is undoubtedly the most deserving, and most important to further deliver the accurate message in the international community. The result of the work and efforts of this community in America was the formalization of the Kosovo problem at the World Organization (1981). "*A letter from this community to the Secretary-General of the United Nations informing him of the brutality of Yugoslav authorities which suppress by force demonstrations 1981 (H. Con. Res, 358).*

Contribution of Congressman Joseph John Dioguardi's regarding the violation of the human rights of Albanians in Kosovo

In fact, many Albanian immigrants and important intellectual personalities have made their invaluable contribution for years in the history of the 20th century, having well-known individuals who were also important part of American politics.

For this, the Congressman Mr. Dioguardi, has undoubted contribution also who afterward discovered his Albanian "Arberesh" blood line background, became the first American congressman who initiate and begin working with the Kosovo problem in American politics. After understanding and discovering his Albanian origin in early 1985, Dioguardi had previously, intensively, begun to meet many Albanians working and living in the United States.

Recognizing the suffering of the Albanians during the years of the Yugoslav regime, Diogardi took action, discussing and seeking the support of other congressmen, to further affirm the Kosovo issue. Joseph Dioguardi was more committed to the issue of Kosovo Albanians, whom he determinedly wanted to address at the US Congress and, as a congressman, and dealt with this issue in all his mandate as congressman. First of all, his commitment extended to drafting and submitting resolutions to Congress, through which he reflected the situation of Kosovo Albanians and thoroughly and deeply informed the Congress and the US Senate. In this way he drew the attention of American foreign policy to human rights violations in Kosovo. One of the great appreciation is the first resolution in Congress, H. CON. RES. 358, on June 17, 1986, which condemned the oppression of ethnic Albanians by the Government of the Socialist Federal Republic of Yugoslavia and all its governing body, which stated: *"This government has suppressed the human and economic rights of ethnic Albanians".*

This well-chosen strategy and its serious contribution, well- argued and concrete facts gave the result of the first resolution being presented to American Congressmen. This resolution consists of several points, I'll refer the article 1, 2, 4 and 5. Article and 2 state that: *"Congress condemns the Yugoslav government for its oppressive actions against ethnic Albanians, for the free and peaceful expression of their right independently ".* Article 4 urges the Government of the Socialist Federal Republic of Yugoslavia" to work with the leaders of ethnic Albanians to elevate Kosovo to the status of a full Republic ". And in the article 5 of the resolution, which is a very important point and of great political relevance directly to Kosovo and the tough situation in which it was: specifically *"the request to the President of the United States of America and the Department of State, to forward the contents of this resolution to the representatives of the Government of Socialist Federal Republic of Yugoslavia. (Rezoluta 358).*

This new practice of how the issue of the Kosovo Albanians was being raised by Congressman Dioguardi, comprise a platform for rising the Kosovo issue, and has been well managed to be a topic of discussion in US foreign policy, by presenting and addressing this issue. political decisions through other resolutions and documents.

In one document addressed to the representative of the United States Mr. Staney, Dioguardi, demands hearing session on Helsinki Commission on topic the treatment of ethnic Albanians by the SFRY government. In this paper, Joseph Dioguardi states: *"Despite the fact that ethnic Albanians are the largest minority in Yugoslavia, they have been suffering political and economic persecution for years in that country. Much of this discrimination is a direct violation of the Helsinki Final Act, which Yugoslavia has voluntarily signed*

After Dioguardi was re-elected congressman in November 1986, he did not hesitate to put the issue of Kosovo Albanians at the forefront of discussion at higher levels of communication, accompanying any activities with strong real-life documents and arguments. His ongoing work on the Kosovo Albanians issue in American foreign policy involvement has made a tremendous contribution. *"During his second term, he was even more committed to making congressional colleagues aware of the difficult situation and suffering of Kosovo Albanians under occupation ".* Not long after the re-election of congress, Dioguardi had scheduled a presentation to the Community for International Relations in 1987, challenging the State Department for its unfair treatment of Albanians in Yugoslavia. He, along with Congressman Tom Lantosh, had also met *"with the Yugoslav ambassador to the US to tell him and his Serbian colleagues that Washington has special attention to any movement by government against Albanians in Yugoslavia"* (Sillivan, 2004).

Exempt the meeting with the Yugoslav ambassador, Dioguardi, with his congressional colleagues, addressed a letter to the Secretary of the Foreign affairs of Republic of Yugoslavia's, expressing his and congressional colleagues' deepest concerns, that the Yugoslav government is increasing the potential for an interethnic conflict in Yugoslavia, and especially in Kosovo (Document, DioGuardi, 1988). After warning the Ambassador and Secretary of Yugoslavia, he also alerted US policy, writing a letter to President George W. Bush and Secretary of State George P. Shultz, saying: *"We are writing to you to express our serious concern about the worsening the situation in the Republic of Serbia. As you know, there is a move by the leadership of Republic of Serbia to annexation of the autonomous province of Kosovo"* (Gashi, 2005).

Establishment of the Albanian American Civic League and its role in affirming the human rights in Kosovo during the 1990s

Noticing the lack of social and political organization of Albanians at this time, in the way to realize their goals with strong lobbying and internationally extend their influence to even higher political and institutional areas, Dioguador began with the establishment of the Albanian American Civic League - in 1989.

The Albanian-American League aimed on internationalization of Kosovo issue and to affirm the political rights of Albanians as well as pierce this issue into American politics. The founders of the 1989 Albania -American Civic League are: Joseph Dioguardi, Rexhe Xhakli, Shaqir Gashi, Xhim Xhema, Shyqyri Selimaj, Sejdi Bitici, Din Derti and Sami Repishti. (Dioguardi, October, 24, 1990).

Establishing of this league by senator Dioguardi and supported by Albanian diaspora in the United States, has become the main lobbying pillar, putting Kosovo and its issue in the spotlight of the most powerful state in the world, the United States of America. The importance of the League and congressman Dioguardi contribution to Kosovo issue became a bridge in the US Congress for the recognition and widespread discussion of US foreign policy discourse on the Kosovo issue. The contribution and merits of Dioguard's remain highly valued, because in these difficult times in Kosovo, he stands up as guardian in defending the position of Albanians in Yugoslavia. In a press release, held on October 24, 1990, the Albanian American League welcomed the decision of the entire US Senate, which had passed the amendment to ban all US aid to Yugoslavia, after their visit to Kosovo, Senators Nickles, D'Amato and Bob Dole, had testified to human rights abuses by the Yugoslav regime in Kosovo. This is also evidenced in the meeting held with Albanians in America, who briefs them on the activity, progress and efforts of the Albanian American League for the benefit of Kosovo, assuring them that the League will never stop with its efforts until Albanians in Kosovo and elsewhere in Yugoslavia to be free and to be treated equally as all other peoples in Yugoslavia. (Dioguardi, October, 25, 1990).

In addition to the Secretary of State, Dioguard conveyed these concerns to European centers as well, addressing to the Chancellor of the Federal Republic of Germany, Helmut Kohl, who says that the Albanian-American League seizes this opportunity to convey your attention. the fact that Serbian aggression in Kosovo has reached a critical point and that the patience and endurance of the Albanians is at a point of explosion. We firmly believe that a bloody confrontation of Albanians is only a matter of time and, we should do everything possible to avoid this confrontation. (Dioguardi, Mey, 23, 1991). Among other things, Dioguard started year 1991 with another major challenge to Milosevic and Serbian oppression in Kosovo, which wrote to local and world leaders saying: Milosevic is rushing for greater damage to Yugoslavia and

Albanians. in Kosovo. We can't waste a minute! " *Furthermore, the letter states that: "During January 1991, the League focused its attention on the best possible way to raise the alarm on the Kosovo issue in the international arena"* (Dioguardi, January, 06, 1990).

Dioguard also presented this concern to the situation of the Kosovo Albanians to Secretary of State James A. Baker, who urged him to inform the leaders of the Republic of Serbia through diplomatic channels that the people and Congress of the United States of America, such as and the Bush administration will never resume assistance to their state government until they have confirmed the fulfillment of Yugoslav obligations under the Helsinki agreement. (Dioguardi, May, 23, 1990).

After congressmen's visit Kosovo and become more familiar with the current situation and their return to the US, Dioguard and the Albanian American League, urgently presented a critical resolution to the US House of Representatives, calling on President Bush to fully recognize the recent proclamation of independence of the Republic of Kosovo in diplomatic and political terms. (Dioguardi, January, 06, 1990). At the same time, Article four requires, in addition to the recognition in this resolution, that the United Nations and other international agencies ensure the withdrawal of unwanted foreign forces from Kosovo. In addition, it was requested to include the Kosovo issue on the UN Security Council agenda, including a request for a fact-finding mission that may recommend observers or peacekeeping activities, *"To restore peace and ensure a peaceful transition to an independent Kosovo",* the US Senate said in a statement at the end of the resolution. Dioguard continues his commitment to the Kosovo Albanians issue even with the President Bill Clinton Administration.

In January 1994, a document stated that we, as a community, would raise our voices and put great political pressure on the Clinton Administration and the President himself. It says that we will force the Presidency to act before Serbia uses all military force against Kosovo Albanians. Among other things, the document states: *"If Kosovo ever gets its independence from Serbia, it can only happen through political force and US support. Our plan to build the Albanian force is based on the most powerful weapon: the "truth".* The "Truth" project will focus on getting the true message of the Albanian people to the most influential audience, the American people (Dioguardi, January, 19, 1990). His political commitment and determination to resolve the Kosovo issue did not stop throughout Bill Clinton presidential mandate. This is proved by a letter from President Clinton to Joseph Diguard, in which he wrote that his administration worked closely with allies and partners to take action to end the violence and promote a peaceful solution. He further states in this letter: "*We are committed that Milosevic must meet the Contact Group's requirements, including stopping the oppression and withdrawal of forces, allowing continued effective international monitoring, allowing full freedom of expression. access to international organizations and working with them to facilitate the return of refugees and making rapid progress in talks with Kosovo Albanians"* (Dioguardi, October, 24, 1990). Indeed, Dioguard's contribution and engagement of Albanians in America with all institutions and people of politics made it possible for Washington to recognize Kosovo's problems. In fact, from this testimony, Washington is associated with Kosovo's problems. These connections began, thanks to the activities of Albanians in America, and caused that the dormant issue of Kosovo to emerge from the isolation that Serbs had defended for 100 years as a taboo subject. Also the Albanian lobbying centers in the United States have worked hard to win the support of Congress, the State Department, White House, and all American public opinion on the Kosovo issue, made it international recognized problem.

Conclusions

Without the involvement of US foreign policy, the issue of Kosovo would not even be a topic of discussion in the international community, it would not come to a final solution. It becomes very clear that without raising the issue of the Kosovo Albanians in the higher institution of American politics things would not move forward for the Kosovo Albanians. DioGuardi's was the very powerful voice initially he takes attention of US foreign policy to a particular focus on the Kosovo issue.

Thanks to his political commitment to the US Congress, Kosovo began to be the focus of American policy in a new direction, especially after the breakup of Yugoslavia, where the situation in Kosovo was extremely tense. For this tough situation in Kosovo, US foreign policy was strictly interested in topics on violation of human rights in Kosovo. The heavy repression of Serbian forces on Kosovo Albanians prompts President Bush to send a letter to Slobodan Milosevic about the red line.

Despite addressing with letter by President Bush's, Serbia, led by Milosevic, does not stop on violence against Albanians in Kosovo and adds more military, paramilitary and police forces. The 1995 Dayton Agreement ignored the issue of Albanians, thus paving the way for Slobodan Milosevic to send the military, paramilitary and police forces towards Kosovo, by increasing the violence and genocide against innocent Albanians.

After the Dayton Agreement in 1995, Kosovo Albanians lost hope for a peaceful solution, seized weapons and formed the Kosovo Liberation Army. The KLA drew the attention of the entire international community. The conflict between the KLA and Serbian forces prompted US foreign policy to take the Kosovo issue seriously. In addition, the international community, led by the US, demanded a peaceful solution for Kosovo and invited the parties to stop the conflict and start negotiations, to reach peace agreement in Rambouillet that would end the war. US help in Kosovo remained very strong and solid for decades, guaranteeing peace and security for the new state of Kosovo.

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Transport Corridors as a Social-Economic Energizer

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Abstract

Transport corridors and their socio-economic impact have been analyzed and explored in many cases. In the transport sector, there is a series   of problems that affect the quality of life of the inhabitants in different regions. These issues need to be analysed and to find the cause and   consequences that they cause and hinder the further development of the region initially and subsequently affect the national level. Moreover,   roads as a construction structure have a very important role in the economic development of a country. They enable quick and convenient   transportation of people to settlements as well as the economical transport of goods. The geographical position of the places, the natural beauties,   and the sea are a prerequisite for tourism development. But in many cases, the natural and attractive attractions for tourists remain unused due   to the lack of roads or the existence of a poor road network. The inspiration for the development of this topic comes from the daily observation of the transport situation and from receiving information through   various publications such as studies, strategies or thematic books, discussions with colleagues and various events related to this sector. The research is focused on a specific case that can combine the theoretical part with the real situation to confront them both between using a   specific methodology. The aim of this paper is to extract some of the reasons for regional development and energizing. As a case study is taken   a part of route 7, in the Balkan peninsula which connects Albania with Kosovo and Serbia. Discussions on the construction of a highway between   Albania and Kosovo are early, they were born on the eve of the First World War in Austria-Hungary. Even in the 1970s and 1980s, there was a   discussion about building a road that would have to connect two locations. Based on this, it looks a good reason to search more and to analyse   some effects of it in the social and economic life of citizens and residents of the impacted areas.

Keywords: transport corridors, socio impact, economic development, residents, transport situation.

Introduction

The purpose of this study thesis is realization of a good and focused study on the transport sector and regional development that it promotes in   good planning cases related with transport corridors. In this regard, these transport corridors in their successful cases have acted as energizers   for areas that were previously neglected by lack of infrastructure. After the creation of these interventions they have undergone a new   development and are seen as an interactive part of these corridors.

The relationship between transport and development is a subject of considerable theoretical interest and practical importance, and one that has   occupied a good deal of attention over many years in both advanced and less-developed countries. Ideas about the nature of the relationship   between transport and development have changed considerably over time. Of course, the basic importance of transport is not in question: transport is clearly a factor of fundamental importance in all economic activity, and the cost of transport one of the most significant variables in   the market price of any commodity. (B. S. HOYLE 1973).

Transport has a major impact on the spatial and economic development of cities and regions. The attractiveness of particular locations depends   in part on the relative accessibility, and this in turn depends on the quality and quantity of the transport infrastructure. In another scale of observing   the state of things, cities are changing with the movement of people and businesses out from the center, increased suburbanization and the   desire for lower residential and job densities. Suburbanization of employment has followed, and the simple local journey-to-work pattern or the   public transport based movement to the strong central area employment location has been replaced by more complex longer distance car based movements.

At the regional scale, the links between transport and development are also evident. However, the links between transport and urban development   is not well known, even in a physical sense. At the regional level, much infrastructure investment is justified on the basis of regional development   benefits which accrue directly from improved accessibility. These benefits include a greater attractiveness for new firms who might move to the   area, cheaper distribution of goods and a general expansion of the labour market areas (D. Banister, N. Lichfield 1995).

It is of conventional wisdom in development theories to consider inequalities as a structural factor of spatial accumulation (Dwyer, 1990).   Transportation, among other factors, reinforces spatial inequality by linking a priori the most productive places. When a set of large cities are   interacting at the regional level, they reinforce the regional spatial inequality of accessibility by their corridors of interaction; transportation   corridors.

From an economic perspective, transportation corridors provide two fundamental attributes for territorial development: lower distribution costs   and land supply for diverse activities. Since spatial accumulation tends to occur at productive places where there are adequate land supply and   accessibility, corridors are in that context an efficient regional urbanization structure.

The emergence of transportation corridors, as a process, is the overlay in time and space of diverse transportation modes where they (the   corridors) become the structure of urban regions. We can no longer speak of a set of interacting cities, but of a regional transactional space   composed of diverse - more or less linked - specialized economic functions; a new spatial region (Jean-Paul Rodrigue 1996).

Looking back in time these aspects that are mentions by the authors are so well found and well implemented in different cases of corridors or old   ancient roads all over the world. In a specific case that is take in consideration in this study is an old case as transport corridor in the ancient

world near the Balkan is Egnatia road. The Via Egnatia was built by a Roman senator named Gnaeus Egnatius, who served as praetor with the   powers of proconsul in the newly conquered province of Macedonia in the late 140s BCE. A milestone found near the place where the Via Egnatia   crossed the Gallikos River, just west of Thessaloniki, is evidence for his activities. The bilingual inscription, now in the Archaeological Museum   of Thessaloniki, correctly records a distance of 260 miles to Dyrrhachium (modern Durrës), the port on the Adriatic Sea where the road started.   The road was very important. Connecting the eastern and western part of a once powerful state, the Macedonian kings had already built a road   from the Adriatic to the Aegean Sea. For the Romans, it was essentially the continuation of the Via Appia: anyone coming from Rome and   travelling to the east, would come to Brundisium, cross the Adriatic, reach Dyrrhachium (or Apollonia), and continue along the Via Egnatia (M.   Fasolo 1976, F. O'Sullivan 1972).

Inspired by this the case study of The Road of Nation in Albania or Route 7 in Balkan peninsula which connect the port of Durres with Corridor X   in Nish in Serbia, is taken in consideration for realization of this study one part of it. Otherwise called as Durres-Morine Corridor (Kukes) has a   regional impact. It is likely to have more opportunities for transport links between the Adriatic Sea and the Mediterranean Sea provides Ports of   Durres and Shengjin and has addressed in tire trade and the country of choice, to please Kosovo, Montenegro, Serbia, North Macedonia, and   other Balkan countries such as Romania, Bulgaria and beyond.

In the main regional network, it is considered as the most optimal connection of the Pan-European Corridor VIII to X on the Durres-Kukes-Pristine-   Nish route. The construction of this Corridor is of particular importance due to the fact that freight and passenger transport occupies the major   share of transport both domestically and with Kosovo. Important road segments, integral parts of the East-West, North-South, Durres-Morine   corridors, tourist roads and those leading to the border crossings, have been constructed and put into use. Damaging factors are the illegal   constructions along the main roads that still prevail, **mainly due to the lack of second level infrastructure and access roads.**

Material and Methods

Beyond research and theoretical understanding of the transport corridors and their role in regional development, the continuation of the study   and research topic focused toward concrete analyzing of an Albanian case study. Below is the way which is followed for the data collection and   which methodology is adapted to attend for it.

The social impact analyses were focused on stakeholder's analyses while the economic impact analysis will be oriented towards analyzing the   analysis of the annual report. 1) The first is stakeholder analysis; 2) The second Annual Reports Analysis.

Stakeholder Analysis considers as an important technique for stakeholder identification and analyzing their needs. In this case it will use to identify   all key (primary and secondary) stakeholders who have an interest in the issues with which the project is concerned. In this case, which is   important for *Albania and Kosovo* too, generate their activity a series of individuals, for whom rise two questions; who has the power and who   has the interest?

No.	Power	Interest
1.	Investors	Taxi driver
2.	Citizens (Type1)	Bus driver
3.	Transport companies	Shop service
4.	Citizens (Type2)	Individuals (key in flows)
5.	Farmers	

Citizens (Type1), those who live near access points

Citizens (Type2), those who live far, or on the other side of the area.

For the two questions raised above the table lists a list of those individuals or groups who have the interest or the power to use this corridor. Each   of them has individual intentions that are expressed based on the interest they have to move from one point to another, from origin to destination.   **In the case of those who have the power**, (investors, citizens, transport companies, farmers):

Power				
Investors	Citizens	Transport companies	Farmers	Ministry of Infrastructure and Energy
Their goal is to derive benefits from the investment made	Their purpose is to efficient the time of circulation	Their goal is to minimize transport costs and to benefit in time.	To safe their farms compact (Land and greenhouses)	Its purpose is to orient investment
Benefits from concession for the maintenance of the road axis	There are potential for setting up new service businesses along the corridors	Avoiding delays during movement.	To increase production and reduce costs	To oversee the project and its stages of implementation
	Create motion fluxes and impose them, and consequently the investment worthiness			

Source: the author.

In the case of those who have interest (Taxi driver, Bus driver, Shop service, Individuals):

Interest			
Taxi driver	Bus driver	Shop service	Individuals
The primary purpose is to understands the need of the people to reach destinations on time and safe.	The primary purpose is to understands the need of the people to reach destinations on time and safe.	It aims to position itself in a strategic location along the corridor to benefit more customers	Intend to shorten travel time
Minimize cost and maximize profit.	Enhance service delivery to increase the number of travelers	Offer quality services to increase customers	Aim not to ruin their personal vehicles
To achieve significant gains and increase the frequency of the road.	there should be low tax rates for road frequency.	Aims to have low competition to maximize profit	They should be safe during the journey
			Access different points (cities) along the voyage, providing access and exit along the corridor

Source: the author.
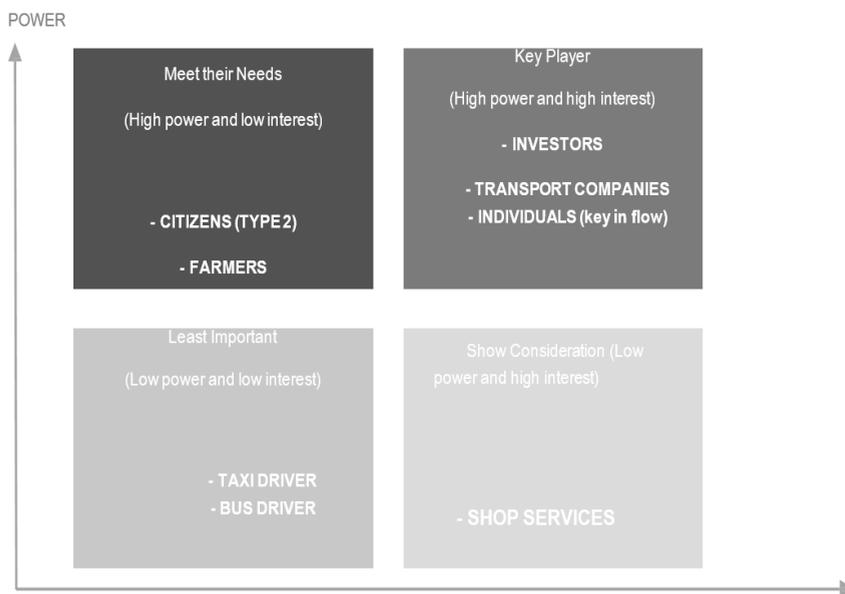
Source: the author.

INTEREST

In the above chart are positioned according to interest and their stakeholder power which, depending on the level expressed, have taken the positioning. The methodology used is based on how stakeholder analysis is built considering those who have more relevance and influence in   this analysis.

To better understand the level of engagement and satisfaction for the project, has been used the scale rank, which has 5 levels of stakeholder   that have been analyzed above.

The five levels that are taken into consideration are explained below.

Stakeholder	Unaware	Resistant	Neutral	Supportive	Leading
Investors				|	|
Citizens (Type1)	|		|		
Transport companies				|	
Citizens (Type2)	|				|
Taxi driver			|	|	
Bus driver			|	|	
Shop service				|	
Individuals (key in flows)			|	|	
Farmers		|			

Source: the author.
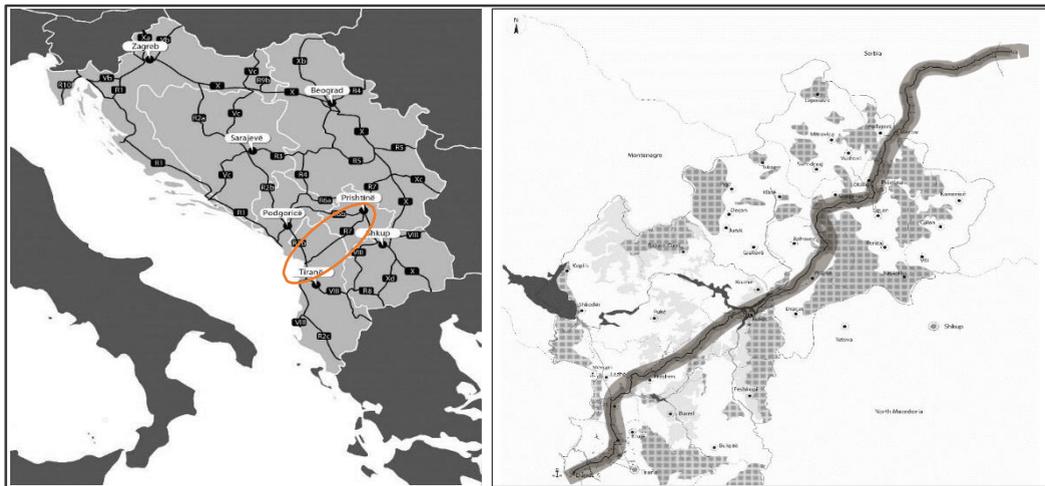
Fig.1 Route 7 part of Corridor X, Durres-Nish.
author.   Source: graphic edit the author.

Fig. 2 "The Road of the Nation", (Route 7) Durres-Nish. Source: the author.

Annual Reports Analysis

The four-lane highway became the largest infrastructure project in Albania. Its initial cost was estimated at about € 600 million, but then it came   close to € 1 billion, though it never came to a final figure of its full cost up to the current stage.

Often times, the economics specialists, starting from the huge cost change, with almost 80% of the initial cost, which has often sparked little   debate in Albania, have led to the question of whether this route has been economically rentable, which means if the economic benefits are   higher than the costs of building this road.

In October 2003, Albania and Kosovo liberalized a considerable trade between them, to reach in 2007 with CEFTA entry into full liberalization of   bilateral trade.

In 2009, the value of import / export amounted to about 10 million euros, a figure similar to the whole 2003-2006 period (10.4 million euro)   (INSTAT 2015). The Albanian Institute of Statistics shows that during the period 2010-2014, exports were those who suffered significant   fluctuation, but they have been drastically increasing compared to 2009 levels. There was a trend up until 2012, which went down in 2013 and   marked an increase in 2014. Thus during 2014, they accounted for 7.3% of exports from 6.2% in 2010. Albanian exports to Kosovo during this   period were mainly concentrated in the "Minerals, fuels, electricity" and "Construction materials and metals" groups INSTAT.

According to INSTAT data, in 2015, the volume of trade exchange between the two countries amounted to ALL 26 billion, marking an increase   of almost three times, compared to the level of 2009 and over 7 times from 2005 INSTAT.

In 2015, Kosovo became the second most important Albanian export destination for the first time. They reached almost ALL 21 billion or about   11.4% more than in 2014. In 2015, exports to Kosovo accounted for 8.6% of the total, from 7.3% in 2014 and 4.7% in 2007 before the Durres   Kukës road (K.Prifti 2018).

The most exported product from Albania to Kosovo in 2015 was cast iron and steel with about ALL 5.4 billion (4% annual growth) followed by   fuels and minerals, with about ALL 5 billion, which saw an annual increase of 22% (K.Prifti 2018).

Excessive growth, albeit from a small base, in the same period marked the export of agricultural products. Vegetables sales in Kosovo increased   by 45%, reaching 750 million ALL. Even the exported fruits were 50% higher than the previous year, to reach nearly 600 million ALL.

Other businesses that have seen increased activity with Kosovo are also the ore processors and furniture makers. While cement is one of the   products that failed to find the neighboring market in 2015 (K.Prifti 2018).

In addition to the tourism sector, "Nation's Road", was given the opportunity for Kosovo Albanians to have a tourist destination that offered   everything from the point of view of natural resources, otherwise called "patriotic tourism" and compared to "SanTropez" tourism for compatriots.   INSTAT data shows that inflows of foreign allowances across the land border (where Morina's inflows accounted for more than 50% of the total)   marked a significant increase shortly after 2008, fivefold by 2015.

In 2010, the number of foreign visitors to Albania was estimated at about 3.5 million, of which about 1.7 million were citizens of Kosovo. In one   year in Albania there are about 1.5-1.8 million citizens from Kosovo, 70% of whom come during the period June-August. According to statistics,

a citizen from Kosovo stays in Albania on average 3.8 days and 83% of them stay at the hotel. The average daily cost per person of a citizen   from Kosovo amounts to 55 EUR, (INSTAT 2015).
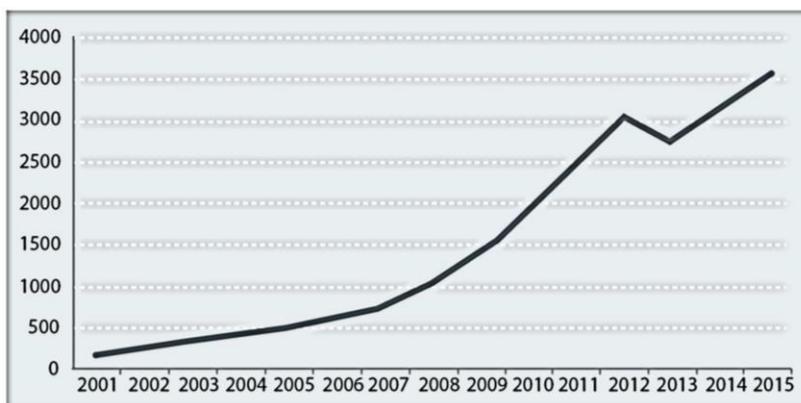
Graphic 1. Entries of foreign nationals through the land border in years (thousand). Source: INSTAT Albania.

During 2009, the tourism industry estimated a value that was about 29% higher than that of export of goods and services. The shortened travel   distance (in 2.5 hours) made coastal areas more accessible and at a lower cost. From the calculation of this data using INSTAT statistics, it turns   out that the annual economic benefit of Albania only from the development of tourism sector with Kosovo that has brought the construction of   this highway is as follows:

No. tourists	Average daily spending / person	Day of stay	Benefit
1.7 million (KS)	**55 EUR**	**3.8 days**	**355,300,000 EUR.**

Conclusions

At the end, this research concludes that some of the obtained results are part of a subjective assessment made by the author and his reasoning   on the case and the data that has been possible to gather. At the end of this assessment of this corridor, first in social terms, it is more positive   as it has affected the speed of movement of residents and their access to certain services. The economic impact of this investment is huge but   in this case the study is try to be more oriented in specific sectors where it had more impact.

Another positive impact has been the investment in this road has also been and the "employment".

In the table below are identifying some evidence and economic data, which are classifying as the positive and negative effects that the " the Road   of Nation" has had at regional and national levels.

No.	Positive Impact	Negative Impact
1.	Increasing employment in one of the poorest regions of Albania	High project cost
2.	Minimize transport cost	Interruption of other investments in public infrastructure during the construction of this road

3.	Reduce of circulation time	Increasing public debt for investment
4.	Creating a common economic space	The impact of policy on project decision making
5.	Increase in the level of trade between Albania and Kosovo	Low efficiency of the project
6.	Development of the tourism sector	Political allegations of corruption and misappropriation of government funds
7.	Development of access from the port of Durres	Failure to improve logistics for the port of Durres
8.	Increasing the number of tourists	Non-financing of residents during areas where the old road was passing
9.	Impact on other sectors (properties, real estate agencies)	
10.	Development of inter-regional links	
11.	Creating better opportunities for countries like Kosovo and Serbia to have quick access to the Adriatic Sea and beyond.	

In general, public investments in the road transport infrastructure and not just in the nation's road have two main economic benefits. These benefits consist of, a) increase of interregional access, b) reducing the cost of transport (at regional level and wider). Taking into consideration these benefits, it is expected that transport will affect direct and indirect economic growth (through other factors) as appropriate. In Albania, high spending on public investment over the years has increased productivity and have added accumulation of public capital. Investment on this historic road in general, has a positive social impact for the reason of resident's connection and generation of life in this areas.

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The Usage of Cohesive Devices During Text Translation from Albanian to English and Vice Versa

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Abstract

Translation as a complicated process requires a great commitment and hard work in order to realize the text transformation in the best coherent and meaningful way. It is generally known, that no two languages in world have more similarities than differences in their construction. Because of high number of differences that they may share, problems or challenges in the process of translation increase. This research paper focuses on the usage of cohesive devices during text translation from Albanian to English and vice versa. Firstly, this paper introduces the theoretical background on translation, text linguistics and the internal part of a text. Secondly, it elaborates the importance of cohesion and coherence, as criteria of text linguistics as well as their role in the process of translation. In this research has been used the empirical method, in analyzing the texts translation from Albanian to English, by elaborating the addition of cohesive devices which enabled a coherent translation. In addition, there is presented a text translation from English to Albanian, which shows the non-coherent translation and coherent because of the differences among Albanian and English due to linguistic relativism, demonstrative pronouns and noun's cases.

Keywords: text translation, text linguistics, cohesion, coherence.

Introduction

Translation it is considered one of the most important tools in giving opportunity to: readers, listeners, viewers to read, listen and watch different; books, music, films in different languages which are realized through the process of translation.

What is translation?

"The English term translation, first attested in around 1340', derives either from Old French translation or more directly from the Latin translatio ('transporting), itself coming from the participle of the verb transferre (to carry over)" (Munday, 2016:8)

"In English we use the term "translation" to refer to the total process and relationship of equivalence between two languages: we then distinguish, within translation, between "translating" (written text) and "interpreting" (spoken text). So I will use the term "translation" to cover both written and spoken equivalence; and whether the equivalence is conceived of as process or as relationship" (Halliday, 1992:15).

"Translation is the production of a functional target text maintaining a relationship with a given source text that is specified according to the intended or demanding function of the target text (translation skopos)" (Nord,1991:28).

The issue for translators stands to find ways in order to gain a successful translation to the readers or audience. What is a successful translation?

A successful translation is when a transformed text or titles of film in other language follow the same meaning, information, message to the audience or readers. Logically, through translation process might consist of different changes in the text like; changes of the order of sentence's elements, the addition of other elements or their lost because it is almost impossible to find two languages that are equally in; syntax premises, morphology, semantic, pragmatic premises, etc.

A successful translation or coherent one sometimes is hard to be realized because of the differences that languages share among each other. Albanian and English language share more differences than similar ties because of their differences in grammar and in other premises. With such differences in languages' construction translation sometimes is done via different

changes in word or sentence level in order to make a well transformation of meaning or message from source language to target language.

When it comes to text translation, translators always have to bear in mind the text analysis which deep down covers the studies of text linguistics. According to Vula (2019) text linguistics "is part of the study of linguistics which deals with the formation of the text, its construction, meaning, etc. Language is one of the basic elements of any country, and its history is equally important to be known in order to get deeply in other elements of text linguistics" (pg.38).

Whereas, according to Mujaj (2011:123) text linguistics is a science discipline of linguistics which researches the components of text structure, its relation, circumstances of its productions also its internal factors and external factors. In the middle of the 60s the case of the text was not developed and was not elaborated as later on" (found on Vula, 2019:39).

The focus of this paper does not elaborate generally in all aspects and divisions of text linguistics but only highlights one part of it which is: the internal part of the text.

According to Vula (2019), a text "is not just a group of sentences or words grouped together but there are rules for its internal organization. If we try to analyze deeply a text, we should pay attention to a lot of points or details that help a text to be well formed in order to comprehend it. A well-formed text in order to be communicative or informative one a text should follow several criteria, which were represented or showed by a lot of linguists as the constitutive principles of textuality. They can be ordered as follows: Cohesion, Coherence, Intentionality, Acceptability, Informatively, Situationality, and Intertextuality and three regulative principles of textual communication: efficiency, effectiveness, and appropriateness (De Beaugrande and Dressler 1981, Malmkjaer 1991, found on Vula, pg.42).

This paper will be focused only on the elaboration of: "Coherence" and "Cohesion" as two major principles of textuality.

Cohesion and Coherence

Cohesion is "the network of lexical, grammatical and other relations that provide links between various parts of a text. These relations or ties organize and, to some extent, create a text, for instance by requiring the reader to interpret words and expressions by reference to other words and expressions in the surrounding sentences and paragraphs" (Baker, 2018:194).

So, cohesion as one of the most important principles of text linguistics enables a translator to translate a source text by the addition of cohesive devices in order to make the translation meaningful as well as equivalent in a target language.

Cohesion is considered as a "surface relation" which links together "the actual words and expressions that we can see or hear" (Baker, pg.194).

According to Vula (2019) cohesion "is an important criteria and useful one for textuality which has to deal with the organization of the elements of a text. To make an organized text cohesion helps through phonetics, morphology, and syntactic. A well-formed text should consist with construction of the components in a text, an organization of grammar elements which helps text to be comprehensible and logic to"

The five main cohesive devices have been identified by Halliday and Hasan, such as: reference, substitution, ellipsis, conjunction and lexical cohesion. (found on Baker, 2018).

Coherence

Whereas, on the other hand, coherence as the second most significant criteria of textuality makes translation meaningful, comprehensible and enables the source text to be translated in the best way possible.

"Coherence as the second criteria of text linguistics is considered as a crucial linguistic element in producing a well-formed text. Coherence is what makes a text semantically meaningful. Coherence helps the ideas of texts to be logically related in the text in order to provide the readers the continuity of meaning of text sequences and a clear message" (Vula, 2018: 43).

Whereas, according to Baker (2018), coherence is" the network of relations that organize and create a text; coherence is the network of conceptual relations which underlie the surface text" (pg. 235).

Generally, cohesion and coherence cannot function without each other since their collaboration enables the source text to be well translated to a target one. By using the cohesive devices translators transform the text in the most coherent way, especially when we deal with languages that share more differences rather than similarities in their construction.

Research Methodology

This research has been realized by using the empirical method. This research elaborates on the usage of cohesive devices which enables the coherence while translating from Albanian to English and vice versa. Except the coherent texts there will be presented also non-coherent text which will elaborate and specify the problems that translators might find during such translation.

The empirical research includes the analysis of two texts, which the first one is from Albania to English and the other one is from English to Albanian. Based on the text analysis, that has been made, there will be shown differences on: cohesive devices, linguistic relativism through translation and the issue of demonstrative pronouns and cases between English and Albanian languages.

Hypothesis:

The text translation from Albania to English will be via cohesive devices which it means will have a lot of changes in word addition as well as in changes of word classes.

The text translation from English to Albanian will be realized through the addition of cohesive devices as well as there will occur changes due to linguistic relativism and demonstrative pronouns as well as in noun's cases.

Research question:

What cohesive devices are used during translation from Albanian to English?

What changes are done in target text due to linguistic relativism, noun's cases and demonstrative pronouns, found on the English text?

Coherent text

Albanian version: "E bija e mbretit

 Ish nje mbret, ish nje mbretereshe. Kishin nje vajze te vetme. Dhe vajza ishte e bukur dhe e menqur. Dhe aq e gezuar, sa qeshte dite per dite me shume here nga se kokrriza ka shega (…). Por nje dite, vdiq mbretersha dhe princeshes iu vrenjt pak buza. Nje nate, vdiq dhe mbreti dhe princeshes iu pre gazi. Dhe pak kohe me pare ra zjarri ne pallat dhe e dogji. Dhe princesha, e mbetur e varfer dhe e vetme, ndieu per te paren here trishtimin. Me zemer te fryer nga psheretimat, e bia e mbretit u vesh si fshatare, mori nje stap ne dore dhe doli nga dheu i t'et duke qare. Loti i pare qe derdhi, mbiu dhe menjehere doli nje rrenje trendafili, i gjate, i bukur, me dege shume e kudo qe derdhte lot princesha, mbinin trendafila. E, ngaqe te qaret e saj s'kish pushim e te ecurit e saj s'kish qendrim, trendafilat mbinin ne te kater anet e botes. Nje dite, princesha, e lodhur dhe e trishtuar me teper se ditet e tjera, arriti ne qytet te Ispahanit, ne Persi. Atje qendroi ne nje gur dhe qau tri dite, e prandaj Ispahini eshte qytet ku jane trendafilat me te bukur te botes. Ne fund te dites se trete, princesha e mjere vdiq dhe trupi i saj u kthye dhe u be nje trendafil, deget e te cilit dolen me siper se gjithe te tjeret" (Faik Konica)

Back translation: "Daughter of the king

It was a king and a queen. They had a single daughter. And the girl was beautiful and smart. And she was so happy that laughed every day, more than a branch of granules of pomegranate. But one day, the queen died and the princess became sad and one night the king died and the princess stopped laughing. After a short time, there was a fire in the palace and burned him. And the princess was remained alone and poor for the first time she felt the sadness. With a swollen heart by sights, the daughter of the king wore as a peasant and took a bat in her hand and went out crying from her father's ground. The first tear, which she poured, sprang up immediately a beautiful long root rose, with many branches and whenever the princess poured tears, roses sprung up. Because of her persistent crying and her incessantly walking roses sprung up on the four sides of world. One day, the princess became more tired and sadder than the other days and finally arrived in city of Ispahan in Persia. She stayed there in a stone and cried for three days and therefore Ispahan is the city of the most beautiful roses in the world. At the end of the third day the poor princess died and her body turned into a rose, whose branches emerged all above others. "

The text in Albanian language is written in narrative form. Narrative texts consist of descriptive sequences, explanations, informative, factual sequences and dialogs. They may include imaginary, factual, and fairy stories. According to Dibra & Varfi (1999:106) a logic narrative it is conceived as sequential events related with elements, when events are presupposed

by each other within a structure, which should be portrayed as out of time. These events are organized on coherence principles. A coherent text should have; an introduction part and defined conclusion, which it can be found on text presented below.

Textual connectors

Second element which makes this text coherent is the sequence connection through the use of connectors which help to relate the sequences of text and to make it more coherent.

For example:

"*Dhe* vajza ishte e bukur dhe e menqur…" (And the girl was beautiful and smart…)

To link the sequences of the text in order to be coherent we must use connectors which help the text to be meaningful. There are different types of connectors depended on their role in the sentence. In this sentence logically the connector "Dhe" (And) make a connection with the previous sentence and also adds new information about the description of the girl, which we can be classified as "logic connectives that express expanding relation of information, that express logic relation which links different contents of text" (Dibra and Varfi, 1999:92, same book)

"*Por* nje dite, vdiq mbretersha dhe princeshes iu vrenjt pak buza…" (But one day, the queen died and the princess became sad…)

In the second sentence the connector "Por" (But) it expresses an introduction to "new information" if we analyze the text before "Por" (But) there is a description of happy family while it came to this connector it leads to readers/hearers that something new happened and is not any good information. This type of connectors is seen as "logic connectives which express contravention relation". (Dibra and Varfi, 1999:93)

"*E, ngaqe* te qaret e saj s'kish pushim e te ecurit e saj s'kish qendrim, trendafilat mbinin ne te kater anet e botes…" (Because of her persistent crying and her incessantly walking roses sprung up on the four sides of world…)

In order to give the causality of "roses sprung up on the four sides of world "connectors which are presented above: "E, ngaqe" (Because of) help the sentence to explain the causality of "her persistent crying and her incessantly walking".

"Atje qendroi ne nje gur dhe qau tri dite, *e prandaj* Ispahini eshte qytet ku jane trendafilat me te bukur te botes…" (She stayed there in a stone and cried for three days and therefore Ispahan is the city of the most beautiful roses in the world…)

In fourth example

In making a coherent text additional information should be presented in the text in order to give clear information to readers/hearers. The presentation of "Ispahan" as "city of roses" in the text make sense to other sequences of the text correlating the fact that "her tears pours roses, and her journey ends in the city of roses" these correlations are made by the connector "e prandaj" (therefore) in giving reason of the representation of "Ispahan" city in the text.

Articles

When it comes to translation from Albanian language to English language at the first view it can be seen that the length of same texts is different. Why? It is already known that a text cannot be translated word by word or otherwise it might lose its meaning as a consequence of many differences among Albanian and English language.

Articles in English and Albanian language

E lodhur- tired

E bukur- beautiful

E mjerè- poor

E menqur- smart

As it can be seen from the translation of adjectives taken from the text we can notice the difference of usage of articles in both languages. Since in Albanian language an article is considered "e" before the adjective in English language it cannot be placed in the same way. As it is known in English articles are divided into definite and definite articles; "a", "an", "the"

and zero articles which are placed before the nouns or before adjectives which are followed by nouns. If we try to make the adjective in English preceded by an article without followed by a noun it is contradicted with English grammar rules, for e.g. "a pretty, a beautiful, a poor, and a smart" which make no sense without noun. English language in this case it requires the subject after a definite or non-definite articles.

"Një ditë, princesha, e lodhur dhe e trishtuar më tepër se ditët e tjera…" (One day the princess became more tired and sadder than the other days…)

As it can be noticed to make coherent translation it was necessary to add the verb "became" in order not to leave any word aside or otherwise it can lose the extra information (she feels worse than other days and we can make the inferences about anything new or the ending of the story) if the part "me teper se ditet e tjera" would not be included in translation would make less coherent text. The adding of the verb "became" realizes cohesion premises in order to make text coherent, without changing the class of words, so they still remain adjectives. The purpose of translation is not leaving anything aside or any left information, its function is to cover everything but in a coherent way.

The Subject elements during translation

Another element which is very interesting through translation from Albanian language and English language is the adding of subject. See, below:

"Ish nje mbret, ish nje mbretereshe. Kishin nje vajze te vetme…"

"*It* was a king and a queen. *They* had a single daughter…"

As it can be noticed in Albanian language a meaningful sentence can be realized without the subject and it starts with the past tense of the verb "to be" in this case "was". If we try to make the same formation of sentence in English language: "Was a king and a queen. Had a single daughter…" * which leads to meaningless sentence because English language requires indispensable subject in order to make coherent the text.

Example: *Të dua* (Albanian language)- it gives clear information, in which this "të" means "ty" (you), the reference it is consisted inside the sentence even that is not mentioned and for Albanian language it is this sentence is coherent.

I love you (English language)- The same expression in English language requires; a subject, verb and the direct object or the referent to whom is the subject (I) being expressed in this case to second person singular "You", which implies cohesion from translation of Albanian Language into English language, otherwise cannot be realized in any way.

Whereas in Albanian language the text can be coherent also if the sentence does not consist of a subject and the sentence is meaningful. With these examples (see translated text) it can be said that the coherence of text in Albanian language is implemented the cohesive devices which implement the coherence in English language during the translation process.

Non coherent texts

Non coherent texts produce texts which show no connection of text sequences, since above there was presented a text coherent which contain different elements which enable the coherence in text, whereas below will be presented a non-coherent text and its transformation during the translation from English language to Albanian Language.

"A Train Journey"

The people on the train were hot and tired. A tall young man sat next to three small children and their aunt. The aunt and the children talked. When the aunt spoke she always began with "Don't…'. When the children spoke they always began with "Why…" The young man said nothing. The small boy whistled loudly. "Don't do that, Cyril', said his aunt. Cyril stood up and looked out of window at the countryside. 'Why is that man taking those sheep out of that field?' he asked. 'Perhaps he's taking them to another field where there's more grass' said the aunt. 'But there's a lots of grass in that field. Why can't the sheep stay there?' 'Perhaps the grass in other field is better.' 'Why is it better?' The young man looked annoyed. 'Oh dear', thought the aunt, 'he' doesn't like children'. 'Sit down quietly, Cyril. Now, listen, I'm going to tell you all a story'… (Liz & John Soars 2000)

"Udhëtimi në tren"

Njerëzit në tren ishin kishin shumë vapë dhe ishin të lodhur. Një njeri shtatgjatë në moshë të re ishte i ulur afër tre fëmijëve dhe hallës/tezëz së tyre. Halla/tezja dhe fëmijët po flisnin. Kur tezja/halla e tyre fliste ajo gjithmonë fillonte me "Mos" …' Kur fëmijët flisnin gjithmonë fillonin me "Pse…" Njeriu në moshë të re nuk thoshte asgjë. Djaloshi i vogël pëshpëriste zëshëm. "Mos bëj ashtu, Cyril', i thoshte halla/tezja e tij. Cyril u ngrit dhe shiqoi fshatin nga dritarja. 'Pse ai njeri atje po i largon ato dele nga ajo fushë?' ai pyeti. 'Ndoshta ai po i dergon ato për në ndonjë fushë tjeter ku ka më shumë bar" tha tezja/halla e tij. 'Por në atë fushë ka shumë bar'. Pse nuk i mban delet atje? 'Ndoshta bari në fushën tjetër është më i mirë'. 'Pse është më i mirë?' Njeriu në moshë të re dukej i nervozuar. 'Oh i dashur', mendoi halla/tezja, 'ai' nuk i pëlqen fëmijët'. 'Ulu, Cyril. Tani, dëgjo, Unë do t'iu tregojë të gjithëve një histori'… (translated by me)

This short story presented above has no coherence on the text. Firstly, the introduction part does not have a clear description of the situation on the train, as you can see it starts with the description of people on the train and then passes the attention of readers into other sequences of text. Furthermore, the body part of text starts with description "small boy" and passes the description of another scene "out of the train". As it can be seen textual connectors are also absent, and do not link the sequences of text.

For example:

"A tall young man sat next to the three children and their aunt. The aunt and the children talked". The description of the "young man" does not follow the description of other people in the train but it describes the situation of what they are doing. The second sentence it starts to introduce a dialog between an aunt and the children by the verb 'talked'.

"When the aunt spoke she always began with "Don't…'. When the children spoke they always began with "Why…" The young man said nothing." Analyzing the description of dialog, it gives information of what always happens between 'the aunt' and 'the children'. Whereas the last sentence is non-coherent with previous one, not just by the absence of connectors but also it does not make sense to the description of dialog. On other hand, the conclusion part also is not clear enough, which does not full fill the message or the information of the story, and readers will be led with a lot of question marks on their mind.

Linguistic relativism through translation

Despite the fact that English and Albanian language pertain in the same Indo-European language family they show great differences which can be noticed during the translation process. One of them which usually Albanian students face during the learning of English language is the problem of translation of kinship.

For example: "The aunt and the children talked"- Tezja/Halla dhe fëmijët po flisnin.

"My uncle is the best"- Daja/axha im është më i miri.

A great confusion is related to the "Linguistic Relativism", which has to deal with "examples of linguistic relativity across different languages and with differences of classification of experiences and that the lexical items of no two languages are perfectly matched" (Ljupco Stefanovski, English Lexicology, 2006:60). For example, English language has only one term for mother's sister and father's sister also for mother's brother and father's brother, whereas Albanian language has a separate term for these family's relation.

The issue of demonstrative pronouns and noun's cases among English and Albanian languages.

Demonstrative pronouns as category of pronouns are used to identify or point to a thing or things and people. In English language they are divided in two groups based on the distance (near or far) of things or people from the speaker and also according to plural or singular form; "*This*" is used for a thing/person which is near to the speaker in singular form, "*That*"- is used for a thing/person which is far from the speaker in singular form, whereas "*These*"-is used for things/people which are near to the speaker in plural form and "*Those*" is used for things/people which are far from the speaker. In Albanian language the same division is done according on the distance of objects/people in plural or singular form, also the division of demonstrative pronouns is done based on the gender of the objects or people such as: "*Ky*"- is used for a thing/person in singular form for males, "*Kjo*"- is used for a thing/person in singular form for females, whereas the demonstrative pronoun "*Ai*" it is used for a thing/person which is far from the speaker for male gender, "*Ajo*" - it is used for a thing/person which is far from the speaker for female gender. The same division for things/people it is done based on the gender which are far or near from the speaker; "*Këta*" – is used for things/people for male gender, which/who are near from the speaker, "*Këto*"-

is used for things/people for female gender, which/who are near from the speaker. Whereas *"Ata"* is used for male gender for things/people which/who are far from the speaker, and *"Ato"* is used for female gender for things/people which/who are far from the speaker.

For example: "Why is that man taking those sheep out of that field"?

"Pse ai njeri po i largon ato dele nga ajo fushè"?

As it can be seen during the translation from English to Albanian language or vice versa demonstrative pronouns change because English language does not make a distinction of demonstrative pronouns based on the gender. "That" while it is translated into Albanian language it is "Ai"- "He" which in English language it pertains in Personal Pronouns as third person singular used for male gender. The same thing it happens to "those sheep" – "Ato dele" in which" Ato" it is "They" in English language, also in "that field" which the demonstrative pronoun "that" it is translated as "Ajo" which in English language it is the third person singular "She".

If we try to replace demonstrative pronouns "That" with "He", and so on in this sentence it makes no sense and it is contradicted with grammar rules of English language;

"Why is he man taking they sheep out of she fields" *

Since we have the noun "Man" in the sentence we cannot use the personal pronoun "He" for the same referent, since the role of pronouns is to replace the same noun. Hence, translating demonstrative pronouns from English into Albanian language it leads to personal pronouns in sentences which the same are used for demonstrative pronouns.

Another distinction between English and Albanian languages in the field of pronouns is the absences of the difference in gender at third personal pronoun in plural form "They" in English language, whereas Albanian language it makes the gender distinction, see examples below;

1. Look, those girls over there. They are my friends- Shiqo ato vajzat atje. Ato janè shoqet e mia.

2. Look, those boys over there. They are my friends- Shiqo ata djemte atje. Ata janè shokèt e mi.

English language uses the personal pronoun "They" for both genders (males and females) whereas in Albanian language we have the third person plural for females and males. This absence in English language makes confusion to the beginners or elementary English learners especially from Albanian people. The only solution in order to translate from English to Albanian language the sentence or the text in more coherent way is to read carefully previous sentences which may tell you if the situation has to deal with male or female genders, otherwise the meaning can be lost.

Noun's cases among English and Albanian language

"Perhaps he's taking them to another field where there's more grass" – "Ndoshta ai po i dèrgon ato nè njè tjetèr fushè ku bari èshtè mè i mirè".

According to the English grammar the pronoun "Them" it pertains in the group of objective pronoun depended from the cases which it has. Whereas the translation of this pronoun in Albanian language it is "Ato" as plural third personal pronoun in nominative case and in another case named "Rasa Kallzore" which English language does not have. Nouns and pronouns in English language are said to display noun case according to their function in the sentence; in addition, pronouns change the form when they change the case, whereas nouns do not change their form.

Nominative Case	Possessive Case	Objective Case
Tiger	Tiger's	Tiger
They	Their, theirs	Them

Cases in English language

Whereas in Albanian language it is contrary, pronouns and nouns change their form during the cases, in addition Albanian language consists of more cases which English language do not have.

Rasa Emrore	Rasa Gjinore	Rasa Dhanore	Rasa Kallzore	Rasa Rrjedhore
Ato vajza	i atyre vajzave	Atyre vajzave	Ato, vajza	Atyre vajzave

Cases in Albanian language

As we can see from the table in Albanian language if we talk for cases "as grammatical category we have to deal with certain forms of noun and their grammatical senses which they are expressed to. One of the forms which is in Albanian language is named "Lakimi" which can be described as the entirety of changes which noun undergoes, when it is used in different cases" (Akademia e shkenave e Shqiperise, Gramatika e Gjuhes Shqipe 1, 2002:111). The absence of this form of cases in English language it makes easily the translation from Albanian into English language, in other hand translation from English language to Albanian language it acquires more attention in these issues in gaining a coherent text. In Albanian language these changes are not found just in nouns during the cases, but also the forms of adjectives change based on the cases. In English language such changes are found neither in nouns nor in adjectives. While discussing changes which adjectives take, it cannot be forgotten to mention also that in Albanian language adjectives also have gender which lack in English language.

For example:

Albanian Language	English Language
Luftëtar i ri (singular,male gender)	Young fighter (singular, for females and males gender)
Luftëtare e re (singular, female gender)	Young fighter (singular, for females and males gender)
Luftëtarët e rinjë (plural, male gender)	Young fighters (plural, for females and males gender)
Luftëtaret e reja (plural, female gender)	Young fighters (plural, for females and males gender)

As it can be seen from above, adjectives in Albanian language form the gender and the plural form of adjectives by changing the consonants whereas in English language there is no distinction in gender as well as in plurality. Readers or hearers especially Albanian people should make inferences about any English text for what gender is being discussed in text since there are not grammatical rules that make such divisions. Whereas in Albanian language should be a distinction since if we translate an English text to Albanian language we should apply those grammatical rules in order to have a coherent translation, otherwise we cannot transmit the same meaning or idea and the translation would be meaningless to Albanian readers or hearers.

Conclusion

To sum up, it can be concluded that a coherent translation from English to Albanian or vice versa is realized via cohesive devices usage. The addition of cohesive devices such as: connectors or addition of subject make the translation meaningful and coherent in a target language. Based on the analysis, it can be stated that Albanian and English language differ mostly in gender distinctions, linguistic relativism and noun's cases. Such differences among these two languages cause many changes to happen during translation such as: addition of sentence elements, as well as omission of words, in order to make translation coherent and meaningful. Generally, translation requires a great background knowledge of source and target language's grammar in order to make adjustments without losing the message of a source language to target one.

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Achieving Sustainable Peace Through Diversity Management and Peace Education in Africa: The Role of National Boundary Commission

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Abstract

The African continent is faced with the challenge of establishing peace and development. Several peace initiatives have been launched on the continent. Huge resources have been committed to achieve peace agreement which have often collapsed as a result of covert/competing interests. It is imperative to critically examine whether there are other peace building strategies that can be adopted to complement existing efforts to promote peace on the continent. This paper seeks to explore the problems and challenges of promoting sustainable peace through diversity management and peace education in Africa especially the critical role of National Boundary Commission in facilitating peaceful boundaries. There is the increasing interest in the role of NBC in promoting peace and security within Borders and across Borders particularly in volatile conflict – prone areas. This paper has been mainly conceived to help strengthen the growing body of policy-relevant knowledge on the functional application of peace research and peace education in Africa.

Keywords: Sustainable Peace, Diversity Management, Peace Education and Boundary.

Introduction

If there is a principal rai-son d'etre for the creation of the United Nations, it is to sustain international peace in all its dimensions. This is the noble goal encapsulated in the charter's determination to "save succeeding generations from the scourge of war ---------- to reaffirm faith in fundamental human rights ------- and to promote social progress and better standards of life in larger freedom". The goal of sustaining peace is woven through interstate and intra-state conflict prevention. Where violent conflict breaks out, it implies taking rapid and resolute action to try to end them. Above all, the root causes of violent conflict must be addressed.

The UN's approach to the challenge of sustaining peace has evolved overtime. The notion of "peace building" first came into its own in the Secretary-General's Agenda for peace in 1992. The concept returned to the spotlight in the 2005 outcome document, adopted simultaneously by the Security General Assembly in December, that year, which created three new year- based entities: The Peace Building Commission (PBC), the Peace Building Fund (PBF) and the Peace Building Support Office (PBSO). These were intended to fill a "gaping hole" (according to the then Secretary – General Kofi Annan) in the organizational, institutional and structural capacity to support countries in transitions from violent conflict to sustainable peace.

The African Union (AU) approach to peace building is an outcome of African experience with peace missions and lessons from the global environment, especially the United Nations (UN). Murithi, correctly indicates how discussions about peace efforts in Africa have focused on actions, successes and failures since the formation of the Organization of African Unity (OAU) and sees them as part of the institutionalization of Pan – Africa ideals of prosperity for all, peace, development, self-reliance, freedoms and liberation (Murithi: 2008). A major part of the peace building agenda is contained in the African Post-Conflict Reconstruction Policy Framework (NEPAD 2005). The incomplete transition of Africa from colonial to post-colonial, resulting in the persistence of neo-colonial condition s must be born in mind when analyzing efforts at peace building / sustaining peace in Africa. This is what Ndlovu – Gatsheni terms 'neocolonised postcolonial' conditions where peace development remain elusive for ordinary Africans (Ndlovu – Gatsheri: 2013).

Conceptual Clarifications of Keywords:

Sustainable Peace

To better conceptualize, measure and realize sustainable peace, here is one strategy:

A clear working definition of sustainable peace that includes both the prevention of destructive dynamics and the promotion of positive. We define sustainable peace as existing in a state where the probability of using destructive conflict, oppression and violence to solve problems is so low that it does not enter into any party's strategy, while the probability of using cooperation, dialogue and collaborative problem-solving to promote social justice and well-being is so high that it governs social organization and life.

The development and launching of UN Sustainable Peace Goals (SPG). Modeled on the UN's approach to development (the current Sustainable Development Goals), the peace goals suggest that states, regional organizations and the international community would benefit greatly from specifying a set of measurable goals for achieving and sustaining goals.

Diversity Management

Given that diversity is somewhat elusive and nascent concept, we shall adopt some definitional clarity. For the purpose of this paper, diversity refers to "the collective mixture of differences and similarities that includes for example, individual and organizational characteristics, values, beliefs, experiences, backgrounds, preferences and behaviors". Whereas, diversity management, refers to "specific activities, programmes, policies, and any other formal process or efforts designed to promote organizational culture change related to diversity. (Wentling, 2000)

In Nigeria, the dominant approach to managing diversity is the assimilation paradigm, this is not surprising given the country's history of unrest among various ethnic, religious and social groups. The country's population of over 150 million people belong to about 250 different ethno-linguistic groups with three major groups the Hausa-Fulani, Yoruba and Igbo, accounting for about 29, 21 and 18 percent respectively of the total population (Falola and Iteston, 2008). Nigerians belong to several different religions as well, with Islam, Christianity accounting for approximately 50% and 40% respectively of the National population. Islam is dominant in the Northern region, while Christianity is the major religion in the South. Indigenous religions are also commonly practiced throughout the country, and are sometimes practiced alongside Christianity and Islam. Consequently, Nigeria as a Nation has for many years, endured conflicts due to the poor supervision of gender related issues and other socio-cultural factors like ethnicity and religion. These social frustrations have challenged the structure of the Nigeria State set by the colonial government- pre-independence. Inspite of these debates, pointing back to the impact of the colonial governance before independence (Arobo 2016), the Nigerian structure has significantly remained the same and has led to continuous dialogue on what should be.

To ensure unity in the midst of these apparent diversities, an anti-discrimination clause in the 1999 Constitution requires that no citizen of a particular community, ethnic group, place of origin, sex, religion or political opinion is subject to disabilities, restrictions, privileges or advantages to which other citizens are subject.

Peace Education

Peace education is the process of acquiring the values, the knowledge and developing the attitudes, skills, and behaviors to live in harmony with oneself, with others, and with the natural environment. Ian Harris and John Synott have described peace education as a series of "teaching encounters" that draw from people: their desire for peace, non-violent alternatives for managing conflict, and skills for critical analysis of structural arrangements that produce and legitimize injustice and inequality (Wikipedia).

James Page suggests peace education be thought of as "encouraging a commitment to peace as a settled disposition and enhancing the confidence of the individual agent of peace; as informing the student on the consequences of war and social injustice as informing the student on the value of peaceful and just social structures and working to uphold or develop such social structures; as encouraging the student to love the world and to imagine the peaceful future; and as caring for the student and encouraging the student to care for others."

Boundary

There is a wide variety of different conceptions of boundary; Scholars are of the view that Boundary, Border, Frontier share the sense of that which divides one entity or political unit from another. Boundary in reference to a Country, City, State, Territory, or the like, most often designates a line on a map: Boundaries are shown in red.

However, the concept of boundaries in its pedestrian meaning is a line which separates one territory from another. As it is commonly referred to in Nigeria and in this context, a boundary refers to an administrative line which delineates or demarcates the scope of two or more administrative jurisdiction, in this case, Nigerian Nation and its proximate neighbors as well as constituents in the State and Local Government Areas. In the main, Bobbo posits that, due to the changing world, where countries are knocking off their boundaries and where integration and globalization are the vogue, the concept of boundary is seen as a line of contact between Nations, People and Polities. Accordingly, this integration concept sees boundaries as points of contact and bridges of cooperation and socio-political and economic exchanges (Bobbo, 2006).

Boundaries provides limits within which a group of persons exercise some form of common interest and authority. Such terms as Chiefdoms, Emirates, Autonomous Communities, Local Government Areas, and States represent a defined limit of authority or jurisdiction. Over the years, the term "Boundary" has been used interchangeably with the term "Border" to refer to the limit of a geographical entity. A border according to Asiwaju (1984) refers more commonly to the boundaries between politically sovereign territorial entities and therefore is viewed as the line that demarcates one country from another.

 Curzon (1907) defines borders as "the razor's edge on which having suspended the modern issues of war or peace, or life or death to nations; Borders can of course be seen from the realm of relationships. According to Asiwaju (2015), "Functional or Symbolic" borders reflect man's inherent capacity to make "binary presentation such as: we or they; love or hate; friend or foe; doors or walls; cooperation or conflict; war or peace; integration or disintegration." This arises from the social categorization often referred to as "walls in the head" of "race, ethnicity, culture, religion, church, mosque, industry, business, corporation, including multinationals, gender, age grades or generations, families, class, occupations, and professions."

The Role of Boundary Commission in Achieving Sustainable Peace

In December 1987, the Federal Government of Nigeria established the National Boundary Commission by promulgating Decree No. 38 of 17th December, 1987 (CAP) 238 Laws of the Federation of Nigeria, 1990. The Commission formally came into operation in January, 1989 with the following mandate: -

To deal with, determine and intervene in any boundary dispute that may arise between Nigeria and any of her neighbors or between any two states of the federation with a view to settling such disputes;

To advise the Federal Government on issues affecting Nigeria's borders with any of her neighboring countries;

Define and delimit boundaries between states, local government areas or communities in the Federation and between Nigeria and her neighbors in accordance with delimitation instrument or document established for that purpose;

Monitor Trans-border relations between Nigeria and her neighbors with a view to detecting areas of tension and possible conflict;

Promote Trans-border cooperation and border region development;

Coordinate all activities on International boundaries;

Liaise with other International boundary related bodies;

In the main, the critical role that the National Boundary Commission is saddled with is located in the activities and preoccupations at the International levels, vis-à-vis her African neighbors.

Sustaining Peace at The International Levels

Nigeria – Niger

National Boundary Commission's preoccupations along Nigeria's International Boundaries, especially with her African neighbors are all geared towards the enhancement of peaceful coexistence, good neighborliness and the promotion of African brotherhood.

For example, the Nigeria – Niger International boundary represents one of the best examples of international cooperation and African brotherliness in West African sub-region. Indeed, the sustainable peace at our international boundary is due to the close cultural affinity between the peoples of Nigeria/Niger. National Boundary Commission's actions on the boundary are undertaken through bilateral cooperation with the Boundary Commission of the Republic of Niger through the Joint Standing Committee on Re-demarcation, (Joint Technical Committee) which operates mostly under the axis of Nigeria /Niger Joint Commission (NNJC). The major activities on the Nigeria / Niger International Boundary include reconnaissance survey for the retracting of the boundary, pillar recovery and recognition, straddling settlement and reestablishment of old Thalweg of River-Kumadugu-Yobe and the holding of Trans-border workshop. (Bobbo: 2006).

Perhaps in the West Africa Sub-region; Nigeria-Benin; Nigeria – Chad: The Commission has succeeded in using the instrumentality of engagement in sustaining peace. Now the one obvious case at the African level is the Nigeria – Cameroon International Boundary which has generated a lot of interest globally.

Nigeria – Cameroon

Nigeria and Cameroon share a common boundary of approximately 1800 kilometres beginning from Lake Chad region in the North to the Bakassi Peninsula on the Atlantic Ocean in the South. A major feature one must mention is that the people of both countries living along this boundary have a long history of social, cultural and economic relationships.

On March 29th, 1994, the Republic of Cameroon took the Federal republic of Nigeria to the International Court of Justice (ICJ) concerning the dispute relating the sovereignty over the Bakassi Peninsula in the South. It requested the court to determine the course of the Maritime boundary between the two states beyond the line fixed in 1975 by the agreement between the two Heads of states.

The Republic of Cameroon on the 6th June, 1994 through an application further requested the court to also specify definitely the Land boundary between the two states from Lake Chad to the sea. It further requested the court to compel the Republic of Nigeria to pay appropriate compensation and /or damages consequent upon the alleged violation of its territory and sovereignty. Both countries accepted the jurisdiction of the court.

In the main, it is obvious that observers and stakeholders have had a very narrow perspective on the issue of Bakassi Peninsula, for clarity, the court was expected to address some pertinent questions in the course of defining the boundary for instance:

Does the Bakassi Peninsula with a land area of 612sq km and estimated population of 156,000 people belong to Cameroon or Nigeria?

Do the thirty-three (33) disputed Nigerian villages in Lake Chad Area (with estimated population of 60,000 people) belong to Nigeria or Cameroon?

Do the existing boundary treaties and other instruments adequately define the land boundary between the two countries from the Lake Chad to the sea? (Atlantic Ocean).

Where does the Maritime boundary between Nigeria and Cameroon lie?

Would the court grant Cameroon's plea that Nigeria should pay some reparations relating to alleged wrongful acts concerning the boundary issues?

In any case, the judgement of the ICJ of the 10th October, 2002 on above issues is now history and I do not intend to dwell on that now. However, I will rather dwell on the mechanism that was adopted to sustain peace between Nigeria and Cameroon as a result of the fallout from the judgement.

The Mixed Commission as a Mechanism of Following up on the Implementation of the Judgement of the Icj Between Nigeria and Cameroon

Following the judgement delivered by the International Court of Justice (ICJ) on 10th October, 2002 on the Land and Maritime boundary dispute between Nigeria and Cameroon, a Mixed Commission was established at the historic meeting in Geneva on 15th November, 2002 between the Presidents of both countries as well as the Secretary-General of the United Nations.

By the provision of the Geneva Communique' of 15th November, 2002, the Cameroon-Nigeria Mixed Commission was established to consider all the implications of the decision, including the need to protect the rights of the Affected populations in both countries.

The Commission shall inter alia, be entrusted with the task of demarcating the Land boundary between the two countries. It will also make recommendations on additional confidence building measures and the holding, on a regular basis, of meetings between Local authorities, Government officials and Heads of State; developing projects to promote joint economic ventures and cross-border co-operation; the avoidance of inflammatory statements or declarations on Bakassi; by either side, Troop withdrawal from relevant areas along the Land boundary, eventual demilitarization of the Bakassi Peninsula with possibility of international personnel to observe withdrawal, and the reactivation of the Lake Chad Basin Commission.

Mixed Commission's Mechanism of Work

To ensure the attainment of these objectives, a Mixed Commission was established comprising of six (6) senior officials each from Nigeria and Cameroon while the United Nation co-ordinates its meetings and activities in the capacity as the Chair and Secretariat. The Mixed Commission held its inaugural meeting in Yaounde, Cameroon from 1st to 2nd December, 2002 and subsequently meets every two (2) months in alternating sequence between Abuja and Yaounde.

In order to further enhance the work of the Mixed Commission, Sub-Commissions and Working Groups were also established for instance;

The Sub-Commission on Affected populations comprising of five (5) officials each from Nigeria and Cameroon as well as the United Nations was created to identify, assess and recommend modalities for the protection of the rights of the people affected by the judgement. Such rights include but not limited to Rights to freedom of movement, freedom of association, customary rights etc. This Sub-Commission have since concluded its assignment and handed over its report to the Mixed Commission.

The Sub-Commission on Demarcation comprising of five (5) officials each from Nigeria and Cameroon as well as the United Nations was established for the purpose of the demarcation of the Land boundary between the two countries in accordance with the ICJ judgement. It is assisted in its work by a Joint Technical Team which comprises of Lawyers, Surveyors and Administrators from both countries as well as the United Nations. The work of this Sub-Commission is still going on, and currently, they are engaged in the physical/field identification of the various pillar sites along the boundary.

The Working Group on Maritime boundary comprises of Lawyers, Oceanographers and Oil Experts from both countries as well as the United Nations. The Group is made up of five (5) members from each country and is to consider all technical issues involved in the delineation of the Maritime boundary in accordance with the ICJ judgement and make recommendations to the Mixed Commission. The Group is also to consider all the charts and maps that have been submitted before making its final recommendation.

The Working Group on the Withdrawal and Transfer of Authority on the Land Boundary was established to work out all the details involved in the physical identification of settlements and communities that can clearly be seen to be on either side of the boundary between the two countries after the judgement. In any case, the Working Group has concluded its assignment after handing over 33 villages in the Lake Chad hitherto under Nigeria administration to Cameroon in December, 2003. Similarly, other settlement along the boundary such as Ndabakura (Nigeria), Narki (Cameroon), Dambore (Nigeria) and Burha Vamgo (Nigeria) have gone to the country whose claims have been confirmed by the judgement.

It is important to note that the final and total handover of settlements between both countries along the land boundary was only effected after the final demarcation of the boundary between both countries.

With particular references to the Bakassi Peninsula, the Mixed Commission had established a Working Group on the Withdrawal and Transfer of Authority from the Bakassi Peninsula. The Working Group made up of ten (10) officials each from Nigeria and Cameroon with representatives from the United Nations has met twice since its establishment. Given the complex and sensitive nature of the assignment in this sector, its work has to move step by step and each step has to be approved at the highest level of Government particularly by the two Heads of State and the Secretary-General of the United Nations before moving to the next level.

Achievements of the Mixed Commission

One of the most significant achievements of the Mixed Commission to date remains the prevalence of peace between the two countries. With the expectation that the Mixed Commission was striving towards the resolution and implementation of the judgement, there is an understanding that nothing negative should be made to derail the work of the Mixed Commission by both countries. Thus, both Government have refused to make inflammatory statements on contentious issues relating to the boundary dispute and the ICJ judgement.

The Mixed Commission has also succeeded in reactivating the activities of the Nigeria/Cameroon Joint Commission (NCJC). The Commission which is an umbrella body under which several economic, social, cultural, consular, and security issues are discussed bilaterally, has been dormant since 1994.

Consistent with its mandate, the Mixed Commission can be said to have encouraged high level visits between officials of both countries.

In order to ensure the continuity of its work, the Mixed Commission meeting have afforded the officials of both countries the opportunity of interacting between themselves thus strengthening their bond of friendship.

In compliance with the judgement, Nigeria has withdrawn from and handed over thirty-three (33) villages in the Lake Chad to Cameroon in December, 2003. Cameroon on the other hand had handed over the village of Dambore to Nigeria. On the Land boundary, the village of Narki was handed over to Cameroon while the latter handed over Ndabakura and Burha Vamgo to Nigeria in July, 2004.

In order to ensure the socio-economic interaction amongst the populations of both countries, considerable attention has been devoted by the Mixed Commission to ensure the reconstruction and rehabilitation of the Tran-African Highway that connects the two countries from Ikom, Nigeria to Mamfe, Cameroon. At the moment, both countries have concluded its feasibility studies while the African Development Bank (ADB) has indicated its willingness and commitment to finance the project following application for funds by both countries.

Given the social and economic importance of Lake Chad to the communities of the LCBC member states, considerable effort has been made by the Mixed Commission to sensitize the international community on the plight of the drying Lake. Consequent upon the economic importance of the Lake, the Federal Republic of Nigeria has contributed the sum of Five Million US Dollars (US $5,000,000.00) for the feasibility study of the water transfer project from Aigbangui River in the Congo into Lake Chad. Once this project is completed, the Lake Chad will be re-charged to a point whereby the 11,000,000 people living and working for their livelihood and around the Lake Chad will no longer have to migrate from the area.

Concluding Comments

The Boundary Management framework developed in this paper has significant implications for practice and policy. Most importantly, because of the mutual implication and interconnected nature of separating and connecting boundaries, the National Boundary Commission has established concrete mechanism for dispute resolution and boundary definition, by extension creates the fundamental basis for sustainable peace in boundaries in Africa. In this regard, the concept of sustainable peace, must be seen to mean more than the absence of war. A deliberate effort at ensuring peace must be understood to embrace not only the prevention of war as the worst form of conflict, but also the systematic demarcation of the boundaries as borders and promotion of co-operation between Nigeria and her Neighbors in the process of border management.

In the main, from the discussions so far in this paper, it is obvious that the ever increasing theories on origins, dynamics and characteristics of achieving sustainable peace through Diversity Management and Peace Education in Africa brought to the fore the establishment of specialist institutions such as the National Boundary Commission, whose primary objective is to hone into boundary conflicts situations in the country and between her neighbors.

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How Much and to Whom Does Free Education Cost? Human Right Based on Solidarity

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Abstract

According to international and European Union legislation, everyone has equal rights to education at all levels, and the access to compulsory education must be free of charges for all. The commonly used wording of „free education" leads to a widespread perception in society that education, often not only compulsory but also university education, costs nothing to anyone. The article raises the question of whether education is really free. It discusses in the legal context who actually funds education and on what basis. The article looks for the answers to the questions, what does public solidarity idea mean, what is the balance between legitimate interests of a person and the needs of the society and the state, what is the purpose of it and how to guarantee it.

Keywords: principle of solidarity, right to education, free education

Introduction

Learning is the natural right of every person. Law of the European Union (hereinafter referred to as the EU) and international legislation guarantee to everyone the right to free compulsory education as well as the right to vocational and continuing training. Member states of the European Union, while regulating the area of education at the national level, also guarantee these or wider rights to education to residents of their countries. It is understandable that, to ensure and enforce the rights enshrined in the legislation, irrespective of its legal power, national mechanisms must be put in place and appropriate means must be found. To guarantee the right to education free of charge various legal and economic instruments are invoked. In the context of this article, "free" is one of the key words in the term "the right to free education". The state is obliged has the duty to guarantee "free" education and, thus, it has to find ways to finance such education. This is done through the state budget: alike in the case of other public services that fall under the prerogative of the state, the state allocates appropriate funding to each of its regulated areas through redistribution of funds collected from taxpayers. Therefore, free education at a given moment is paid by all current taxpayers.

What is the basis to oblige them to pay for education services provided at a relevant time to other persons? What does public solidarity idea and intergenerational solidarity mean? What is the balance between legitimate interests of a person and needs of the society and the state; what is it needed for and how to guarantee it? These are the main questions raised in the context of modern legal welfare state answering of which seeks to reveal specificities of operation of the principle of solidarity in the area of education of such a state.

The article is mostly based on legal example of Lithuania, a member state of the European Union, in guaranteeing the right to free education and providing certain broader guarantees related to this right, i.e. guaranteeing free higher education. To answer the questions above, the article uses logical method, systematic analysis and other methods, and is mostly based on the following sources: jurisprudence of the Constitutional Court of the Republic of Lithuania, international and national legislation as well as the one of the European Union, legal doctrine, etc.

From international to national regulation

Article 14 of the Charter of Fundamental Rights of the European Union enshrines everyone's right to education and to have access to vocational and continuing training. This right includes a possibility to receive free compulsory education. The

principle of free compulsory education, without prejudice to operation of certain special forms of education, vocational or continuing training, in particular private ones that are paid, means that every child must have possibility to attend an educational institution free of charge.[1] Article 2 of the Protocol to the European Convention on Human Rights (hereinafter referred to as ECHR) suggests the following: "No person shall be denied a right to an education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions." Having reviewed other acts of the European Union, such as the European Convention on Human Rights, it is evident that this level enshrines equal rights of all people to education of all stages, and compulsory, i.e. secondary education, must be accessible free of charge to everyone.

On the one hand, international regulation enshrines cornerstone principles and specifies directions for national legal regulation of the states in the respective areas. On the other hand, a major part of provisions of international law, in particular legislation of the European Union, are based on constitutional traditions common to the member states and cherished and time-tested values. Education in Lithuania, as well as in many other countries, is regulated by special laws[2] whereof provisions conform to and are formed on the basis of principles enshrined in the basic national law, the Constitution. Three Articles of the Constitution of the Republic of Lithuania (1992) (hereinafter referred to as the Constitution) cover area of education in Lithuania. Within the scope of this investigation, only provisions of Articles 41 and 42 of the Constitution are meaningful, which, *inter alia*, speak about funding of education and science in Lithuania and its accessibility to all people. Article 42 of the Constitution enshrines freedom of science, research and teaching and support of the state to culture and science. Whereas Article 41 not only provides for compulsory education under the age of 16 but also enshrines that "education at state and municipal schools of general education, vocational schools, and schools of further education shall be free of charge. Higher education shall be accessible to everyone according to their individual abilities. Citizens who are good at their studies shall be guaranteed education at state schools of higher education free of charge." The Constitutional Court of the Republic of Lithuania (hereinafter referred to as the Constitutional Court), in a number of its rulings, provided interpretation of provisions of this article, which enshrine principles of universal equality and differentiation[3], according to everyone's personal abilities, in seeking education and guarantees free education in the state higher education for persons who are good at their studies. According to the Constitutional Court (2002, case No 25/01), the human right to seek higher education is an important condition for the implementation of one's various rights and legitimate interests. The most important is that the Constitutional Court (2002, case No 25/01) also names that the constitutional right to seek higher education presumes the state's duty to ensure preconditions necessary in order to implement this right. With wider disclosure of the notion "a citizen who demonstrates good academic results" for the first time, the Constitutional Court stated, in its ruling of 14 January 2002, that when a citizen of the Republic of Lithuania demonstrates good academic results in the higher education institution (i.e. his learning meets the established criteria of good academic results), a constitutional obligation arises to the state to cover his tuition (2002, case No 25/01).[4] According to the Constitutional Court, pursuant to

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[1] See a comment of the European Union Agency for Fundamental Rights regarding provisions of the Charter on the Fundamental Rights of the European Union.

[2] See the Republic of Lithuania Law Amending the Law on Education, the Republic of Lithuania Law on Amendment of the Law on Science and Studies.

[3] In its ruling of 14 January 2002, the Constitutional Court of the Republic of Lithuania suggested that the constitutional provision that higher education is available to everyone according to his abilities means that both state and non-state higher schools established according to the procedure prescribed by law, the entire system of higher education establishments, have to be accessible to every person. This provision also means that those who seek higher education cannot be subjected to requirements that are based on criteria other than their abilities. The said provision is closely related to the principle of equality of individuals enshrined in Article 29 of the Constitution, to the provision contained in Paragraph 2 thereof that a person may not have his rights restricted in any way, or be granted any privileges, on the basis of his or her sex, race, nationality, language, origin, social status, religion, convictions, or opinions.

[4] See Paragraph 3 of Article 41 of the Constitution establishes the right of every citizen with a good academic progress in a state higher school to free higher education. According to interpretation of the Constitutional Court, this right presumes that funds must be provided out of the state budget to guarantee higher education free of charge to citizens who demonstrate good academic progress in state higher schools.

Paragraph 3 of Article 41 of the Constitution, higher education tuition of citizens who are students at state higher schools and demonstrate good academic results cannot be imposed on these persons themselves in whatever form. Higher education of citizens who are students at state higher schools and demonstrate good academic results is financed by the state (2002, case No 25/01). Therefore, free education is understood unambiguously as education financed from the state budget.

Solidarity is the guarantee of free education

Due to normally used wording "free education" there is a widespread perception in society that education, especially in the general education institutions, is free of charge. It is true that neither the pupils themselves nor their parents or guardians pay tuition fees directly. As mentioned, education services are financed by the state. It is, therefore, wrong to assume that these services are compensated by the state and they are free of charge to the citizens. The state budget consists of the taxpayers' money. In Lithuania, there are over 20 different types of taxes[1], which are paid by every resident of Lithuania due to their professional and other activities performed daily, assets and under other grounds. Fees paid to the state budget are redistributed to finance relevant areas, in which the state operates, *inter alia*, education and science. Tax revenue raised to the state budget is used to finance public functions, i.e. areas that fall under prerogatives of the state, because members of the society would not be able to take care of them individually for one reason or another[2]. This is a feature of a welfare state. It should be noted that the modern welfare state is understood to be as a state whose law enshrines rights both allowing a member of the society, who is in a certain statutory situation and/or meets certain set requirements, to be qualified for a relevant benefit, allowance or support of another form and to obtain it, and presuming the duty to the state to ensure, through its institutions and public services it provides, an adequate standard of living for persons enabling them to play a full part in social and cultural life and guaranteeing dignified living conditions. In the author's view, it also includes such public services as education. According to the Constitutional Court, Paragraph 3 of Article 41 of the Constitution[3] should be construed in the context of the striving for an open, just, harmonious civil society and state under the rule of law[4] as well as public solidarity enshrined in the Preamble of the Constitution. The fact that the tax burden is borne by the whole population, despite the fact that many of them do not personally benefit from education at the given time, nor they used it in the past and will possibly never use it in the future[5], is based on solidarity inherent to society. It means that a part of the society, which is obliged to pay taxes at the given time, thus finances, *inter alia*, educational services for those who receive them. According to the author, this is an example of intergenerational solidarity, which in a sense, unlike the case of old-age pensions, is directed more towards the past than the future. How is it understood?

Free education is financed by taxpayers who, in most cases, are adults of working age. It is likely that these individuals have completed not only compulsory education, but also vocational or university education, which was also financed by taxpayers at the given time. Therefore, following the idea of an intergenerational solidarity principle applied to old-age pensions, whereby the taxes paid by employees at the given time are allocated to the then old-age pensioners, on the basis that in future the taxpayers (in particular members of the social insurance system) at their respective age and conforming to other criteria, will get entitled to the old-age pension benefit, in case of free education, prospective taxpayers benefit,

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[1] See Article 13 of the Constitution of the Republic of Lithuania. Official Gazette, 28-04-2004, No. 63-2243.

[2] With regard to the rules of the free market, and if the state did not take responsibility to care of education, while ensuring access to education for everyone, education, like many other services, would freely circulate in the market, meaning their cost would depend directly on demand and supply, and it would probably become "a commodity" affordable not for everyone. The fact that the state has an interest in constantly maintaining an adequate number of professionals in a particular field and in seeking to have the highest possible qualifications must enable the best students to receive appropriate education free of charge. It is also necessary to provide access to basic education on the basis of education up to 16 years age, which is mandatory for all people, ensuring that this education is free and, therefore, accessible to absolutely everyone.

[3] Higher education shall be accessible to everyone according to individual abilities." Citizens who are good at their studies shall be guaranteed education at state schools of higher education free of charge."

[4] See the Constitution of the Republic of Lithuania. Official Gazette, 1992, No. 33–1014 (30.11.1992).

[5] It can be explained by various reasons, e.g. people choose private education and pay directly for their education and training, so they never take advantage of free education, guaranteed by the state and financed from its budget.

first of all, from funding to obtain education and only then cover indirectly their costs by financing education services for younger generations. Thus, in this case, intergenerational solidarity operates rather retrospectively than prospectively. The author points out that, by the given example, there is no attempt to compare the operation of the principle of solidarity with regard to old-age pensions and that of free education. These are two different areas within the prerogative of the state, which are subject to both different legal regulation and the means of its implementation and enforcement: the old-age pension, unlike education, is financed by social insurance. The example of operation of the principle of intergenerational solidarity in the area of old-age pensions is purposed to disclose direction of operation and aims of this principle in the event of free education. Therefore, the state, through its prerogative and redistribution of funds, finances education area jointly and severally with money of all taxpayers to everyone who is entitled to free compulsory education and pursues to exercise this right, and in the event of free higher education also meets other requirements.

Another distinguishing feature of the principle of intergenerational solidarity in the education area is that its operation is directed towards future, but with a purpose other than that of old-age pensions. The availability of higher education to everyone according to their individual abilities and guarantee of education free of charge in the state establishments of higher education to citizens who demonstrate good academic results are both aimed at ensuring the common interest of these persons, the society and the state, which are in a need for specialists with higher education in different areas (2002, case No 25/01). Prof. Dennis Farrington holds critical position on selection of students to higher education institutions in the young member states of the European Union, following preparation of a future workforce known as state-commissioned specialist recruitment. According to the Professor, it leads to over-regulated and restricted curriculum content (Farrington, D.; Palfreyman, D. 2016). In his view, free studies should be provided based on the financial need of each individual but not on the need of the state to have a certain number of professionals. However, the author follows the position of the Constitutional Court of Lithuania as, according to her opinion, enforcement of the right to free education is also guarantees of welfare of the whole society. Therefore, an idea can be developed that every individual as a part of society has a duty to contribute in part to ensuring this welfare of society, and this duty must be in harmony with justice, another principle of the welfare state. Meanwhile, justice of the state's investment in selected candidates, when their tuition fees are to be borne by all taxpayers, is questioned by Prof. Milton Friedman, one of the most prominent economists in America. According to him, such redistribution of income by the state is arbitrary and unjust: "If subsidies were given to anyone seeking education and meeting minimum qualification requirements, there would be an overinvestment in people. <...> To prevent such overinvestment, the state must restrict subsidies. Not to mention the fact that it would be difficult to calculate a "fair" amount of investment, and it would require in principle arbitrary selection of investment candidates. The lucky ones, whose education would be subsidized, would receive all the income from such investments, while all their costs should be borne by ordinary taxpayers, with a completely arbitrary and almost certainly unfair redistribution of income. The aim should be not to redistribute income but to make almost equal opportunities for investment to both human and physical capital" (Friedman, M., 2010). Therefore, this author tends to highlight almost equal opportunities for investment into human capital ensuring equal access to higher education, i.e. to make opportunities for individuals for their free studies and later, at the respective period, to cover their education-related costs.

The balance between the individual and the public interests

It is worth mentioning interpretation of the Constitutional Court, according to which one of the main objectives of law as means to regulate social life is justice, which is one of basic moral values, as well as that of basic foundations of state governed by law. The aspiration after justice and state governed by law is established in the preamble of the Constitution and, according to the Constitutional Court, may be implemented by ensuring a certain equilibrium of interests, by escaping fortuity and self-will, instability of social life and conflict of interests (1995, case No. 9/95). It is impossible to attain justice by recognising the interests of only one group or one person and by denying the interests of others at the same time (1998, case No. 15/97). Therefore, members of society, on the one hand, having guarantees provided by the welfare state and being able not only exercise their own rights but also benefit from a wide range of professional and other opportunities based on these rights, with the help of society of solidarity, on the other hand, are obliged to contribute to this common

system which makes opportunities to meet interests of both separate individuals and the whole society, which, *inter alia*, guarantee advancement in science, technology and other fields and proper functioning of the state. Without any doubts, the measures (in this case, funding of education from the state budget) necessary to pursue interests of some individuals (seeking free higher education) cannot be applied to such an extent and in such a way as to deny rights and interests of other people (rights and interests of taxpayers, who contribute to funding of education, and certain recipients of benefits from the state budget, to whom amount of the benefits is determined according to financial capacity of the state). In most cases imbalance in any area is not considered as a positive condition. Areas of the public policy, finance and law, which are related to the discussed subject, are not an exception. Therefore, it may be argued that a balance must be struck between legitimate interests of an individual and needs of society and the state. In support of this idea, the Constitutional Court develops it in terms of limits of guarantees provided to the state people in enforcing their respective rights. In the ruling of 14 January 2002, it noted that the financial possibilities of the state (including the possibilities of funding higher education) are not and cannot be unlimited. The constitutional provisions that higher education shall be available to everyone according to their individual abilities cannot be interpreted as imposing a duty on the state to ensure the funding of any higher education for anyone capable of seeking it without proper consideration of the needs and possibilities of the society and the state (2002, case No. 25/01). As already mentioned, there has to be a balance between the legitimate interests of a person and the needs of both the society and the state, and the financial possibilities of the state (including the possibilities of funding higher education) are limited (2002, case No. 25/01). The law may not establish any such model of financing higher education, which would not be based upon a balanced assessment of the needs of society and the state and the financial capabilities of the state, where the state would clearly be unable to implement such model; the establishment of such model would be in conflict, *inter alia*, with the constitutional imperative of social harmony and would not allow the state to perform its various other obligations (2008, case No. 28/07–28/29). Therefore, the state is obliged to provide access to free higher education, but only having objective possibilities and only to the extent that funding of higher education would not violate rights of other individuals, i.e. the principle of justice and proportionality in relation to taxpayers and other recipients of state benefits would not be violated, which would mean violation of interests of not only individuals but also of the society as a whole.

In the opinion of the Constitutional Court, the same provision that the higher education is accessible to everyone according to the abilities of every person may not be construed as denying the constitutional right of a person to pursue the higher education according to his abilities, even if it is not funded by the state due to the reason that it exceeds the needs and capacity of the society and the state (2002, case No.25/01). Therefore, in accordance with the Constitutional Court, this means that the need of the society and the state to have specialists of various fields with the higher education and the possibility to finance education of only a particular number of specialists required by the state at the relevant time cannot be an obstacle to a person to pursue the higher education out of the state funds also when it goes beyond capabilities of the society and the state. Thus, an opportunity to obtain a desired education through private funding is not only open to a limited number of the best learners, so ensuring the constitutional right of every person to pursue the higher education. In this context, it should be noted that the Constitution does not prohibit the state, in the more favourable economic situation according to its possibilities, from incurring higher financial obligations to students of higher education institutions than it follows from the constitutional provision that education free of charge is guaranteed to the citizens who are good at their studies; however, in this case, in accordance with the interpretation of the Constitutional Court, the pursuit of a just and harmonious society, enshrined in the Constitution, must not be denied (2002, case No.25/01; 2011, case No. 13/2010-140/2010). Therefore, in Lithuania, as in many other European countries, with regard to the fact that all members of society share jointly the burden of funding, while grounding education by common interest of the society, without prejudice to the principle of justice stemming from the rule of law, the right to free education is provided, first of all, to such number of specialists that complies with needs in the society and the state at the given time. Secondly, only the studies of the very best and potentially the most qualified future professionals are financed. In the author's view, this reflects an attempt to balance the constitutional principles of solidarity, justice and proportionality. Therefore, the state having the duty to finance higher education and ensuring balance of rights and interests of all members of the society and overall welfare of the society

guarantees free education in the state higher education institutions to the citizens who study under order of the state while meeting its established need of specialists in the respective areas (directions) provided that their studies comply with statutory criteria of good academic results and within financial possibilities of the state.

Conclusions

It is derived from the Constitution that higher education of citizens who are students at state higher schools and demonstrate good academic results is financed by the state as the constitutional right to seek higher education determines the state's duty to ensure preconditions necessary in order to implement this right. Like other public services, education is financed by the state on the basis of the principle of solidarity inherent to welfare states.

Public solidarity is based on the fact that every individual as a part of society has a duty to contribute in part to ensuring this welfare of society. Members of society, on the one hand, having guarantees provided by the welfare state and being able not only exercise their own rights but also benefit from a wide range of professional and other opportunities based on these rights, with the help of society of solidarity, on the other hand, are obliged to contribute to this common system which makes opportunities to meet interests of both separate individuals and the whole society, which, *inter alia*, guarantee advancement in science, technology and other fields and proper functioning of the state.

Intergenerational solidarity is usually about features operation towards future, but solidarity in education has also retrospective nature. It manifests by the fact that guaranteeing free education to citizens who demonstrate good academic results are both aimed at ensuring the common interest of these persons, the society and the state, which are in need for specialists with higher education in different areas, but also future taxpayers in the state, first of all, benefit from funding to receive education and only then indirectly bear its cost by financing education services for younger generations.

The state is obliged to provide access to free higher education, but only having objective possibilities and only to the extent that funding of higher education would not violate rights of other individuals, i.e. the principle of justice and proportionality in relation to taxpayers and other recipients of state benefits would not be violated, which would mean violation of interests of not only individuals but also of the society as a whole.

Reference

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Communication and Digital Emotions. the Desire of Community as a Dimension of the Existence

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Abstract

According to Ong (1986), for a long time, in the human history, direct or *vis-à-vis* communication has been the only modality of communication; traditions have essentially been oral and their survival depended on the continuous renewal, which was represented by the *vis-à-vis* narration of stories and activities. In this way, the oral culture has created some expedients to remind and let people remind some aspects: a certain structure of the speech (fixed themes, formulas, proverbs, rhythmic style, etc.), a particular kind of (narrative) speech, a specific behavioral schematization ("strong" characters, types). The communication process is always a fundamental and essential process (Wright, 1976): it involves individuals in a deep relationship inside which the linguistic and paralinguistic codes, which come into play, take on complex meanings. In fact, despite the apparent facility through which two or more people come into contact among them, the deep sense of communication is something which is complicated and mysterious. Each person, who is involved in the communication process, attributes, on the basis of his/her subjective and social-group existential experience, his/her own meaning to each sign. According to Wolton (2006), communication has to do with four dimensions, which are complementary among them: first of all, communication is the ideal of expression and exchange which is at the origin of the Western culture and of democracy; talking about democracy presumes, as a basic concept, the existence of free and equal individuals. Communication concerns also those media which have remarkably transformed the relationships between communication and society. Still, communication concerns the whole mechanism of the new technologies that, with information science, telecommunications, audiovisuals and their interconnection, have globally modified the premises of the exchange of messages and power. In the end, communication includes also all those values, those symbols and those representations which function as a mechanism for the functioning of the public space, of democracies and of the international community through information and media. [1][2]

Keywords: communication, digital, emotions, desire, community, dimension, existence

1. Communication, yesterday and today

Today the advent and consolidation of digital media have expanded and, partly, modified the ways and contents of communication. In such perspective, the introduction of new media has an impact both on the evolution of the communication process and on the social context in which the media appear. Digital media create new kinds of action and interaction and new forms of social relationships, thus determining a complex restructuring of the dimensions of space, time and memory. All this leads the contemporary individual to feel alone in his/her choices of the behaviors because nobody is able to give certainties any longer, with the exception of the temporary and revocable certainties (La Marca A. 2016; Prensky, 2001).

The educational occasions offered by the new technologies of the communication:

Suggest the urgency of a new network of relationships with the traditional educational practices, with the school culture and its curricular structure. Knowledge tends to become more and more performative, cross, shared, cooperated. The urgency

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[1] Rosario Ponziano has written the paragraphs: 1. Communication, yesterday and today and 2. Loneliness and freedom of the person between mediated communication and digital emotions. The educational gamble.

[2] Simona Perfetti has written the paragraphs: 3. The origins of communication. Dialogue and narration and 4. The desire of community and digital emotions. Educational reflections.

of a new tribal feeling takes shape, of a community dimension in which intelligence may find a point of interaction, even if it is projected in more and more virtual spaces of understanding, of work production (Salzano, 2000, p. 7).

By making a step backward in time it is useful to recall the thought of some Authors, who reflected on the changes of the communication in relation to the advent of media and the Internet. In that sense, Thompson (1998) distinguished two typologies of mediated interaction in contraposition with the *vis-à-vis* interaction: a "mediated interaction" which develops with the aid of a technical means among individuals, who are far in space and/or time, and that circumscribes the series of symbolic addresses, which are available to the participants; an "almost mediated interaction" which allows, instead, to exchange symbolic contents among individuals, who are far in space and/or time, according to a flow of unidirectional communication, which addresses to a potentially undefined group of people. Many of the relationships, which are established in daily life in this way, consist of a combination of different forms of interaction: in other words, they are *hybrid*. If, according to Thompson, the current forms of communication may be defined as "hybrid", in Wolton's point of view, cinema, radio and television on the one hand, and the advent of the Internet on the other, led the current society to be defined as a *mass egotistical* society (Wolton, 1997). According to Wolton, television and the Internet meet two different needs, the person and the mass' needs: freedom for the person, equality for the mass. The generalist television creates some communication relationships, which are more and more developed for more and more heterogeneous groups of audience. Since, today, we live in a more and more complex and problematic society in which different cultures coexist, television and radio may represent a sort of "bridge" among desires, preferences and fears of the different social groups since, with their systems of symbols, which are broadly shared, and a wide choice of programs which, just for this diversity, meet everybody's tastes, they allow to rediscover the fundamental elements of staying together.

On the contrary, the advent of the Internet represented, for the person, an educational dimension to be lived "in loneliness", because the person *chooses* by *himself/herself* the communication paths in order to implement his/her own cognitive map.

Therefore, Wolton's thought aims at not opposing old media to the new media, since what is important in communication is both the content and the role that the different media have inside a communication theory; we must not confuse technical progress and human and deep sense of communication; it is not technology which makes communication, but people and the society (Wolton, 2001).

Nowadays, the real challenge of communication, on the basis of the changes in the communication during the time, concerns the elaboration of a theory of communication which may be able to guarantee the individual communication through the Internet on the one hand, and the mass communication on the other, which may play the role of guaranteeing the social unity.

2. Loneliness and freedom of the person between mediated communication and digital emotions. The educational gamble

The crisis of deep relationships and identities which seems to characterize the current connected society (Ito, 2008) leads the person to live the relationship with the others in a manner which might be defined of "circular solipsism" (Wolton, 2001), a relationship which significantly reveals itself in that nomadic wandering which characterizes the social dimension of the Internet. To complicate the context, there is the fact that the person's identity is a reality, which is not isolated but that changes following the spirit of the time. In order to understand that, it is necessary to start from what Boccia Artieri (2012) defined as a *mediological approach*, that is, thinking about the media as a place for the construction of paths of sense, both individual and collective paths, as elements which influence the social reality.

In a time in which digitization and dematerialization are leading the person towards the categorical imperative of a *widespread showcase* (Ferrarresi, 2009), the identity necessarily appears weak and fragmented. In that sense the Internet represents the instrument which allows to "play" with identities, without having the restriction to remain tied to one of them. Therefore, the media represent some experiential sources in order to live a sort of "virtual extraterritoriality" in the ambit of which, as Bauman (2003) affirms, the identity represents a task which is not performed yet:

Identity as something which is necessary to build or select among alternative options: "who am I?". The sense of this question finds its basis only if the individual knows he/she can be someone different from what he/she is, if he/she must do something in order to reinforce and make a choice "real" (p. 29).

In the area of this new anthropological dimension, which is made of identity crisis and of a new emotional *régime,* the barriers between the public and private spheres fall, or rather public and private spheres become two dimensions which

risk blending. In such perspective the neologism *publicy* (Boyd, 2007) indicates this mixture between public sphere and private sphere which, by generating a new culture of intimacy, fixes new educational challenges. In such perspective, in a society in which communication and information are omnipresent, an educational challenge, which is in line with the times, might become real not so much by bringing together individuals or collectivities, but by managing and acknowledging the mutual *differences*. Dealing with a constructive and pedagogical subject on the awareness and management of the *differences* as an anthropological value broadens the reflection up to the ambit of online life: how are the identity and awareness of the others lived on the Internet? In the ambit of the social media different lives and identities are experienced. People:

by dissimulating and fragmenting their own identity, lead, however, in the new environment, their own history, which, in intervals, erupts with strength (Massaro Grotti, 2000, p. 41).

In the protected space of the Internet the deepest thoughts are shared, the most determined opinions are affirmed, and it is possible to reach a multitude of people in a fast and instantaneous way:

Above all it is possible to keep one's own identity concealed: everybody may choose the person that he/she wants to be, everybody may behave as he/she better likes (Cantelmi, Grifo 2002, p. 53).

In the era of digital communication, of a fast communication, which is without rules, the "I" necessarily moves in a dimension which is different if compared to that in which his/her body moves, since the actions of the "I" consist of *language*, *symbols and writing*. In this complex anthropological perspective, the "I" and the other person seem to exchange the communication roles in a continuous game of "ephemeral" cross references just because they are disengaged from the corporeity. This absence of bodies and traces and this sort of identity vacuum which already characterize the whole social totality, even if they seem to be some dimensions which, in a certain sense, facilitate the virtual meeting with the others, actually they lead the educational reflection towards the acknowledgement that the contemporary person is always more *alone* in a myriad of "alterities"; such condition of isolation is rather more difficult to be lived just because the current age is an age which is marked by a form of *communication,* which is faster and faster and more and more instantaneous (Vittadini, 2018; John, N.A. 2013).

Even if the technical and scientific developments have caused a severe reduction in the distances among individuals, the crux to be solved is the *existential discomfort* of the modern individual, a discomfort which is marked by a loneliness, that is much more desperate when it is linked to a form of "apparent" freedom. In other terms, the person, nowadays, is as if he/she lived in a sort of dilemma: on the one hand, tending towards the others may be seen as a tension aiming at promoting the *differences*, to the other hand the individual, "by living" an immaterial age, would seem that he/she runs the risk of losing sight of the deep sense of what is *humanly possible*. Even if in the virtual world of the Internet it is possible to play with the absence of the bodies and with the simultaneity and increase of the communication paths in order to *apparently* facilitate the need for talking about himself/herself and talking to himself/herself, the emotional aspects, which lead to search for online relationships, are more complex. In order to realize the multiplicity of the elements into play, it is necessary to reflect on the fact that, thanks to the mediation of an instrument, the person succeeds in telling and telling about himself/herself more and more easily, if compared to a *vis-à-vis* meeting.

In the ambit of the online communication game, since the essential aspects of the not verbal communication start lacking, some compensatory criteria of the missing piece of information follow; in the world of digital media, it is possible to experience images, words, and sounds as forms through which it is possible to express the modern creativity.

The ways of communicating have surely changed, and even if a cognitive order is given to online life, anyway, basically there is the need for being listened to and understood in a dimension which includes and embraces us. The Internet offers the great possibility to take advantage of a new way in order to communicate our emotions, for telling about them in freedom, but a freedom which must not be misunderstood and interpreted as an absence of rules; it is rather a search for new rules, which are different from those which were known and used in the past.

Today the person already lives a world of messages which are not identifiable any longer with the only verbal messages or with messages which come from other people; in the current society of the crisis, it is the whole environment which "speaks" (Pati, 2000). In such "entirely communicative" environment, also the ultimate sense of the word seems to have been overcome by the power of images; even when it seems that the word succeeds in prevailing still on all the other linguistic codes, always a "particular word" remains, a word which, as the person, feels strongly the effect of the environmental influence; hence, the more growing number of "set phrases", through which the individual expresses his/her feelings, even

if most of times he/she does it by using lines of films or advertising slogans; words, as emotions, seem already to have become "consumer goods" (Pati, 2000).

Therefore, if the word and emotions risk this "commercialization", how is it possible to try to make an educational path which takes into consideration the development of all the existential dimensions? Emotions as feelings, which are lived online, are emotional dimensions as the real ones; it is not by simplifying the issue and by affirming that "real emotions are more authentic than the online ones" that those, who deal with education, solve the person's educational problems. On the contrary, education has to lead the reflection not to exclusively privilege the oral language and writing as unique means in order to communicate but, by distancing itself from a *glottocentric* vision of communication, it has to embrace a rich and broad series of expressions of the body and technological instruments which the individual, in the course of the history, has always produced in order to tell about himself/herself and to tell stories, projects and utopias. The language of the body is a language to which human and social sciences have to pay full attention in the prospect of a multiplicity of factors, which may manage and integrate the original expressions of the thought with the contemporaneous ones of digital media.

Faced with such dimensions of crisis, which have invaded the whole person's existence, the educational proposal consists of elaborating a *philosophy of the existence* which exalts life, which gives strength to everything that may be useful to promote the human existence. This anthropological need of a "rediscovery" of the person in the world becomes more and more an educational need; it is not sufficient to hope in the conception of new relational systems, what is necessary to modify is the overall concept of life which is a delicate path towards the acquisition of the form, towards the capacity of building an existential project. In this undertaking towards the achievement of our unique and unrepeatable form, it becomes urgent to understand the naturality of the failure, of the existential defeat, of the risk, of the unsuccessful *vis-à-vis* with the others. Educating to communication means to talk about a form of communication which has to recover a sense which is not connected to simple technology, but to social and cultural dimensions. In other words, the sense of a humanistic philosophy of communication has to be identified "in dreams, projects, utopias" (Buber, 1958, p. 238). The educational communication arises from *willfulness*, it is identified with gestures and actions led by conscience, it pursues some objectives aiming at acquiring form and, by virtue of that, it may not lead the individual to search for false forms of freedom and mystifying manifestations of being *vis-à-vis* with the others; on the contrary, the educational communication leads the person to reflect on the fact that his/her own's unique and unrepeatable form is not a human characteristic which is conquered once and for all in a definitive manner but it is, instead, a dimension, a peculiarity of the troubled existence, which the individual constantly and with difficulty searches for, since past life means to transcend, plan, open up with the others continuously without, in any case, having the confirmations of a return and acknowledgement.

Martin Buber wrote that freedom:

is a bridge, not an abode. Freedom is the vibrant tab, is the fruitful ground zero. Constraint in education means a lack of union, humiliation and rebellion; a deep relationship of reciprocity in education means open-mindedness and comprehension; freedom in education is the possibility of union and collaboration (Buber, 1958, p. 238).

Buber's words let us reflect on the importance of the concept of *communication integration*, which has not to be confused with the annulment of each person's singularities; in educational terms, communicative integration rather exalts the differences in the ambit of the dialogic unity and in the ambit of education to communication. Dealing with issues such as freedom, loneliness, existential defeat, the exaltation of differences leads human and social sciences to think education over, in terms also of comprehension and compassion, thus bringing into prominence of the educational issue the development of human life in all its historical, cultural and social dimensions.

3. The origins of communication. Dialogue and narration

Today education should reflect on a cognitive path in which thinking and acting are not distinct but, on the contrary, they converge, thus sharing the person's essential themes. That's why it is primarily important to reflect on a person and his/her life with his/her shadows, with his/her vacuums of conscience, with his/her awareness to be fragile but, just for this reason, open to the *possibility*, to the incentives of an educational project which has to lead him/her to succeed in the constructive relationship with the others, in a dimension of intersubjectivity which always draws new incentives from the dynamics of circularity.

Letting the others understand what one says means not only to transmit contents, but it also means to guarantee their emotional resonance. The language, at least in its declaratory form, highlights some relationships – above, under, behind,

in front of, here, there, etc. – but for another intelligence which *understands*, relationships are never neutral, they can be meanings. And for another subject who *wants*, relationships and meanings mean values (Laeng, 1982, p. 104).

Alberto Granese (2008) observed how the term "to communicate" derives from the term "community", which, in its turn, is an inseparable concept from the "closeness" one. The word "communication", in fact, derives from the Latin verb *communico*, that is, "to put in common", which has the same etymological origin of the noun *communitas*, that is, "community". Still, *communitas* comes from the Latin expression "*cummunus*", that is, "*cum*" = with, together, "*munus*"= gift; communication is etymologically connected to the idea of community, that is, to the "gift of the mutual relationship".

In the ambit of the pragmatic school of human communication of Palo Alto, among the axioms of communication expressed by Watzlavick (1971), it emerges that it is *impossible not to communicate*; the action of communicating represents a behavior, and given that it is impossible that a living system may not have a behavior, the impossibility of the non-communication follows.

In the reticular dimension of the Internet, an analogous space in which it is possible to experience "new" lives and "new" ways of communicating, the constant question which accompanies the person in the continuous discovery of "new" ways of approaching himself/herself and the others, is if such universe may represent the end of the communication, which is, from a teleological point of view, intended as a construction of a community, or if information highways may open infinite spaces in order to experience unusual and unexpected forms of communication.

If what is affirmed by Watzlavick is true in the "real" life, in the online life where does the fundamental sense of a communication lie, a communication which, no matter how digital, always keeps its original meaning of "putting in common"?

Reflecting on the fact that communication has, as its original function, the connection with the others means also that human communication always refers to a *dialogue*, that is to that dimension, which is the most adequate for the achievement of the social environment. In fact, if the explosion of new technologies has also led to radical changes in the way and form of communicating, however, the deep motivations have remained unchanged, motivations which, since the origins, have originated the *dialogue* and the *narration* (Piromallo Gambardella, 2000), which have been the first forms through which people have built their relationship with their own counterparts and the world. A careful reflection on this last aspect sheds light on the fact that the *narration* and the *dialogue* have always accompanied the individual's existence and today they still go on doing it through digital media. The surfing without space and without time on the Internet ensures that the *dialogue* – which moves between orality and writing – enters a global dimension. In that sense, the complexity of the dialogic dimension ensures that the *dialogue* may be considered the first expression of the language just because, through the language, the person, by interacting with his/her own counterparts, has always established, as his/her final objective, the will to share with the others his/her own activity and *habitat*:

When the *homo faber* starts constructing the first hand tools, he contemporaneously feels the need for 'communicating' that to the others in order to have their collaboration and for 'passing on', to the youngest people, the acquired technique in order to not lose it. It would seem that it is possible to start talking about an awareness, which is still at an early stage, about owning a 'memory'; anyway, what can be affirmed with greater certainty is that the *homo loquens* is more or less contemporaneous of the *homo faber*[1]. (Piromallo Gambardella, 2000, p. 42).

In this same perspective, Rossi-Landi in "*Il linguaggio come lavoro e come mercato*" *("The language as labour and market", Note of the Translator)* lingers over the problem of the relationship between "material" and "linguistic" artifacts in order to highlight the deep homology; in that sense the two kinds of artifacts are products of the individual's work and, in both products, natural and social dimensions are present. Therefore, the two kinds of artifacts, which are those which distinguish us from the animal world, have appeared at the same time of the history of civilization; in fact, the person, in the course of the history, has never produced linguistic artifacts without producing, at the same time, material artifacts and viceversa:

Man could not have worked at any object if not by communicating, from a linguistic point of view, with other workers (…); and, on the contrary, the linguistic communication supposes a world of real objects which the speech refers to (Rossi Landi, 1968, p. 154).

So, the idea of an antecedence of the dialogue in the development of the communication finds a confirmation in the original need for cooperation among the individuals. In the perspective of the idea of the language, as a means in order to come into connection with the world through the relationship with the others, Vygotskij's thought is well integrated: with his reflections on the child language, he revealed how the language, in its evolutionary path, goes through a first stage, the *external language*, through which the child starts organizing a form of communication with the others. Whereas Rossi-Landi lingered over the dialogue as a common dimension between material employment and linguistic employment, Vygotskij lingered over the connection between thought and language through a progressive development of the same language starting from an initial dialogic dimension;

The main function of the language, both in children and adults, is the communication, the social contact. The very first child's language is, therefore, essentially social. Initially it is all-inclusive and cross-functional; subsequently, its functions become differentiated (Vygotskij, 1956, p. 37).

In the ambit of Vygotskij's thought, the other two differentiations are established by the egocentric language and by the internal language, which are two linguistic dimensions that are connected between them, also because the internal language represents a natural evolution of the egocentric language. Then, the verbal thought delineates the time in which the meanings of the words move towards more complex dimensions thanks, above all, to a structural change of the individual conscience of the person who speaks; the verbal thought tends to express:

All the thoughts, sensations and even the deepest reflections, with only the word, which is obviously untranslatable on the level of the external language and, semantically, it is not reducible to the meaning that it usually has (p. 219).

If compared to the external language, the egocentric language represents the path from interpsychic dimensions to those intrapsychic ones, that is, from a social activity to an individual one. As far as the internal language is concerned, instead, in it a restructuring of the same language materializes both at a semantic level and at a synctatic level; in other terms, the objectives that the external language pursues have to do with the establishment of communication relationships; those which are pursued by the internal language, instead, have the objective to furnish the adequate word to the thought, the development path of which goes from the social to the individual sphere. In Vygotskij's viewpoint, thought and language are not part of a unique dimension:

They are rather similar to two circles which intersect but which do not overlap entirely, since (…) there is a pre-linguistic phase in the use of the thought and a pre-intellectual phase in the use of the language. In those parts in which the two circles overlap, thought and language become "the key in order to understand the nature of the human conscience" (Piromallo Gambardella, 2000, p. 44).

Therefore, the dialogic nature is the first and important expression of the child language, which, secondly, has to be internalized if it has to become an important means for the flow of the thought. In such of game of returns between thought and language, the meaning of the word becomes an expression of the thought but not through the dialogue, which is "a form of immediate and not premeditated communication"; so:

To the structural simplicity of the dialogue the complexity of the monologue opposes, which introduces the verbal facts in the sphere of the conscience and that makes them a subject of great attention (Vygotskij, 1956, p. 204).

So, what it is useful for our discussion is that, according to Vygotskij, the dialogic activity represents only a sort of the initial part of the communication game when, that is to say, the thought has not fully reached its awareness yet, which, after, is reached in the internalization of the linguistic dimension.

That's why it is possible to affirm that the dialogic activity fully pervades the experience of those subjects who are involved in the communication dimension on two levels: on the one hand speaking is an activity which has to do with the dimension of the enunciation – we talk about something to somebody -, on the other, the same enunciation is a dimension which modifies the individuals concerned, thus transforming them in "links of a chain", who find a continuous redefinition in the relationship with the others, both at a synchronic and a diachronic level.

In this perspective of "original dimensions" of the communication, after the dialogue, also the narrative occupies a space of experience of knowledge and acknowledgement of the "I" in the community. In fact, in the individual's history, narrating has been one of the first modalities through which the individual has started wondering about the sense of the world and life. Morin, in his book "*Il paradigma perduto. Che cos'è la natura umana" ("The lost paradigm. What is the human nature",* Note of the Translator) affirmed that the birth of the *homo sapiens* starts when, for the first time, man instituted the ritual of the

burial with the first pictorial signs in caves; in fact, in this way, thanks to the dimension of the image and symbol, the person escaped the fear of death:

it is in this 'anthropological rift' that the narration originates, a narration which breaks the person's primigenial unity and destines him/her forever to confront himself/herself with another dimension. Burying dead people is the final and initial act of the long story of life and death and of death which becomes again life in another form or in another place. It is the first trace of all those infinite series of tales where the words struggle for 'telling' life against death (Piromallo Gambardella, 2000, pp. 57, 58).

Also graffiti inside caves have represented, for the person, the possibility of realizing a vision of the world, which is alternative to the real one, in order to face everyday life with greater serenity:

Each human being, without knowing it, knows that he/she is a *self which may be narrated,* who is absorbed in the spontaneous self-narration of his/her memory (Cavarero, 1997, p. 48).

Therefore, if the dialogue and narration may be considered the original, primogenital forms of communicating, today with the advent of digital media which seems to nourish dreams, hopes and utopias of a community, that hopes that the unlimited communication may be a synonym of deep relationships, what dimensions may these two original forms of communicating assume? If, as we have seen, dialogue has been useful for the individual in order to survive and the narration in order to live (Piromallo Gambardella, 2000), today, in a certain sense, these two dimensions continue to give rhythm to the person's life. Whereas media images, as graffiti, show the person the possibility to create a world, which is analogous to the real one in order to better face the real world, the network communication offered by the Internet is always the result of that individual's innate need to tell and tell about himself/herself; also in the media multiform environment *one survives and lives*; the two concepts and their respective dimensions, dialogue and narration, have only changed their "patterns".

4. The desire of community and digital emotions. Educational reflections

It is useful to reflect on the fact that communication has implied and, still today, continues to imply a social relationship, in the course of which people involved in the communication game share particular meanings; therefore, talking about sharing of meanings leads the reflection on the sense of communication in terms of a dimension which, from a teleological point of view, is aimed at constructing a community. According to Ferdinand Tőnnies (1963), the community is a dimension in which a group of people live together and share the same feelings, the same origin, the same fundamental teleological aspiration, that is, staying together; therefore, the community is a natural, intimate, union which is created on the basis of a mutual understanding. On the contrary, society life is public and "artificial", since it is built on interest relationships.

This distinction between community and society has been reexamined by Nancy, according to whom it is wrong to compare the concept of community to the concept of society, since there is not any lost community to be rebuilt; society has only replaced a kind of community, the "participatory" community, that is a group of different people who, maybe, lived – even if there was a stricter and poorer social structure if compared to that one of our current society – some intense communication experience, since they had values and ideals in common; Nancy writes (1995):

The community, far from being what the society would have lost or infringed, is what happens – a matter, an event, an imperative – starting from the society (p. 37).

That's why it is not necessary to regret a lost community but, thanks to the multiform world of digital media, it is useful to try to reconstruct a new original community; there is no a "subject" who interacts with other "subjects", but there is a "singularity" which emerges inside a community. Therefore, since singularities do not presume to be eternal, they share limited dimensions of their living; it's a:

Logic of limit, a logic of what belongs neither to the pure inside, nor to the pure outside, a logic which characterizes the human being, through whom it places itself between the crowd's breakup and the group aggregation, and both are possible, virtual, close at any time. This suspension characterizes the human being with: a relationship without relationship, a simultaneous exposure to the relationship and to the essence of the relationship (pp. 182, 183).

Then, according to Nancy, community and society intertwine, since individual freedom is always:

"Freedom in common", which is fulfilled in the practice of the community life, that is in the "communication of distinct singular human beings, who exist as such only through communication" (p. 210).

A so intended idea of community may be compared to the dimension of online communities which, even if they do not have the constitutive elements of traditional communities, first among everything the rooting on the territory, preserve "the gift of the mutual relationship".

In the ambit of online life, groups of people meet in order to exchange information, establish relationships. This situation often arises on the basis of feelings of strong solidarity. In this respect, the Web is as if it were a flow in flood, which overflows with information, knowledge, emotions to be lived and shared, different points of view also with respect to the same issue. In order to avoid the risk of a cognitive overload, some time ago, Lévy (2000) had proposed the metaphor of the "small arks", that is some virtual communities in a continuous flux, which are fluid, light, that may represent, in the ambit of this information sea without boundaries, some lifelines from the "overflow" of information.

In the ambit of these small arks in a continuous flux, individuals shall have to be committed to reconstructing some "partial totalities", according to one's own criteria of knowledge; this "fleet" of small arks represents:

A myriad of small distinguished, open, temporary totalities, which are obtained through an active filtering and which are perpetually reconsidered by collective intelligence groups which cross, are so close, collide or intertwine on the wide water of the deluge of information (Lévy, 2000, p. 157).

The newness of his thought may be deduced from the fact that the small arks, since they are living human *communities,* allow knowledge to circulate, even if in a context of dynamism and transience; such arks represent the place where knowledge may be continuously increased and redefined; they are not utopic, even if they are not positioned in any place and in any physical space. Therefore, if the fundamental sense of communication is making community, may online communities, which arise on the basis of an exclusive communication connection, be considered just like real communities?

In the community, the subjects do not find a principle of identification – and neither they find an aseptic fenced area within which it is possible to establish a transparent communication or, maybe, the contents to be communicated. They only find that nothingness, that distance, that unrelatedness, which makes them be missing to themselves. Community is not a way of being of the individual, but his/her exposure to what interrupts the closure and reverse him/her on the outside (Esposito, 1998, p. XVI-XVII).

Therefore, the community, as a *vacuum* but also as a *desire*; in that sense, "not belonging to" may represent the incentive to expose himself/herself to the others and so "interrupt" the closure of the "I" (Piromallo Gambardella, 2000). In other terms, this situation of not-belonging to might be seen as the representation towards *externality* which, today, seems the most significant dimension of the time; such path towards externalization would include also the community that:

Through the relationship to the others makes the subject "other" also *vis-à-vis* himself/herself, (thus letting the community become) the movement of his/her (…) flux, which is always and only "other" (Moroncini, 1991, p. 71).

Today the person finds himself/herself living a situation of deep complexity and criticality: this original ethical relationship which connects individuals, thus creating a community, transmits a power to the same community, which is less and less the product of a natural inclination and more and more the result of a mythical construction (Piromallo Gambardella, 2000). Today this sort of nostalgia of the community just identifies with a nostalgia of the myth of origin:

Told through the word which wants to be sacred, binding, innocent and that, gradually, may be transformed in a speech which generates fear and anguish of the responsibility[1]. (Piromallo Gambardella, 2000, p. 159).

In the complex current society that sense of sacredness, of reunion is not assigned to the word any more, but the word finds itself living in a dimension made of games of simulation, images which have replaced its original semantic meaning; the myth is as if it had been interrupted and the idea of community which survives is the idea of a desire, of a return to an age which does not exist any longer. This state of interruption does not want to mean annulment of the community but, rather, it wants to affirm the coming out of a "passion of the community", which overcomes any limit, thus avoiding the danger to appear as a closure, as an accomplishment (Piromallo Gambardella, 2000).

In fact, even if online communities lack those characteristics of traditional communities, this state of nomadism not only represents a "laceration" towards *externality*, but it also avoids the obstacle which, instead, might be typical of traditional communities, that is that of transmitting a form of "closed" knowledge. If it is true that the ultimate goal of communication is

that of "connecting", of facilitating the contact, then the state of "infinity" of online communities would well align with the deepest sense of the human communication, that is, that sense of never crystallizing in a hypothetical balance, because what is "finite" may not be considered life.

Talking about passion as a need for community seems to be a dimension which characterizes the community between:

The absolute rooting in an 'idealized' nature and the total exposure to the non – place of utopia. (In such perspective) it becomes a point of transit and, therefore, an ephemeral point, but, at the same time, a necessary point of transit: a space of inclusion and exclusion, abode and journey, permanence and peregrination, the ones and the others together and neither of the two (Piromallo Gambardella, 2000, p. 63).

In other terms, the so intended community appears as a *mediation,* which is, above all, intended as a space of sharing among opposite dimensions: individual *vs.* society, local *vs.* global, nostalgia *vs.* utopia; such opposite dimensions, just for their afore mentioned characteristics of the community, never stop in a balance, but, dialectally, they appear as a situation of a continuous renegotiation of their meanings on the basis of the necessities and needs, which continuously emerge and change in online nomadism:

Being is essentially being *in* common. Being *in* common means that singular individuals are, show up, appear only since they make their appearance, are exposed, introduced or offered to one another. This appearance is not added to their being, but it is what in which their being reaches the being (Nancy, 1995, p. 123).

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Recognition and Reification from Axel Honneth's Ethical Perspective

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Abstract

In this article I intend to analyse the issue of reification in the light of the dynamics of man's recognition and misrecognition from Honneth's ethical perspective. Marx, Lukacs and the philosophers of the Frankfurt School highlighted the fact that the different processes of reification are deeply rooted in the logic of the market and the techno-scientific reasoning of capitalist society. For Axel Honneth such explanations do not fully grasp the entirety of the reifying phenomena and, above all, they do not identify the actual dynamics of such phenomena. In the first part, I will evaluate some aspects of the non-reifying relations that Honneth has identified in Dewey and Heidegger's considerations. Then, I will focus on the "original disposition" to recognition which he believes to be fundamental for establishing non-reifying relations. In this regard I will highlight the fact that the processes of reification are based on the forgetfulness of recognition of self and others.

Keywords: recognition, misrecognition, non-reifying relations, man as object, reification.

Introduction

Marx, Lukacs and the philosophers of the Frankfurt School highlighted the fact that the different processes of reification are deeply rooted in the logic of the market and the techno-scientific reasoning of capitalist society. For Axel Honneth such explanations do not fully grasp the entirety of the reifying phenomena and, above all, they do not identify the actual dynamics of such phenomena. According to Honneth, they are to be found in the attitude man adopts with regard to self and the world. He states that this behaviour is characterised by the forgetfulness of recognition. In view of Honneth's ethical perspective, I intend to identify in this study, the basis upon which such non-reifying relations can be achieved.

Non-reifying relations according to Heidegger and Dewey

In *Sein und Zeit* (1927), Heidegger shows that at an original level man (*Dasein*) does not relate to the world as a cognitive subject but with a practical attitude. This precedes any distinction between subject-object. Even before being simple presences or objects of knowledge, things acquire significance for man in their being usable. Their usability (*Zuhandenheit*) consists in the way they can be used in the context of man's experience. As usable, things are assumed to be tools by Heidegger for his projects and represent a sum of practical meanings. In this sense, things are not simply present, but they inform, interest, worry and stimulate man. On this basis man establishes practical relations with them, which Heidegger calls "care" (*Sorge*).

It is the care and not the knowledge that constitutes man's being in the world. The scientific knowledge of the world implies "care". Heidegger's position highlights a practical relation between man and the world of a pre-cognitive nature which can be considered as a non-reifying relation according to Honneth.

In *Affective Thought* (1981), John Dewey expresses his position regarding the original relationship between man and the world which aligns with Heidegger's. Parting from a holistic viewpoint, he opposes the perspective that considers man as a spectator of the world, as a detached observer. He states that each rational understanding of the world implies an interested experience on the part of man and that at the basis of rational knowledge lies a complexity of practical relations that are not detached from the emotional sphere (Cf. Dewey 1981: 104-110).

It is interesting to observe that Heidegger in paragraph 29 of *Sein und Zeit* also talks about being in the world of *Dasein* in terms of "affective situation" or "emotional situation" (*Befindlichkeit*), constituting a relation with the world which is even more original than understanding and interpreting it. This makes the *Dasein* open to the world. Affectivity is a specific way of being in the world which, according to Honneth, puts man (*Dasein*) in the condition to recognise others.

The different forms of original relations described by Heidegger as "care", "concern", "affective situation", and by Dewey as "practical-emotional involvement", for Honneth they are the equivalent of a form of "recognition", which expresses the appreciation of the qualitative importance that other people or things possess for our lives (Honneth 2008: 38).

The relations of recognition

Recognition precedes knowledge constituting a primary relation consisting in a sort of existential involvement at the basis of each of our relationships with the world. It is necessary to point out that this form of recognition is of an "existential" and original nature. It is the most elementary type of recognition and it is at the basis of our dealings with the acceptance of specific qualities, abilities and characteristics of others or ourselves. Honneth dealt with these more complex and structured forms of recognition in *The Struggle for recognition* (1995) and in *Anerkennung und Mißachtung. Ein formales Konzept der Sittlichkeit* (1991). Honneth interprets the concept of recognition as "existential care".

His position is founded upon a genetic point of view based on studies into developmental psychology concerning "the cognitive assumptions that are implicit in the way in which children acquire the ability to adopt the points of view of another person" (Honneth 2008: 41). Upon this acquired ability by children is grounded that specific human behavioural trait – the communicative inclination to adopt the viewpoint of a second person. Honneth highlights the fact that, in the field of developmental psychology, researchers have long agreed on the belief that a child develops the ability to think and behave through the mechanism of adopting the perspective of others; a child acquires cognitive abilities through the formation of primary communicative relations. By adopting a second person's perspective, a child emerges from his own egocentricity and learns to relate to the world. George H. Mead (1934) and Donald Davidson (1987) agree that the birth of symbolic thought requires the adoption of another's perspective on the part of the child (Cf. Honneth 1995: 80). For the cognitive development of a child, emotional identification with primary reference points is fundamental. Recent studies have shown that at the origin of autism, the development of emotional attachment sentiments to persons of reference is lacking, for mainly constitutional reasons. From this point of view, an autistic child is not "mentally blind" because of a cognitive deficit, but rather he is primarily "*emotionally* blind". Because autistic children are "emotionally unreceptive, they remain entrapped within their own perspective on the world and don't become familiar with any other perspective. They don't see, or rather they don't *feel* that facial expressions, bodily movements and communicative gestures give expression to attitudes. They are blind to the expressive mental content of such phenomena, or rather to their meaning. An autistic infant thus isn't 'mentally blind' due to a cognitive deficit, but rather because it is in the first instance *emotionally* blind" (Dornes 2005: 26).

Honneth uses these studies into developmental psychology to show that, on a temporal level, emotional dynamics precede the knowledge of objects and is founded on emotional relations. Before getting to know the objective world through the perspective of the persons of reference, a child has to have already recognised them emotionally. From a chronological, ontogenetic point of view, recognition precedes knowledge. It is important to point out that this priority is not the same priority given by the commitment or existential concern and involvement that we previously highlighted with regard to Heidegger and Dewey, and described as a form of recognition by Honneth.

Honneth accepts the discoveries in developmental psychology to support them in a temporal and genetic sense. He provides categorical evidence that our cognitive relations with the world imply a "disposition for recognition". In other words, they are linked to the non-epistemic implication of the "recognition of the other" which is traditionally called "conscience". It is important to specify once again that this form of recognition precedes the other forms of recognition involving the perception of certain qualities, characteristics and abilities of other persons. This is a form of elementary recognition which overrides the concept of epistemic subject.

Original disposition for recognition

To demonstrate original disposition for recognition, Honneth adopts the stance that Stanley Cavell (1976) expresses regarding the relation between knowledge and recognition. He closely connects the understanding of emotional states with the non-epistemic assumption of the adoption of a recognising behaviour. The inability to assume this behaviour ultimately means that one is unable to maintain social relations (Honneth 2008: 49). We can understand the words of another only if we are involved, participating and interested on an emotional and affective level. This means that linguistic comprehension lies in a certain non-epistemic assumption: recognition of the other. At the basis of interpersonal relations there is a disposition that Stanley Cavell calls *acknowledgement.* From his point of view, this world must not be founded theoretically, but simply *recognised.* This recognition, however, should not be considered only as a behaviour characterised by positive

and friendly sentiments. They might also involve hatred, resentment and indifference. Whether positive or negative, we are dealing with inclinations towards recognition of a non-epistemic nature.

Primary recognition, with its implication of emotional participation, contrasts a neutral and detached behaviour which forms part of the reification process. Such behaviour occurs whenever primary recognition, constituting the most direct and immediate relation with the world, is forgotten. When such involvement and emotional participation is not acknowledged – implying both positive and negative sentiments – the latter behaviour might be adopted. Awareness of our natural inclination implies an engagement with knowledge since it is the result of a cognitive process concerning our original being-in-the-world, even if it cannot be interpreted in a cognitive sense. I will clarify the type of awareness we are dealing with at a later stage.

Forgetfulness and the denial of recognition

Prior to any cognitive action there is impulsive motivation which leads us to an emotional interaction with the world. Forgetting this qualitative experience signifies a detached, observing and, therefore, reifying behaviour. In this sense reifying behaviours are not caused by the coaction exerted by the capitalist market, as considered by Lukacs (1923), or by the techno-scientific reasoning described by the philosophers of the Frankfurt School, but they can be attributed to a forgetfulness of recognition. How is this possible? Why do we forget the awareness of previous recognition in our daily acts of knowledge? According to Honneth the cognitive assumptions of social behaviour are based on rules that we learn through habitual practice. So "forgetting" is not "unlearning", in other words the primary fact of recognition is not "removed from conscience" (Honneth 2008: 58-59).

He believes the answer lies in searching for confirmation of a sort of "reduction of attention" with regard to the original recognition. This reduction of attention derives from internal and external causes. In the former case, the purpose of observation and knowledge becomes so autonomous that various aspects of a certain situation take second place. Honneth provides the example of a tennis player who is so determined to win that he forgets that his opponent is his best friend. In the latter case, the reduction of attention may occur when we let ourselves be influenced by thought schema, by prejudice. In this case Honneth states that, rather than "forgetfulness", it is more correct to refer to "denial" of recognition (Honneth 2008: 59).

Besides people, Honneth observes that animals also experience acts of reification. In these processes, man forgets that the people they come into contact with attribute animals with multiple existential significances. Sincerely, I consider such analysis to be too anthropocentric. It is as if animals and the environment existed only for man's interests, without their own "intrinsic value" disregarding their significance attributed by man himself. I think that Honneth overlooks the fact that relations with animals, plants and the environment in general form a constituent part of the dynamics of man's primary recognition regardless of the significance bestowed by others.

Acknowledgement of the experience of recognition

It is fundamental for man to maintain, in a spontaneous and non-calculated manner, his natural disposition for recognition with all the sentiments and states of mind this involves. Acknowledging this disposition characterised by emotional involvement and participation is therefore important. Acknowledgement involves relations with oneself and it is at this point that Honneth introduces a perspective which can be integrated into that of the acknowledgement of the primary relations of recognition. We do not perceive our mental states simply as objects, neither do we build them thanks to our linguistic expressions, but we articulate them according to what is familiar to us (Honneth 2008: 71). When relating to ourselves, we adopt a behaviour of "involved preoccupation" (Heidegger), of "self-care" (Foucault, 1984), or as Aristotle claims in *Nicomachea Ethics* (IX, 4-8), "friendship towards oneself". Thus, considering one's sentiments, desires, psychic experiences as being worthy of acceptance, active articulation and conservation. This means taking possession of our desires and sentiments, living them as part of our I, accepting them and rendering them comprehensible to ourselves and to the others we relate to. Donald Winnicott in *Play and Reality* (1971) highlighted the fact that psychic equilibrium and "mental health" depend on the playful and explorative attitude we have towards our drive in life (Winnicott 1971: 51-52). All of this would not be possible without prior recognition. Lastly, we have always already recognised ourselves, since only in this way can we access our emotional state (Honneth 2008: 74). If this recognition of self falls into oblivion, this leads to the path of autoreification.

Conclusion

The commodification of man, being reduced to things and the fact that his human qualities are stripped away are not caused by capitalist "ideology" or by technocratic reason, but rather by man's difficulty to take possession of his desires, emotions, sentiments and to fully accept himself. Man has a strong inclination to oppose resistance to the possession of self. From an existential point of view, without overcoming this resistance he finds himself divided, making him unable to be determined when faced with responsibilities towards himself, others and the environment. Each ideology uses these fundamental fragilities of man in order to establish itself and grow. Honneth reminds us that neglecting the priority of self-recognition and recognition of others means forgetting oneself and the world to such an extent that one enters the hell on earth that many men manage to feed on a daily basis with such greed and stubbornness.

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Language and Nature in Southern and Eastern Arabia

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Abstract

This paper examines the relationship between language and nature in southern and eastern Arabia. The work is the result of a two-year interdisciplinary network between the University of Leeds and Qatar University, with partners in the UK, Oman, Canada, the United States, and Russia. Our hypothesis is that local languages and ecosystems enjoy a symbiotic relationship, and that the demise of local ecosystems will adversely affect local languages. In this paper, we examine some of the language–nature effects in Qatar and Dhofar, southern Oman. Our regions differ in that Qatar has two seasons, summer and winter, and is predominantly arid, with occasional rain, while Dhofar together with al-Mahrah in eastern Yemen has four distinct seasons, receiving the monsoon rains between June and September, and, as a result, is home to hundreds of plants and animals found nowhere else in the world. Since the 1970s, in particular, both regions have experienced some of the most rapid socio-economic changes in the world. We ask what affect this socio-economic change has had on the language–nature relationship, and suggest that decoupling of the human–nature relationship as a result of socio-economic change is contributing in these regions to language attrition. We consider spatial terminology, traditional terminology for weather, the traditional measurement of time by narratives around key climatic events, and the role of stars in determining the weather and their role in folklore. *

Keywords Arabic, Qatar, Modern South Arabian, Dhofar, nature, weather, time, climatic events, stars, spatial reference

Introduction

Language and nature have a tight symbiotic relationship, particularly in regions of the world such as Qatar and Dhofar in which people have until recently enjoyed a close relationship with the natural world. New research approaches are now emerging that relate language and ecology in a way that provides better understanding of human-nature-language relationship. This paper addresses the disappearance of endangered languages and their related cultures, and also the loss of indigenous cultural knowledge due to dialectal loss. Studies suggest a strong correlation between the decline in language diversity and environmental diversity (e.g. Rosenthal 2014), which is further evidenced by WWF studies. Part of our work involves the collection and analysis of intangible heritage; however, the collection of intangible heritage is not designed to be an end in itself: intangible culture encapsulates local knowledge, and reinforces the relationship between humans and their ecosystems.

The languages spoken in our regions are Qatari Arabic, with its various sub-dialects, in Qatar, and the Modern South Arabian languages and the language of Bayt Kathir in Dhofar, all of which are endangered. In section 1 of this paper, we begin with a brief introduction to the languages and the degree of socio-economic change in the region. In section 2, we consider language erosion factors, and how erosion of the natural environment and the relationship people have with the environment can precipitate language loss. In section 3, we examine the language–nature relationship focussing on terminology around weather, and then the measurement of time around key climatic events. We conclude with some

suggestions for capturing aspects of the language–nature relationship while we still have access to people who have experienced the pre-motorised past.

1 The Languages

The language spoken in Qatar is Qatari Arabic, with dialect distinctions according to region and tribal affiliation. Despite Arabic being an important language with over 300m speakers (reference), Arabic dialects have been facing major challenges since the mid-20th century due to the growth of the media, film, music, and the influence of other languages through actual and virtual language contact. Preserving indigenous dialect vocabulary has become important in itself and also to preserve local knowledge. Examples of Qatari dialect disappearing in younger generation.

The languages traditionally spoken in Dhofar are four of the six Modern South Arabian languages (Johnstone 1981, 1987; Rubin 2010, 2014, 2018; Watson 2012), Mehri, Śḥerēt (also known as Jibbali), Hobyot and Bathari, and the Arabic variety spoken by Bayt Kathir, which shares lexical and grammatical features with Modern South Arabian. Of the Modern South Arabian languages, Mehri is spoken over the largest area, spanning eastern Yemen, southern Oman, and reaching into southern and eastern Saudi Arabia; Śḥerēt is spoken in the mountains and coastal regions of Dhofar; Hobyot is spoken in a small area spanning the Yemen–Omani border; and the few Bathari speakers are based around the coast of eastern Dhofar. Mehri, Hobyot and Śḥerēt have a number of distinct dialects according to tribal affiliation and geographical region.

The Modern South Arabian languages (MSAL) have no traditional script and constitute the most endangered sub-family of Semitic languages, ranging on Ethnologue (an authoritative resource on world languages) from 'nearly extinct' to 'shifting'. Speaker numbers are 12 (Bathari), ~1,000 (Harsusi, Hobyot), ~30,000 (Shehret), 60,000 (Soqotri), ~200,000 (Mehri). The precise number of speakers is, however, impossible to ascertain: there are no census figures relating to MSAL speakers specifically, and many members of the language communities no longer speak the languages fluently or at all. Since the 1970s, the spread of Arabic has meant that the MSAL have increasingly fallen into disuse. This has been hastened by rapid social change and the collapse of traditional cultural activities.

In both Qatar and Dhofar, people were almost entirely reliant on themselves and their wider tribal affiliations until the 1950s and 1970s respectively, when the modern states of Qatar and Oman began to be constructed. The Qatari natural environment system comprises, in addition to oil and gas, a geological structure of the land resulting in a shallow depression in which rainwater gathers, enabling wild plants and shrubs to grow. These depressions are fertile and give rise to an arable land environment, suitable for various kinds of native plants. The marine environment is also distinctive for its diversity, with numerous species of fish as well as coral and reefs and oysters. The best-known pearl fisheries in the Gulf and in the world lay opposite to the eastern coast of Qatar (General Secretariat for Development Planning 2009). Today no pearl fishing is conducted and very few Qatari nationals practise fishing for local commercial purposes.

Until the 1970s, there were were very few state-run schools or hospitals in Dhofar, transport was by foot, by pack animal or by boat, water was collected by foot from natural sources, and people lived in caves and brushwood or stone huts they constructed themselves. Life continued through extremely tight organisation of local activities and close monitoring of local weather and climate conditions. Today the region enjoys all the trappings of the modern age. Younger generations no longer have or understand the extensive knowledge and practical skills of their elders and much earlier expertise has been lost or is disregarded, with imported alternatives replacing locally manufactured items. Traditional methods of natural resource and water management are no longer passed on to the next generation, and significant degradation of the environment has occurred, with overgrazing and mismanagement of increasingly scarce water supplies, accompanied by severe overfishing. One result is that plants and animals that once played a vital role in everyday life are now extinct or rare.

2 Erosion of Language and the Environment

Language erosion in many parts of the world has been precipitated by social change, the collapse of traditional cultural activities, and a break with the relationship people have with the natural environment. We can see this in English, where modernisation, urbanisation and mass communication has resulted in dialect terms for alleys, for example, losing currency with regional-specific terms such as *chare*, *vennel*, *jiggers*, *snicket*, *pends*, *ginnel*, *twitchel* and terms for different types of alleys being replaced by general and superregional cover terms (Macfarlane 2015). Classical Arabic had a plethora of terms for 'to go' at various times of day and for various purposes, as is traditionally the case for the Modern South Arabian languages spoken in Dhofar, Soqotra and al-Mahrah (Watson & al-Mahri 2017; Morris, Watson et al 2019); in Modern

Standard Arabic, 'to go' is predominantly expressed by the cover term *ḏahaba* with an adverbial phrase to express the time of day or manner of travel; in the languages of Dhofar and al-Mahrah, precise traditional verbs of movement such as Mehri *agōməś* 'to go before dawn', *ġsūm* 'to go at dawn', *ghēm* 'to go in the morning', *əhhawgər* 'to go in the heat of the day', *šūgūś* 'to go from mid-afternoon', *əśśōfəḳ* 'to go before sunset', *abōṣər* 'to go in the light of the evening' and *bār* 'to go at night' (Morris, Watson et al 2019) are no longer used by the younger generation, who revert to a general cover term for 'to go' (*ghēm* or *syūr* in Mehri, *aġād* in Śḥerēt) together with an adverb relating to time of day or manner of travel.

Qatar has a rich tradition of indigenous knowledge about the seasons, local weather and astronomy, but much of this folklore is rapidly disappearing because of fast economic and social change and the consumer culture that has resulted from economic and cultural change. The Qatari aim of the project is to collect and classify Qatari knowledge of seasonal events of local weather and the local systems of time keeping and navigation by the stars and creating a comprehensive lexical vocabulary of dialect terms, phrases and concepts of this heritage. Much of this vocabulary is not understood by young Qatari people today, so it is important to preserve it while there are still older individuals who retain this knowledge. As an example, one of the key astronomical systems used in the Gulf and on the Arabian Peninsula was the system of star markers known as *anwa'* or *manazil al-qamar* (lunar stations), known with variations throughout the region as well as in the formal Islamic science of astronomy (Varisco 1989, 1991, 1997). This lunar zodiac complemented the solar zodiac and was widely used to determine timing of seasonal events. The *anwa'* star calendar was especially important for determining stages of date palm cultivation, seasons for pearl diving, fishing of particular types of fish, travel by sea, and expected periods of wind and rain, aspects of life which still very valuable for sustainable development today.

Evidence of the importance of dialect terms relating to the weather and seasons is indicated by one of the most important publications in Qatar's past, the Qatari Almanac of Sheikh al-Ansari. This almanac was widely known throughout the Gulf. In addition to providing a calendar for religious and seasonal agricultural and seafaring purposes, this almanac reflected local knowledge of the weather and the use of stars as markers of seasons (Varisco 1991). In the past, knowledge of movements of the stars, moon and sun were important for survival and in the various modes of production. Local dialects often used names of stars common to Arabic generally, but each dialect also developed names and expressions specific to the dialect. This is one reason why it is so important to document these local variants, many of which have never been recorded but still are in use in spoken dialects. We will examine more about the importance of the traditional Qatari lunar system under section 3.2 below.

Figurative language is closely engrained into the natural environment (Macfarlane 2015): cross-linguistically, expressions of beauty relate to what communities of speakers find beautiful in nature: in San'ani Arabic, a young girl is described as *xaḏra* 'green' due to her freshness, where 'green' in English would traditionally be interpreted as naive; in English, beauty is associated with spring in relation to the cold of winter, or to the warmth of summer, as we see in Shakespeare's 'Shall I compare thee to a summer's day?' (Sonnet 18). The positive connotations encapsulated in Mehri *rwāġāb* 'branch [diminutive]' in Dhofar are taken to describe a young woman with height, slenderness and freshness, in *bōkər* 'young female camel' to describe a good-looking, fit young woman, in *gəzyɛrōt* 'little old milking animal' to describe a woman affectionately, and in *ḳayśər* 'leopard' to describe a man of renowned bravery and strength. In Dhofar, where the sea breeze brings much relief during the hotter months preceding the monsoon period, the Mehri term *mdīt* 'sea breeze', with its diminutive *mdɛnōt*, plays a large role in poetry, contrasting with the searing heat of the *xrūb* wind. Figurative language may in turn induce grammaticalisation (Palmer 2002), and in Bedouin societies we see grammaticalisation of terms relating to 'track; footprint' into a mirative particle with the sense of 'it transpired that'. Thus, Mehri *śaff*, Śḥerēt *śɛf* 'track; footprint' has been grammaticalised into the mirative particle *śaf* 'it transpired that' in Mehri, *śɛf* in Śḥerēt (Watson & al-Mahri 2017), and Arabic *ʔaṯr* 'track; footprint' has been grammaticalised to, for example, *ṯar* 'it transpired that' in several Bedouin Arabic dialects. One of the effects of erosion of the relationship people have with their natural environment is that younger speakers are no longer in a position to understand aspects of traditional figurative language. When discussing *śɛf* in Śḥerēt with a younger member of the Śḥerēt-speaking community two years ago, she asked whether the term was derived from *śof* 'hair'. Watson's language consultant, Ali al-Mahri, explained that as the girl now lives in an urban, asphalted environment, she would not encounter tracks and therefore would not come into contact with the term *śɛf* 'track; footprint'.

In Qatar and Dhofar today, we are in a position to observe the effect erosion of the human–environment relationship is having on language at the present time, and we are still able to record speakers who retain knowledge of the traditional systems. In section 3, we consider some aspects of the language–nature relationship, examining first spatial reference, then terminology around weather, and finally measurement of time through climatic events.

3 The Language–Nature Relationship

The closer the relationship between people and the natural environment, the more linguistic expressions in the local languages refer to the environment and/or reflect the human–environment relationship. In our regions, the language–nature relationship is particularly evident in spatial and temporal terms, and in terms relating to weather and the climate, as these are essential factors in the life of peoples who are either nomadic or live from the land and livestock.

3.1 Spatial reference

The Modern South Arabian languages of Dhofar employ absolute spatial reference terms which correlate with topographic variation (Watson & al-Mahri 2017). Younger generation speakers are said by our consultants to generally recognise and employ the traditional latitudinal terms, but to replace the longitudinal terms by Arabic *šimāl* 'north' and *janūb* 'south'.

For latitudinal reference terms, *ṣalōt* or *nṣurɛ̄t* refers to the direction of the rising sun, and *ḳabəlɛ̇t* the direction of the setting sun in Śḥerɛ̄t; these correspond to *nṣərāt* and *ḳəblēt* in Mahriyōt, the Mehri dialect spoken in Hawf in eastern Yemen (Nwēr Muhammad Bakrayt, p.c.), and *məśḳayṣ* and *ḳəblēt* or *mārēb ~ mārīb* in the Mehri dialects spoken in Dhofar. Of these terms, three refer to fixed geographical locations: *ṣalōt* 'the eastern region of Dhofar', *ḳəblēt* (*ḳabəlɛ̇t*) 'the Qibla', and *mārēb ~ mārēb* 'Ma'rib' or 'the Ma'rib dam'.[1] For longitudinal reference, terms differ according to language and place of the speaker. In the mountains, the Jarbeeb (the coastal plain) and the town of Salalah, Mehri *rawrəm* 'sea', Śḥerɛ̄t *ramnəm*, describe a general southerly direction, and Mehri *nagd* 'Najd', Śḥerɛ̄t *fagər* 'stony desert' general north (Saeed al-Mahri, p.c.). Around the port town of Taqah and to the south of the mountains, Śḥerɛ̄t *rɛmnəm* 'sea' indicates general south, and *śḥɛr* 'mountains' general north. In the mountains, *fagər* 'stony desert' indicates general north (Saeed al-Awaid, p.c.). More commonly, longitudinal directions are described in terms of the direction of the flood waters: *u-mṣaʔ* (< *lə-mṣaʔ*) in the Mehri varieties spoken in Central Dhofar denotes the direction in which the flood waters run, and *ḥəḳ, l-ḥəḳ* the direction from which the flood waters emanate. To the desert-side of the mountains, *u-mṣaʔ* roughly indicates 'north', since the flood waters flow in a northerly direction, and seaward of the mountains, *mṣaʔ* roughly indicates 'south'. Such differences in spatial reference terms that correlate to topographic variation, irrespective of how closely related the language varieties are, are found in other regions of the world in which languages have systems of absolute spatial reference (Palmer 2015; cf. also Rowley 1980 for Tirol; McKenzie 1997 for Sulawesi; Palmer 2002 for Oceania). The cultural importance of these terms is reflected in a common Mehri saying: *fəlān yəġōrəb u-mṣaʔ mən l-ḥəḳ lā* 'so-and-so doesn't know downstream from upstream'. We are now in a situation in the region where the younger generation does indeed no longer know the difference between downstream and upstream.

3.2 Weather

Terms for weather are traditionally very precise in our regions. In Dhofar and al-Mahrah, winds are described according to the direction from which they come and their severity. Thus, in Mehri alongside the general terms for winds, *həzēz* and *rīyēḥ*, there are the more precise terms depending on the source and severity: *mdīt* 'sea breeze', *zəfzōf ḏə-mdīt* 'perpetual sea breeze', *xrūb* 'hot desert wind', *xrūb tōrəb* 'blasting hot desert wind', *blēt* 'wind from the north' and *blēt šəmmamyət* 'severe north wind'. Terms for weather temperature include *ḥəbūr* 'cold', *ḳāṣəm* 'cold', *hawb* 'warm', *ḥarḳ* 'hot', *wakt* 'humid', of which *ḥəbūr* 'cold', *ḥarḳ* 'hot', *wakt* 'humid' also have verbal forms: *ḥaybər* 'to feel cold', *ḥayrəḳ* 'to feel hot', *wəkt* 'to feel sticky from humidity'. The sharp, dry cold of winter, *ḥəbūr*, will be described as making the liver shiver, as in the rhyme: *ḥibrək mən ḥəbūr ḏ-əḳāṭən tā šəbdayti hərgafūt / kall ḏə-ših ṣəbīġət lā yəḥṭāb əgənzafūt* 'I was so cold on the Qatan plain that my liver shivered / Anyone who does not have an indigo wrap should fetch a tree trunk (for firewood)'.

Qatar has a rich tradition of indigenous knowledge about wind due to the importance of the wind in determining seasons, transitional movement, sailing, and agriculture, and there are many items of vocabulary and synonyms that include knowledge about the wind. These terms circulated orally contain local knowledge on which people have been building their information and making their decisions about it, for example a set of words used by divers in the past revolve around the consonantal root *w-l-m*. The wind could be *walam*, which meant something that is perfect. In Classical Arabic, *walam* corresponds to the perfection of a thing: when the wind is *walam* it is suitable for sailing, and addition of the word *hawa'*

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[1] In San'ani Arabic, *giblī* refers to the north and *ʕadanī* 'towards Aden' to the south (Watson 1993). In Faifi, spoken on the Saudi side of the Saudi–Yemeni border, *šāmin* 'Levant' refers to north of the Faifa mountains and *yamanin* 'Yemen' to south of the Faifa mountains (Alfaifi 2016).

'wind; air' expresses the appropriateness of the direction of wind more accurately. With the introduction of mechanization and technology and the demise of traditional sailing ships, the directions of the wind are no longer of significance for seafaring. The winds do, however, still affect human life and link to the seasons for agriculture and movement of livestock.

The southern wind in Qatar is described as *sīli*, and if it blows, people will say 'our wind today is *sīli*', describing a light wind suitable for raising the sails. S*īli* may be related to the word *sayl*, which is the flow of water down the wadis, and if the clouds are dense people talk about 'clouds of *sīliyah*'. Indeed, there is an area in Qatar called Sīliyyah due to the presence of a large valley which attracts floods. The *šamālīyah* wind is cooling and comes at the end of the winter as summer approaches. The wind is described as *lāhūb* if it blows during the period of 'the boars', because it is hot and active and provokes dust. It is often hot because it comes from the desert and is described as '*hayfīyah*', i.e. warm. When the wind comes from the south-east, it is called *nakbah*, a wind that people look forward to because it carries moisture and rain. The eastern wind is described as *kaws*, and the north-east wind is described as *naʕši*. Al-*bawāriḥ* 'the ominous' are hot north winds that occur in the summer months of June and July, ending around July 28.

Some winds are associated with folktales. In Qatar, the period between March 8 and April 2 is characterized by a strong, cold northerly wind that follows a period of warmth. This is called *ḍarbat al-ʕajūz* 'the blow of the old woman'. According to tradition, an old woman decided to shear the wool of her sheep when she felt warm. After shearing the sheep, a cold north wind blew up killing the sheep, and so that wind has come to be described as 'the blow of the old woman'. The saying and the tale are used when alerting people to the oblivious. If someone says, 'The cold is over', the response will be, 'Don't act like the old woman who shore her sheep.'

3.3 Climatic events and stars as a measurement of time

3.3.1 Dhofar

Traditionally in Dhofar calendrical dates were not used to refer to events such as birth, death and marriage. In place of specific dates, reference would be made to particular climatic events (al-Manji & Watson 2019). Climatic events of particular significance in this region include *ʕōnət ɛ-ḳamro* 'the year of the people from Jabal Qamar', which refers to the year (around 1951) in which the effects of the drought were so severe that people left the region and headed east, *snēt ḏ-əlḥaymər* 'the year of the post-monsoon cyclone' (1947), *snēt ḏ-əġarḳāyət* 'the year of drowning' (1959), when the pre-monsoon cyclone resulted in the capsizing of two large vessels off the coast of Dhofar with huge loss of life, and *snēt ḏə-bit fərgīš* 'the year of the Fargish family' (1963), when the whole Fargish family were swept away in a flash flood. In relation to these events, older people will describe being old enough to milk a camel at that time, or that they had just married, or that they were just old enough to remember.

3.3.2 Qatar

In our region, the year was divided into major seasons according to changes in climate, and historical events, agriculture and mobility were linked with particular stars. In this section, we mention a few stars and their association with particular events or agricultural activities.

Local dialects often use common star names in Arabic, but each dialect also developed its own specific names and expressions, such as the star *šiʕri*, the brightest star in the sky. The people of the Arabian Gulf call it *tair* and the people of the Najd region of the Arabian Peninsula call it *al-murazzam*, as in Qatar and most of the Arab Gulf communities. This star is associated with the fruiting of the *raṭab* dates and the ripening of dates, and is mentioned in the Holy Quran: وَأَنَّهُ هُوَ رَبُّ الشِّعْرَى (Surat al-Najm: 49). Here and elsewhere, seasonal knowledge overlaps with religious knowledge. Many adages relate to this star and its association with agriculture, especially date cultivation, as well as other religious and metaphysical meanings.

Al-naʕā'im consists of eight stars, which form the shape of an archer (Sagittarius), composed of two rectangles, slightly distorted. The star of the southern arch shines in the lower rectangle, and in the upper rectangle the star *nunki*. Entry time: The sun descends outwardly from January 15, to the end of January 27, the fourth period in winter. Al-*naʕā'im* is associated with a cold northerly wind. According to the popular adage, '*al-naʕā'im* awakens the sleeper', so said because people are unable to sleep due to the severity of the cold.

Al-sarīyāt brings about a sudden change in the weather, beginning on March 20 and ending on July 21, the transitional period from spring to summer. The weather during this period is characterized by thunderstorms accompanied by strong

and often destructive winds. This weather behaviour occurs from time to time, often at night, and the root of the term *sarīyāt* appropriately relates to movement at night.

Al-ṯurayā (Thuraya) appears from June 7 to June 19, and is the most famous star cluster, consisting of six visible stars, while those with strong eyesight are said to be able to see seven. The viewing of the *thurayā* cluster begins in the morning (with yellow before sunrise) on the eastern side on June 7 and the appearance of the *thurayā* star marks the beginning of the season for harvesting dates.

4 Conclusion

Language enjoys a close relationship with the natural environment, particularly within regions where people share their everyday lives with nature. This relationship can be seen in the lexis of a language and the ways in which people describe spatial features and temporal events. Qatar and Dhofar until the very recent past were regions in which people made, gathered, farmed or bartered materials for food, water, shelter, tools, medical treatment and clothing. Today no one relies entirely on the land or on the sea, and much of life is spent within four walls. Here and in other regions of the world that have experienced extremely rapid sedentarisation and urbanisation, a break in the human–natural environment relationship is reflected in a loss of use and/or of understanding of lexemes and a change in describing time from narratives around events to calendrical dating. There are local attempts to revive the human–natural environment relationship: in Dhofar, through, for example, the Global Frankincense Alliance: www.globalfrankincensealliance.com, initiatives towards sustainable tourism, and annual courses on Mehri: Language and nature, run by the second author and Ali al-Mahri; in Qatar, various environmental experiments are currently underway in the coastal areas.[1] These include planting *qarm* trees, and the establishment of six natural reserves for the protection of marine and wildlife in 2006, which increased to eight in 2009.[2]

This paper has addressed some of the ways in which the natural environment is reflected in the languages of our regions and in which a degradation of the environment can lead to a degradation of the lexis of a language. This initial paper will be followed up by further work examining the relationship between the local languages of our regions and the natural environment and considering means of revitalization of the languages, the ecosystems and the language–natural environment relationship.

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The Picketing in Turkish Labour Law

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Abstract

The Collective labour disputes between the employee and the employer parties, during negotiations to conclude a collective labour agreement, can be resolved through peaceful and combative ways. Strike is a combative method that employees leave their work or disrupt their activities in the workplace in order to improve their working conditions economically or obtain new rights. If there is a strike which fulfils the conditions of a lawful strike regulated in the Law No. 6356 on Trade Unions and Collective Bargaining Agreement, there will be a lawful strike. The second type of strike which is the unlawful strike; is any strike that happens without fulfilling the conditions of a lawful strike. Picketing is also a combative method that is applied to solve the collective labour disputes in labour law, and has an importance within the freedom of expression. In daily language; picketing is defined as a personal or collective protest by using banners against an event or a person. In terms of labour law; picketing is defined as employees gathering at the entrance of their workplace while there is an ongoing strike, in order to complain about the employer to the other employees and to the society, and also to persuade the other employees to leave their jobs and join the strike. The aim of this study is to examine the concept of picketing in terms of Turkish labour law by comparing with the Anglo-Saxon law.

Keywords: picketing, Turkish, labour, law

Introduction

The existence of industrial action is important in the development of relations between employee and employer in the history of labour law and is one of the basic concepts of labour law. Industrial action, which remained on an individual level until the industrial revolution, has continued with collective labour movements after this revolution. The unions are the main actors of an industrial action. The unions especially organized to protect employees' rights collectively, directly contribute to the development and maturation of fundamental rights. The unionism movement is an actor that plays a prominent role in the birth and settlement of the contemporary understanding of freedom. The unions are the pioneers and guards of the rights that employees have and the rights that they will gain in the future. An independent unionism movement and modern democracy are complementary parts. In a free and democratic environment, unions are the protectors of both economic and social rights and classical fundamental rights and freedom (Kapani,1993:278).

The strike is a right that is considered within the union right. In addition, the right to strike is linked to the right of assembly and protest marches. The right of free speech and the right of assembly and protest march are directly linked especially in terms of "picketing".

Disputes arising from labour law may arise in legal relations between the employee and the employer in working life. The conflict between a single employee and employer is an individual labour dispute and a conflict between a employee union and an employer union or an employer is a collective labour dispute (Tunçomağ and Centel, 2018:419; Demir, 2018:703). The collective labour dispute has two sides. There is a trade union on the one hand and an employer or an employer union if the employer is a member of the union. The conflict between these parties to improve or change working conditions is collective labour dispute (Tunçomağ and Centel, 2018:419).

The collective labour dispute is about the regulation of working conditions such as working time and wages, such disputes are called collective right disputes (Tunçomağ and Centel, 2018:419). Conflicts arising from obtaining a new right or interest and making arrangements for a new right are called conflict of interest (Demir, 2018:704). Collective conflict of interest is the result of a conflict of interest in sharing the production income between capital and labour (Narmanlıoğlu, 2013: 499). Collective rights dispute arises due to the improper enforcement of the provisions of the legislation and collective agreement between the parties (Tunçomağ and Centel, 2018:420; Demir, 2018:704). Rights disputes arise from not granting or

violating a right regulated in the sources of labour law (Tuncay and Kutsal, 2015: 314). In Turkish labour law, disputes of rights are resolved by courts or arbitration.

In Turkish labour law, the resolution of collective conflicts of interest is done in peaceful and combative ways. Peaceful ways are mediation, reconciliation and arbitration. The main combative solutions are strikes and lockouts. However, a peaceful solution must first be applied for a legal strike in Turkish law. There are other combative methods in the labour world besides the strikes applied by the employees. Boycott, picketing and blacking are examples of this (Tuncay and Kutsal, 2015: 315).

The word "strike" in Turkish law comes from French; the word "strike" was used in the first Labour Act No. 3008, which came into force in 1937, and "the strikes" were prohibited by this Act (Sur, 1987: 7). Collective labour disputes arising during the Act no. 3008 were resolved through mediation and compulsory arbitration (Çelik et al., 2017: 936).

The strike is the resistance of a professional group to leave a job against a situation or decision in sociological terms (Sur, 1987: 7). The strike is an economic pressure tool for the employer. The strike has the aim of influencing the will of the employer and putting pressure on the employer to improve the working conditions in the workplace (Narmanlıoğlu, 1990: 6). Strike is a employees-specific bargaining tool (Sur, 1987: 2). The strike is a method that employees use to improve their running conditions, but the strike may have other purposes. The strike is a fact that also completes the democratic process and the employees who apply to the strike have the opportunity to express their views and make their voices heard (Narmanlıoğlu, 2013: 534).

Apart from strikes, employees can also apply to other means in order to have the employer accept their requests. Employees also want to use pressure tools other than the usual and known methods to reduce the negative effects of the strike on themselves. It is important whether the repression tools are important or not rather than strike (Narmanlıoğlu, 2013: 682). If the method to be applied against the employer is not legal, the employee will have to bear the consequences of the illegal strike. If the method that the employees apply collectively is legal, employees' industrial action will be protected by law. The right to strike in Turkish law is a right where the intervention of the state is intense. The Trade Unions and Collective Labour Agreement Act No. 6356, which came into force on 7 November 2012, is the basic law that regulates the right of employees to establish unions, to contract collective labour agreements and to strike. This Act has been criticized by Özveri (2012) for taking the state's interfering approach to the right to strike. Act No. 6356 extends the scope of the illegal strike, causing illegal acts of employees. (Özveri, 2012: 164).

Picketing is also a kind of economic pressure on the employer, such as strike. This industrial action as described below (Teller, 1942: 201):

"*Picketing is the marching to and fro before given premises with a banner usually containing assertions that the picketed person is " unfair to organized labor," or that his employees are on " strike".*

The number of the strikes is dramatically decreasing in Turkey. It is declared that the number of annual strikes between 2001-2015 decreased by 85 percent compared to the period 1985-2000 (www.bianet.org).

The effecacy of the strikes is discussed due to the decrease of the number of the strikes in USA (Rachleff, 2003:87). Picketing has a function that it is informational and designed to publicize the fact that a dispute exists with the employer (Twarog, 2006: 9).

The employees need more industrial action ways to express their opinions, especially about working conditions. The problem is that of which the industrial actions shall be assumed legal or illegal. The legal ways of industrial actions shall be protected by the law. But the illegal industrial actions will come across the sanctions of the law. The labour contracts of the employees who join the illegal industrial actions can be terminated by the employer without any compensation.

The Concept of Industrial Action

Collective industrial action is the resolution of collective labour disputes by the help of collective actions in the resolution of collective labour disputes. Peaceful solutions are not included in the collective industrial action concept (Tuncay and Kutsal, 2015: 315).

The concept of industrial action in Turkish law includes concepts such as strike, lockout and boycott (Tunçomağ and Centel, 2018:437). Picketing and blacking are also among the combative methods (Tuncay and Kutsal, 2015: 315). Blacking is the refusal of employees to perform a job or an order from the employer (Tuncay and Kutsal, 2015: 315).

Industrial action is the way employees or employers seek to put pressure on the other party and have their wishes adopted in order to achieve a specific purpose by following a given decision of struggle. Parties to industrial action are the community or organization of employees or employers. The reason why industrial action on the employees' side is collective (Tunçomağ and Centel, 2018:437) is because the employees are economically and socially weak against the employer on the employee's side (Ertürk, 1999: 6,8). One employee cannot be a party to industrial action (Tunçomağ and Centel, 2018:437).

Industrial action, which aims to change and improve working conditions, is among the subjects of labour law. The feature of industrial action in labour law is that it is challenging and repressive (Ertürk, 1999: 21,24). In industrial action, the peace of working with mass movement should deteriorate and a certain purpose should be found. The aim of the employee and employer's side in industrial action is to eliminate a collective conflict. The aim of both sides of this struggle is to continue the legal relationship between them.

Parties explain their wishes and thoughts in non-repressive business struggles having the characteristic of warning, condemnation and demonstration (Ertürk, 1999: 24).

Strike and Boycott

The strike is a primary expression of working people's power since the emergence of wage labor and industrial capitalism some 200 years ago (Rachless, 2003:87). The lexical meaning of "strike" is "*employees connected to a workplace collectively quit their own will and don't work*" (Narmanlıoğlu, 1990: 5). The strike is quitting the job that is applied by the employees to obtain their requests and it causes the employment contract to be temporarily not applied. (Tunçomağ and Centel, 2018:450).

The reason for the employees to use the strike as a pressure tool is to improve their working conditions. Employees strike with requests such as increasing wages, regulating working times, increasing rest periods and increasing compensation amounts (Tunçomağ and Centel, 2018:462). Although the strike is an economic pressure tool, the strike has other purposes. The aim of the strike is to defend trade union rights and freedoms, to defend employees' rights in the workplace and to correct the economic and social policies implemented (Narmanlıoğlu, 1990: 7).

Strike is one of the industrial action tools that provide and protect employees' benefits to employers (Narmanlıoğlu, 1990: 5) and it is an industrial action method that only employees can apply (Tunçomağ and Centel, 2018:452). Two basic elements are necessary for the presence of the strike. The first element is the cessation of a job, which is the characteristic feature of the strike (Tunçomağ and Centel, 2018:452). Although the boycott is also an industrial action mediator, this element is not present in the boycott (Narmanlıoğlu, 1990: 52,61; Ertürk, 1999:31).

Strikes in the world can occur in many ways in working life. Examples include sitting strikes, partial strikes, alternately strikes, zealotry strikes, sympathy strikes, political strikes, general strikes and key personnel strikes. These striking actions are considered illegal strikes if they do not meet the definition of a legal strike in a country (Tuncay and Kutsal, 2015: 316).

The boycott, which is not a typical industrial action, is an aid to strike and lockout (Ertürk, 1999:31,56; Tunçomağ and Centel, 2018:440). A boycott is when a community of people interrupts their social or economic relationship with the person or persons they set up, following a plan. Economic relations are broken up and the market areas of these people are narrowed. However, the strike does not aim to weaken the person boycotted economically (Sur, 1987: 11; Tunçomağ and Centel, 2018:441). Boycott is a way of social reaction outside of working life (Ertürk, 1999:55). Boycott action can also be applied in business life (Tuncay and Kutsal, 2015: 318) In terms of labour law, the boycott requires the presence of the organized employee and employer side and must be of a nature that supports the strike or lockout (Ertürk, 1999:57).

Employees on the strike stop working for specific purposes while their employment contracts continue (Sur, 1987: 13). The quitting of the job, described as the material element of the strike, must be voluntary and in a collective decision (Narmanlıoğlu, 1990: 52,61). In order for a job cessation to become a strike, those who leave the job must have the right to strike legally and quitting the job should aim to halt or substantially disrupt business activity (Narmanlıoğlu, 1990: 54). Quitting the job means that the employees who stopped the job and participated in the strike left the workplace. If the

employees just quit the job without leaving the workplace, like sit-in-protest, it is not considered a legal strike (Çelik et al., 2017: 949).

The second element is that there is an agreement to quit the job or the decision of a employees' organization (Narmanlıoğlu, 1990: 50,77; Tunçomağ and Centel, 2018:454).

Right to Strike

In the category of rights, the right to strike is handled within the right to welfare. The reason for this is that the right to strike is aimed at improving the social situation of individuals or groups or increasing their welfare (Erdoğan, 2016: 274).

The right to strike is a social right exercised through unions (Narmanlıoğlu, 1990: 11-12; Ertürk, 1999:206) and it has the nature of balancing the economic power of the employer against the employees (Sur, 1987: 2). The aim of the right to strike is to reduce social inequality, protect people who are economically weak and ensure social justice (Narmanlıoğlu, 2013: 539). The right to strike includes the employee being able to quit his job duly with other employees, avoiding work during the strike, and resuming at the end of the strike (Narmanlıoğlu, 2013: 535). One of the main features of the right to strike is that it has an inalienable right (Narmanlıoğlu, 2013: 540).

The right to strike is one of the most important basic rights of the employees in a democracy understanding that develops over time and takes into account social rights (Narmanlıoğlu, 1990: 8; Demir, 2018:709). The right to strike must be used within the legal rules (Narmanlıoğlu, 1990: 9). The right to strike, which is used in accordance with the legal rules, gives the employee the right to quit his job and the employer cannot terminate the employee's employment contract due to absenteeism (Narmanlıoğlu, 2013: 535).

The right to strike is a right granted to both employees and trade unions. The right to strike cannot be exercised individually by a single employee. The right to strike should be used collectively by the labour union decision. Therefore, the right to strike is also a distinctive right (Narmanlıoğlu, 2013: 537).

The right to strike was regulated in Turkish law for the first time in article 47 of the 1961 constitution as a constitutional right. The right to strike was included in the third part that regulates social and economic rights and duties. According to Article 47 of the 1961 Constitution, employees had the right to strike. According to the reasoning of Article 47, the right to strike is a right enforced by the democratic order. In the 1982 Constitution, which came into force after the 1961 Constitution, the right to strike was regulated under the title of social and economic rights and duties. According to Article 54 of the Constitution, employees have the right to strike. Therefore, public officers do not have the right to strike. According to the Constitution, the right to strike can only be regulated by Act. The 1982 Constitution regulated the right to strike in detail, but in the article regulating the right to strike in the constitution, the right to strike is narrower than the 1961 constitution (Sur, 2012: 163).

It is important to identify the action to be covered by the right to strike. Because actions that fall under the scope of a legal strike benefit from the protective provisions of a legal strike. In this respect, it is important whether or not "picketing" will be considered in the context of a legal strike in Turkish law.

The right to strike has the same and inseparable objectives as the right to union, the right to collective agreement, and there is a close-knit relationship between all these rights. The absence of one right in collective social rights makes it impossible to use another (Narmanlıoğlu, 1990: 14; Özveri, 2012: 162). Therefore, rules restricting the right to strike negatively affect the right to union and the reasons for function and existence of the unions (Narmanlıoğlu, 1990: 17).

The Unions and Collective Bargaining Agreements Act No. 6356 That Regulates the Employees' Right to Strike

Act No. 6356 is an act regulating the collective labour relations abolished the Trade Unions Act No. 2821 and Collective Labour Agreement, Strike and Lockout Act No. 2822. The Act No. 2821 and Act No. 2822 had been amended many times since the date of their enforcement on 7 May 1983 to extend trade union rights. Act No. 6356 is a law that regulates the union rights of employees as a rule. The definition of the employee concept was not made in the act, and reference is made to the Labour Act No. 4857 for the definition of the employee. In Labour Act No. 4857, which is a basic law that regulates individual business relations in Turkish labour law, the employee is defined as a real person working on the basis of an employment contract. In addition to the Labour Act No. 4857, there are also employees working under the Press Labour Act, the Maritime Labour Act and the Act of Obligations. All employees working under the laws in force in Turkish labour law are included in the Act No. 6356. Besides, the Act No. 6356 also counted the real persons who independently

carry out professional activities outside the employment contract to carry on working for a fee, according to the contract of work, power of attorney, publication, commission and unlimited company agreement. However, these employees, who are deemed as employees, have the right to establish trade unions and to become members of a union in Act No. 6356. Only employees' unions have the right to conclude collective labour agreements and strike regulated in Act No. 6356. Other employees" unions that the Act No. 6356 counts as employees are not entitled to conclude collective bargaining agreements and to strike.

Legal Strikes and Illegal Strikes in Turkish Labour Law

There is a distinction between legal strike and illegal strike in Law No. 6356. The strike is defined as follows in the law: "*The employees leave the job by agreeing among them or following an organization's decision not to work collectively for the same purpose in order to stop the activity in the workplace by collectively not working or to disrupt it significantly according to the nature of the work*" (article 58/I).

The first condition for a legal strike is that it was done at a work or workplace that is not covered by the prohibition of strikes[1] (Tunçomağ and Centel, 2018:461). The second element of the legal strike is that the strike can only be carried out for certain purposes. This purpose, which is named as professional purpose, (Tunçomağ and Centel, 2018:462) is only to protect and improve the economic and social conditions of employees and working conditions. A legal strike decision can be made at the time of collective agreement negotiation. Strikes to resolve conflicts of interest that arise in collective agreement negotiations will have the nature of a legal strike (Tunçomağ and Centel, 2018:462). According to Article 54 of the Constitution, which regulates the right to strike and Article 58 of Law No. 6356, there must be a dispute for the existence of a legal strike during the "collective agreement negotiations". The area of recognition of the right to strike in the Constitution is set and limited in a certain framework. However, these limits can be extended by law (Sur, 2012: 165). According to Erdogan (2016), the right to strike can also be used for disputes that are not related to collective agreements. Law 6356 also regulated the rules of the form of a legal strike in detail. A strike contrary to these rules will not be a legal strike.

In order to take a legal strike decision, it is compulsory to pass the mediation stage, which is a peaceful solution, as required by Act No. 6356. The parties to the collective agreement negotiation cannot decide not to apply to the mediator (Narmanlıoğlu, 2013: 506). Mediation in Turkish law is a service provided by the Ministry of Family, Labour and Social Services and affiliated provincial directorates. The mediator is officially appointed and takes formal action. The mediator is the person who strives for the agreement of the parties to the collective agreement, but the mediator's proposals are not binding for the parties. If the mediator cannot provide the agreement of the parties of the collective agreement, he prepares a mediation report and this report is notified to the parties (article 50). Within 60 days from the notification of this minutes, the authorized labour union can take a strike decision and determine the date of the strike. The strike must have started within a 60-day period. In the calculation of this period regulated by the law, the calendar day is calculated and (Tunçomağ and Centel, 2018:465). The strike start date is reported to the employer or employer union by the authorized trade union, which is the other party to the collective labour dispute. The strike start date may be at least six working days from the date of this notification. The authorized labour union loses its power to conclude collective agreements, if the law does not decide to strike within the 60-day period, does not inform the other party of the strike start date or does not start the strike on the reported strike start date.

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[1] The prohibitions of strikes and lockouts are regulated hereinbelow (Art. 62 of Act No. 6356):

(1) It shall not be lawful to call a strike or order a lock-out in the following works: Life or propertysaving, funeral and mortuary, production, refining and distribution of city water, electricity, natural gas and petroleum as well as petrochemical works, production of which starts from naphtha or natural gas; banking services; in workplaces operated directly by Ministry of National Defence, General Command of Gendarmerie and Coast Guard Command, fire fighting and urban public transportation services carried out by public institutions and in hospitals.

(2) Where the life of the community is paralysed by natural disaster, the Council of Ministers may prohibit strikes and lock-outs in the workplaces located in such areas as may be necessary, provided that it will be effective for as long as the situation continues. The strike and lock-out shall be implemented within sixty days after the prohibition is lifted, provided that the opposite party is informed six working days beforehand.

(3) It shall not be lawful to call a strike or order a lock-out in sea, air, rail and road transportation vehicles, which have not finalised their journey in places of domestic destination.

A legal strike is defined in Article 58 of Law No. 6356. In the justification of Article 58, general strikes, political strikes and solidarity strikes, and slowing down work, reducing productivity, and other resistance not being regulated by law would not cause these actions to be legal. There is no regulation that gives the right to carry out these actions and boycotts or that makes them lawful (Demir, 2018: 710; Sur, 2012: 166; Kaya, 2013: 151).

The Concept of Picketing

Picketing is a kind of industrial action applied mostly in the countries where Anglo-Saxon Law is applied. There are many articles discussing the dictums of the courts about picketing in USA, Great Britain (Vorspan, 1998: 593) and, Canada. The legal frame of the union rights is different in England from USA (Vorspan, 1998: 593).

Picketing is also a kind of economic pressure on the picketed employer, such as strike. It has also relationship with the boycott. Because, picketing is a physical activity in the nature of a parade or procession engaged in as part of a boycott, at the beginning of 1900's, the practice of picketing had been seen, that picketing was a tort (Teller, 1942: 202, 204). Besides, picketing is not always used as an industrial action. A type of picketing called informational picketing is a public, visible demonstration that takes place usually in front of the hospital or facility where the dispute occurs. During picketing, the group of employees gather together and, hold signs and who walk along the property line in front of the facility. The participants of picketing often chant or sing as they walk and, also the non-employees participants can participate the picketing (Twarog, 2006: 9).

A clue to the concept of picketing can be found in a decision enacted in 1937 in USA law. In this decision, it was accepted that union members would make the facts known within the scope of freedom of expression. Picketing is a concept that has meaning from different perspectives. The most important feature of this concept is that it is under constitutional protection in USA law. The word picketing was used in 1956 for a protest in front of the Russian embassy in the USA. Banners were used in this protest, and the media used the word "Picketing" for this action. However, such actions not including employees' organizations are not considered picketing (Forkosch, 1957: 391). The protest of a single person carrying a banner is not counted as picketing (Forkosch, 1957: 394).

The first element required for picketing is about where this action is done. The employer's own employees' picketing in the workplace is "primary picketing". Secondary picketing, on the other hand, is the picketing faced by other entrepreneurs with whom the main employer is wanted to put strain on. Picketing needs to be done for the workplace of the employer who is intended to put strain on (Forkosch,1957:397).

If the picketers seek to organize the employees of the picketed employer, that is, organizational picketing;' or economically to coerce the employer into signing a contract; or to inform the public or the employees, or both, of the facts in the situation, that is, informational picketing; or to educate the employees of the benefits to be derived from joining the union, that is, educational picketing (Forkosch, 1957:398). For a peaceful picketing, a strike by a union must exist (Teller, 1942: 186). In a dictum in 1941 had been stated that that peaceful picketing could not constitutionally be enjoined even though it was carried on by a union in the absence of a labour controversy between the picketed employer and his employees (Teller, 1942: 186).

During the picketing, the picketer does not need to speak, and yet his placard and his presence speak for him (Forkosch, 1957:404).

The elements of pure picketing are (Forkosch, 1957:407):

"*pure picketing may involve a fact situation in which one or more individuals, uttering no slanders, imprecations, or untruths, carrying a reasonably-sized placard or sign and perhaps handing out throw-aways which likewise contain no untruths, walk not too slowly or rapidly to and fro in front of the employer's place of business, without blocking traffic, causing any congestion, or otherwise creating a disturbance, for a purpose or end which is not coercive, does not coerce, and does not seek primarily to injure anyone, is not to compel anyone to break any laws or obligations, and is to obtain benefits for the picketers or their principals, factually or legally, directly or indirectly*". Only this type of picketing will be protected by the constitution of USA. Pure picketing will be protected in the scope of free speech.

Picketing is also an economic pressure method that is among the industrial action methods. In everyday language, it means that soldiers patrolling up and down in a particular area. In the concept of picketing as a collective industrial action method, employees gather in front of the workplace entrance and carry a banner in their hands. In the banners, the

employees write down their requests and try to get them accepted by the employer. Another aim of the employees participating in picketing is to persuade the employees who did not participate in the strike (Tuncay and Kutsal, 2015: 319).

According to Isaacson, there are two types of picketing (1959: 347) Organizational picketing is the picketing by a minority directed to employees in order to persuade them to become union members or to win their adherence to the union cause. The second type of picketing -Recognition picketing- is a picketing directed to an employer in order to compel recognition of a minority union-to bring pressure on an employer to bring pressure on the employees to join a picketing union.

Picketing is an industrial action method seen in Anglo-Saxon law, and this concept plays an important role in industrial action law. The picketing done by the participants of the strike against those who are willing to work during the strike is called peaceful picketing (Junker, 2010:27).

Picketing is a pivotal labor tactic that employees embraced as their most powerful and weapon The Word "picketing" was first used in a legal sense in 1867 in England. The word referred to men stationed by a trade union outside an employer's premises to publicize a strike and persuade employees not to work. Picketing has an important role during strikes. It is the significant factor which determines the success or failure of strikes (Vorspan, 1998: 596).

Picketing is not a legal industrial action method due to the legal strike definition of Law No. 6356 in Turkish Labour Law. Therefore, the action of employees participating in the picketing action will be considered an illegal strike in Turkish law (Tuncay and Kutsal, 2015: 319).

The behaviours related to the abandonment of the job, which does not have the phenomenon of quitting the job completely or not carried out with the intention of a strike, are not considered as a strike. These actions, which do not have the nature of a legal strike, are considered illegal strikes (Narmanlıoğlu, 2013: 684). Due to the definition of legal strike in Law No. 6356, employees' actions that do not carry the elements of the legal strike will also be considered illegal. The action of employees to quit their collective work without a union decision has the nature of an illegal strike. Law No. 6356 abolished employees' right to collective action in other cases, except in case of a dispute during the conclusion of the collective agreement (Özveri, 2012: 165).

Strike Pickets in Turkish Labour Law

The concept of picketing in Turkish labour law has a different meaning in the Act of No. 6356. According to Article 73 of Act No. 6356, the labour union that has declared a strike at the workplace can employ a strike-picket to ensure compliance with a legal strike decision and without threats. Strike-pickets can only be appointed by the competent union in the presence of a legal strike. Strike-pickets are selected from employees who are members of the authorized trade union. Strike-pickets cannot prevent entry and exit from the workplace and stop the people to control those entering and leaving the workplace.

In the Collective Bargaining Agreement Strike and Lockout Act No. 2822, which was in force before the Act No. 6356, it was forbidden to hang noticeboards such as posters and banners, except for the phrase "There is a strike in this workplace". It was decided that shelter vehicles such as huts, sheds and tents cannot be established for strikers or strike-keepers in and around the workplace by the employees or the trade union. (Article 48 / II, III). These bans have been lifted in Act No. 6356.

Conclusion

In the labour history in Turkey, strikes were forbidden and, deemed as a tort-crime at the first decade of the 20th century. The Constitution of 1982 regulates the right to strike as a constitutional right. The right to strike is regulated by the Act No. 6356 only for he employees. In Turkish law, the public officers do not have the right to strike constitutionally. In Turkish labour law, the definition of the strike is limited by the Act and, only the legal form of the strike is assumed "legal strike". Other forms of strikes or any industrial action shall be deemed as illegal.

The doctrine in constitution law regards other forms of industrial actions legal in the scope of the constitutional rights, especially in the scope of free speech. On the contrary, by the doctrine in labour law using the positive sources of labour law, the industrial actions which are not in the form of legal strike deemed as illegal.

In Anglo-Saxon law countries, the concept of picketing has been discussed by the doctrine and, the courts from the end of the 19th century. Strike was a crime or a tort activity at the beginning of its implementation in the history. Picketing was described as a tort activity by some USA courts during the first half of the 20th century.

Most of the picketings are related to the labour, some of them not. Whatever the picketing is related to, the most high point of picketing is being the core of the free speech. The labour life, the improvement and implementation of social rights- union rights- is directly affected by the existence of democracy understanding in a country. According to the regulations in Turkey, a picketing during a strike shall be deemed as an illegal strike.

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Dubai and United Arab Emirates Ministry of Happiness: Presentation of the National Happiness and Positivity Programme - Qualitative Analysis

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Abstract

Scientific research on the question of how happiness can be increased and then sustained has still a long way ahead. The authors have been developing studies in this field and have chosen the happiness initiatives of the Dubai and UAE government to elaborate a case study. This paper, extracted from the wider investigation, presents a study based on government communication on the creation of the Dubai and United Arab Emirates Ministry of Happiness. In the scope of this work we have chosen the National Happiness and Positivity Programme of the Dubai and United Arab Emirates Ministry of Happiness. Using the technique of content analysis, through the use of webQDA software, the aim was to understand how the government communicated its strategy for happiness and which are the most used concepts to capture the attention of institutions and citizens. Consequently, the aim was to understand what actions the government has advocated to implement the said programme. The results imply that the concept of positivity has a focus that is very close and complementary to that of happiness. It is also inferred that the government intends to promote 'happiness as a way of life', and also to involve the private sector in the National Happiness and Positivity Programme. Finally, the author's contribution to this research field is to demonstrate that this model of positivity and sustainable happiness can be extensively implemented, including in the academy.

Keywords: happiness, content analysis, government communication, ministry of happiness

Introduction

Communication is an important element in the material of influence which leads to innovation and modernization of a society (Kanozia, 2016). The study of government communication, in the logic of communication for development, is an academically challenging area due to the constant updating of research content and the thematic scope, diversity, typology, implications (positive or negative) of government policies, among other aspects. The beginning of the study that underlies this work coincided with the initiative of the governing authorities of the United Arab Emirates to create the Ministry of Happiness in the year 2016 (D. J. T. Ribeiro, Remondes, & Costa, 2017).

It was understood that there could be academic and social interest in deepening the study of communication carried out by the Ministry of Happiness and in understanding its contribution to development. At the same time, it was considered interesting to understand the objectives of the creation of this Ministry, the communication model used by the UAE government and how an abstract concept such as Happiness is translated into concrete actions that can effectively contribute to happiness and the well-being of citizens and to development (D. J. T. Ribeiro, Remondes, & Costa, 2019b).

The investigation begins by analysing government communication within the general communication framework, communication theories and the mainstream media today, followed by a case study through content analysis of the news released by the governments of Dubai and the United Arab Emirates in one year (February 2016 to February 2017), specifically about the Ministry of Happiness (D. J. T. Ribeiro, Remondes, & Costa, 2019c).

Soon after the creation of the Ministry of Happiness (February 2016), it was possible to gather news in international media related to the objectives that were the basis of the creation of this government body (D. J. T. Ribeiro, Remondes, & Costa, 2019a).

The option to select a time period of 1 year, in addition to the analysis of the communication, allowed for the understanding of the evolution of communication and the use of human and material resources.

Following a qualitative approach, the content of this news was analysed through the qualitative analysis software webQDA (Costa, de Souza, Moreira, & de Souza, 2018). In this article, the content of one of the most emblematic texts was analysed in the scope of the research carried out, which concerns the launching of the National Happiness Programme.

In the following sections we will have a brief view on government communication, on the Ministry of Happiness, methodology, analysis and discussion of results.

Government Communication

When one thinks of government communication, taking into account where its nomenclature directs us, one thinks of the exchange and sharing of information between the State and the people, the citizens.

This particular form of communication, in fact, is a legitimate way for a government to render accounts and bring the projects, actions, activities and policies that it performs, and which are of public interest, to the knowledge of the public (Brandão, 2009). Brandão (2009) argues that government communication can be understood as a form of public communication. These two forms of communication share some resemblances, because government communication aims to be an instrument for building the public agenda, as well as a mechanism of accountability and a stimulus for social participation.

The duty of government communication is to inform citizens of what is happening within the government and, for this reason, it is an instrument that allows them to learn about government actions and, simultaneously, that they can convey their expectations to the government (Torquato, 1985).

It is necessary that government communication be guided by some standards and rules, so as to fulfil its duty - to inform society - because the communication system is essential for the processing of the internal administrative functions and for the relationship with the external environment (Kunsch, 2003). Since government communication is not an easy process, the government must make an effort to improve its communication, making it understandable and accessible to all. In this sense, organisations have to be convinced that communication needs to be worked on and managed by specialised professionals. Otherwise, they will always be improvising, thinking that they are communicating when they are merely reporting. You cannot plan organisational communication without basic foundations (Kunsch, 2003).

From a strategic point of view, government communication should be planned for its target audience, studies should be made to assess the image of the administration with the public and events should be planned to disseminate the information. Assuming that there is political will and a decision by senior managers to develop a communication plan, the planning process should be organised into three phases: strategic diagnosis, strategic planning and strategic management (Kunsch, 2003).

In short, government communication should be transparent, be well acquainted with its interlocutors and be carried out on the basis of defined theoretical principles, supported by good planning.

The Ministry of Happiness

The science of happiness looks at "what makes happy people happy" (Lyubomirsky, Sheldon, & Schkade, 2005) but the subjective nature of happiness makes it incredibly difficult to define and also challenging to measure (Kringelbach & Berridge, 2010). However, happiness can be thought of as experiencing predominantly positive emotions, or affective states, rather than negative ones (Tkach & Lyubomirsky, 2006). So, positive emotions can be a sign of happiness (Fredrickson, 2001). (Seligman, 2011), credited as being the 'father of Positive Psychology', suggests that there are three kinds of happiness: 1. pleasure and gratification; 2. embodiment of strengths and virtues; 3. meaning and purpose Seligman (2011) presented a model for positivity/psychological wellbeing, known as PERMA model that comprehends five domains: Positive emotions – P Engagement – E; Relationships – R; Meaning – M; Accomplishment – A.

(Lyubomirsky et al., 2005) supported on the past well-being literature propose that a person's chronic happiness level is governed by 3 major factors: a genetically determined set point for happiness, happiness-relevant circumstantial factors, and happiness-relevant activities and practices. The authors then consider adaptation and dynamic processes to show why the activity category offers the best opportunities for sustainably increasing happiness.

So, in the pursuit of sustainable happiness of the Kingdom of Dubai and of the United Arab Emirates, Sheikh Mohammed bin Rashid Al Maktoum[1] launched in 2014 the Happiness Index to measure how satisfied citizens are with government services. In the start of 2016, HH surprised the media, via Twitter, with the indication that he would appoint a Minister of Happiness. Days later, he appointed Mrs Ohood Al Roumi[2] to take the position of Minister of State for Happiness as an integral part of the Governor's office and whose main mission would be to oversee "plans, projects, programmes and indices" that would improve the overall climate of the country.

At the inauguration, the Minister stated that the purpose of her work was to create authentic and genuine Happiness in public services. A little more than a month after taking office, the Minister presented a package of positive initiatives and institutional happiness in the Federal government. The National Plan for Happiness and Positivity (PNF) was approved on International Happiness Day on 21 March. The PNF comprises 3 main areas:

Inclusion of happiness in the policies, programmes and services of all government agencies as well as in the work environment.

Consolidation of values of positivity and happiness as a way of life in the UAE community.

Development of tools and indices to measure happiness levels.

The programme is based on a scorecard[3] of happiness and positivity, and all national government agencies will have to work according to this instrument. The government approved programme also includes:

The appointment of a CEO for happiness and positivity in all government agencies.

The establishment of happiness and positivity boards in federal entities.

Certain hours allocated to programmes and activities related to happiness in the Federal government.

Creation of offices of happiness and positivity.

Customer service centres will be transformed into customer happiness centres.

Special programmes are tailored to change the culture of government employees, to serve the clients and make them happy.

The programme also includes annual indices, surveys and reports to measure happiness in all sectors of the community.

Since the approval of the Programme, the government, and in particular the Minister, have been involved in initiatives ranging from the scientific training of managers specialised in happiness to the integration of women and children into actions aimed at promoting happiness and positivity. Meanwhile, the programme has been extended to the private sector and has attracted the support of the country's large economic groups.

One of the concerns of the government and the Minister is the measurement of results, with the aim of bringing policies closer to the real desire of citizens. This measurement includes, among other tools, a scientific study that is being carried out by the University of Abu Dhabi, based on citizens' tweets in the year 2015. In concrete terms, the government has endeavoured to make the most of its adherence to the concept created in the 1970s in the Kingdom of Bhutan (D. J. T. Ribeiro, Laranjeira, & Remondes, 2019). To do this, it has changed the name of public services (the citizen's bureau was named the Happiness Centre), amusement parks and sports and, for example, the new area of the city that is being built next to the future airport of Dubai (e.g. Dubai World) will be named the City of Happiness. In addition, it has encouraged

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[2] Retrieved from: https://www.happy.ae/en. Last accessed on 09-02-2018

[3] Definition: 'a report or indication of the status, condition, or success of something or someone'. Retrieved from https://www.merriam-webster.com/dictionary/scorecard. Last accessed on 09-02-2018

several organisations to launch initiatives for the happiness of their workers, as in the case of "Dubai Culture", which implemented the "Make It Happen" programme. It believes that happy workers are contagious to customers and also wants private companies to work to make customers happy.

Overall, the government believes that the model can be replicated internationally. It promotes the constant collection of opinions from the public and from experts. In this context, an international event was held in 2017 called "Global Dialogue for Happiness", on the eve of one of the biggest political events of the year in the region, the World Government Summit. The "Global Dialogue for Happiness" was attended by more than 30 experts (scientists, economists, governors, psychologists, etc.) with the responsibility of exchanging ideas and encouraging discussion about trends and happiness for the people of the world. The two events had a new edition, in February 2018. During the 2018 "World Happiness Forum", the first Global Happiness Policy Report was launched.

Methodology

In this study, the work was structured as recorded in the following diagram (Figure 1) as a way to obtain the data to be analysed:
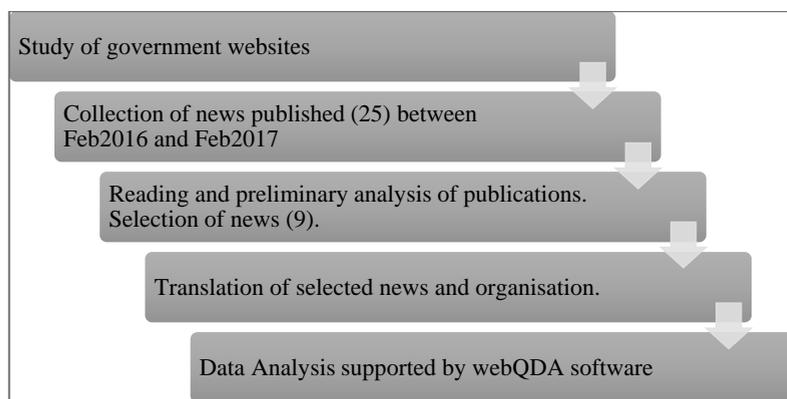
Figure 1 - Evolution and structure

The news was collected for the analysis of content published in the media during the period of analysis (February 2016 to February 2017) in order to understand the evolution of the concept, the form and direction of communication, and actions on the ground of the UAE government. Table 1 summarises the dates, sources and titles related to the texts selected for analysis.

Table 1 - Listing of texts in chronological order

#	Date	Title	Power
1	February 8, 2016	**"Genuine happiness is the ambition of the United Arab Emirates Minister of Happiness"**	Gulf News
2	March 7, 2016	**"Mohammed analyses the UAE Happiness and Positivity Programme"**	Emirates 24/7 News
3	March 21, 2016	**"United Arab Emirates Happiness Programme approved on International Day of Happiness"**	Emirates 24/7 News
4	May 15, 2016	**"Happiness, positivity through the eyes of children of the UAE - Children will inspire the logo of the Happiness and Positivity programme"**	Emirates 24/7 News
5	June 14, 2016	**"UAE reveal the formula for Happiness"**	Emirates 24/7 News
6	June 30, 2016	**"Joyful task for 60 Emirati named pioneers of positive thinking in the government"**	The National UAE
7	September 1, 2016	**"Abu Dhabi teachers study Tweets to assess Happiness in the UAE"**	The National UAE

| 8 | December 26, 2016 | **"The Crown Prince of Dubai welcomes the Year of Donation"** | The National UAE |
| 9 | February 2, 2017 | **"Dialogue on Happiness welcomes 300 experts"** | The Gulf Today |

After a free translation into Portuguese (the native language of the authors), an analytical reading of the texts was carried out without any kind of formalities. Then the texts were imported to the webQDA platform. In a second reading, the contextualization was carried out and the categories adapted for each of the texts were created. Using the selection, collection and integration tool available in the software, the most representative contents of the communication were selected and integrated within the categories. At the same time, a cloud of the keywords of each of the texts was constructed. From the selections made, conclusions were drawn for each text. At the point of discussion of results, the link between all the texts is made and the conclusions drawn (D. Ribeiro, Costa, & Remondes, 2020).

The analysed data were collected from the Internet or *corpus latente* - the *corpus latente* refers to the existence of large databases with which everyone can work, namely the Internet, which accumulates more and more information day after day in the form of texts, images and videos, among others (Pina, Neri de Souza, & Leão, 2013). The *corpus latente* is a set of content, available on the Internet for those who wish, and have the necessary skills and qualifications, to extract them (Pina et al., 2013).

In order to analyse the data, the analysis of content was the recommended technique. Content analysis consists of a set of methodological tools that aims to analyse different sources of content, both verbal and nonverbal. With regard to its practical implementation, it covers several stages, particularly to confirm the full significance of the data collected. According to Costa and Amado (2018), these stages are, in turn, organised into seven distinct phases: 1. Definition of the problem, work objectives and theoretical basis; 2. Organization of the Data Corpus 3. Reading the Data 4. Categorization and Codification 5. Formulation of Questions 6. Analysis Matrices 7. Presentation of Results.

For Krippendorff (1990) content analysis is a research technique that allows one to make valid and replicable inferences of the data to its context. Hence, inferences are made about what can affect the type of interpretation of analysis, on the basis of establishing a relationship between the data obtained (Amado, Costa, & Crusoé, 2017).

As support for the achievement of this establishment of relationship between data, technological tools can and should be used to obtain results that go beyond traditional observation/interpretation.

Bardin (2009) proceeds to a definition of codification, assigning it the meaning of transformation, especially through extraction, aggregation and enumeration, and based on certain precise rules on all the textual information, that end up representing all the characteristics of the content. Table 2 presents the proposal that was followed in this study.

Table 2 - Proposal of organisational model by Bardin (2009)

Category	Subcategory	Registration Unit	Context Unit
Here the major themes of the analysed data are joined together (in this case the titles of the texts).	Most important subtopics within a certain major theme.	Fragments of text taken by an indication of a characteristic (category and subcategory).	There are fragments of the text that encompass the registration unit, contextualising the registration unit.

The use of the webQDA tool to analyse the data of this study allowed the generation, as outputs, of tables (matrices) with the encoded data (Costa, Linhares, & de Souza, 2014). On the other hand, according to Costa, Linhares and Souza (2014), Computer Assisted Qualitative Data Analysis Software (CAQDAS) extend the possibilities of communication among researchers in the definition of analysis (categorization, coding, and recoding, etc.), that are fundamental for the construction of synthesis and analysis. In the case of the research carried out, the option to use specific software of qualitative analysis was important in the deepening of the analyses carried out (Amado et al., 2017) (Costa & Amado, 2018).

Results and Discussion

Since it is not possible to present all the results in this article, it was chosen, as already mentioned, to present the analysis performed to the **Text 2: Presentation of the Happiness and Positivity Programme** ("Mohammed reviews UAE Programme for Happiness and Positivity - Emirates24|7," 2016)

Regarding the presentation of the National Happiness and Positivity Programme. The analysis of the selected publication highlights several concepts and objectives, such as: **positivity, happiness, measurement and evaluation, government policies, connection to the private sector, sharing ideas, investing in science and culture and three main objectives.**

From the work done using the software, it was possible to verify that the reference to **"positivity"** appears several times throughout the text as a complement to happiness, as can be seen from the following excerpts of the text:

- *"The National Happiness Programme should contribute to the building of a **positive** and happy **community**" [Ref. 1]*

- *"(...) promoting **positivity** as a fundamental value in the local community" [Ref. 2]*

- *"Promotion of **values of positivity** and happiness as a way of life..." [Ref. 3]*

- *"(...) create a **positive environment** for all government officials and instil positive values in all ministries and government entities." [Ref. 4]*

In this context, 'positivity' can be related as a synonym of optimism and willingness to consider the good side of everything, even in adverse conditions (the same meaning presented in the dictionary).

Throughout the ages there have been several thinkers who related optimism to positivity and based on these opinions the importance of optimism and motivation in the development of communities and countries can be inferred. Mahatma Gandhi, for example, argues that if societies want to progress, they should not repeat history, but make a new story (Jordis, 2017). In turn, the Dalai Lama argues that cultivating positive mental states such as generosity and compassion definitely leads to better mental health and happiness (Lama, Tutu, & Abram, 2016). Machado de Assis, in turn, says that there are people who cry because they know that roses have thorns while others smile because they know that thorns have roses (Assis, n.d.).

By focusing on motivation and positivity in the logic of work, one can also understand its importance over time; the Philosopher and contemporary of Jesus Christ, Confucius, 2000 years ago affirmed that if people chose the jobs they liked, they would not have to work a single day in their lives (Confúcio, 2013).

The analysis allowed, regarding the word **happiness**, for it to begin to be linked to Positivity:

- *"Promotion of values of **positivity and happiness** as a way of life in the community of the United Arab Emirates." [Ref. 1]*

In addition, it is inferred that in the framework of the Ministry of Happiness, **happiness**, instead of a theoretical and isolated concept, appears as a structure of conscious life:

- *"(...) a **lifestyle** in the United Arab Emirates." [Ref. 2]*

- *"Our goal is to make happiness a **way of life** in the UAE community, as well as the noble purpose and ultimate goal of the government." [Ref. 3]*

- *"The goal is to make happiness **a way of life** in the community." [Ref. 4]*

On the other hand, as has already been verified in the analysis of other texts that are not presented in this article, there are again references to measurement and evaluation of the results:

- *"The PM has recognised the need **to accurately measure** happiness among community members." [Ref. 1]*

- *"(...) development of innovative benchmarks and **mechanisms for measuring** happiness in the community." [Ref. 2]*

Regarding **government policies,** it is understood that the communication does not fail to mention that the Happiness issue will be very present in the work of the Government and will be supported by government policies, as one can draw from several phrases throughout the text:

*"**Policies**, programmes, services and the work environment in ministries, he emphasised, should focus on happiness."* [Ref. 1]

*"Our purpose is... as well as the noble purpose and **ultimate goal of the government**." [Ref. 2]*

*- (...) **happiness in policies, programmes and services** of all governmental entities and the work environment. " [Ref. 3]*

*- "**Our policies** contribute to building a happy community." [Ref. 4]*

*- "**Government policies, programmes and services should contribute** to building a positive and happy community." [Ref. 5]*

*- " **Sheikh Mohammed said that the government's main task** is to ensure that conditions are conducive to providing..." [Ref. 6]*

*- "(...) aims to **align government policies, programmes and legislation** to provide happiness and positivity in the community." [Ref. 7]*

The analysis also allows for the verification that the Government communication is not confined to the public sector. The issue of Happiness and Positivity will be boosted by the Government, considering the involvement of the business community in a close connection between the Government and the private sector as fundamental, as can be seen from the following text extracts:

*- "(...) aims to align government policies, programmes and legislation to provide happiness and positivity in the community and to **encourage the public and private sectors to launch**, recommend and take initiatives in this regard." [Ref. 1]*

*- "... **improve co-ordination with the private sector** to achieve this goal." [Ref. 2]*

At the same time, it can be seen that the government does not intend to have exclusivity in the intervention. That is why it refers to the need to share ideas among the whole community:

*- "Sheikh Mohammed also emphasised the **importance of receiving and exchanging ideas**, proposals and opinions of individuals and corporations on happiness and positivity." [Ref. 1]*

With regard to **investment, especially in science and culture**, the government does not rule out its responsibilities, and as can be seen from the text, it lays down several initiatives:

- "The plan will include initiatives for the publication of scientific and cultural content and books on happiness to encourage reading in the area of awareness of the importance of positivity and happiness as an integrated way of life" [Ref. 1]

From the content analysis carried out on this text it is possible to conclude that the three main objectives of the government are:

- "Promotion of values of positivity and happiness as a way of life in the community of the United Arab Emirates." [Ref. 1]

- "happiness in policies, programmes and services of all government entities and the work environment. " [Ref. 2]

- "(...) development of innovative benchmarks and mechanisms for measuring happiness in the community." [Ref. 3]

In summary, a major focus is seen in government policies. Positivity appears with a focus that is very close and complementary of happiness. Of note is 'happiness as a way of life' and the involvement of the private sector in the National Happiness and Positivity Programme. In addition, it was possible to verify that the word 'community' also has a strong presence as can be seen in the following 'cloud' of words obtained (Figure 2).

HAPINESS	22
POSITIVITY	14
COMUNITY	11
LIFESTYLE	10
GOVERNMENT	8
EMIRATES	7
MOHAMMED	7
INITIATIVES	6
POLICIES	6
PROGRAM	5
PURPOSE	5
SHEIK	4
MINISTER	4

Figure 2 - Frequent words

In addition to the notes to the above paragraph, it should also be mentioned that, in the case of a government programme, it is considered natural that both the word government and the name and reference to the head of this government appear prominently in the 'cloud' of words.

The study of this text is in line with the principles recommended by Torquato regarding the role of government communication as a means of informing citizens about what happens within the government, and that is why it is an instrument that allows them to learn about government actions (Torquato, 1985). The government believes that happy employees are contagious to clients, and also wants private companies to work to make clients happy. To this end, it emphasises in its communication and, in this case, through the dissemination of the National Happiness Programme, the concepts and actions that will lead to the implementation of this programme.

The analysis allowed for the verification that there is uniformity in the content of the National Happiness Programme, whose 3 main areas are: 1) Inclusion of happiness in the policies, programmes and services of all government agencies as well as in the work environment; 2) Consolidation of values of positivity and happiness as a way of life in the community of the United Arab Emirates; 3) Development of tools and indices to measure levels of happiness, and the news that makes the same programme known.

Thus, it can be inferred that government communication is carefully elaborated and follows the organisation presented by some experts. As indicated by Kunsch (2003), government communication is not an easy process, and the government must make an effort to improve its communication, making it understandable and accessible to all.

The research carried out allows us to conclude, in our view, that the above mentioned principles of theoretical application suggested by Torquato (2002) are fulfilled in their entirety, almost in compliance with a previously established script.

Discussions and Implications

The analysis made it possible to verify the discursive congruence of the text analysed and the description of the National Happiness Programme itself, namely through the three main areas of this Programme. It is also worth mentioning the creation of a 'scorecard' as a practical instrument for measuring and evaluating the results of government policies foreseen in the PNF. There was also the emphasis given to happiness as a lifestyle.

The research allowed for the observation of which are the most used concepts in government communication of the Ministry of Happiness: Positivity, Happiness and Community. It allowed for the conclusion that the government set up a concrete programme to achieve the outlined policy measures and that it intends to communicate not only through the submission of tenders in the media, but also by implementing or carrying out various actions.

The results allow for the inference that there is a great focus on government policies and that the Government intends to get the public and private sector involved in the National Happiness and Positivity Programme

Transposing the results gathered for a broader view on the communication of the Ministry of Happiness, it is possible to highlight three main elements: 1) that it is based on the theoretical principles of government communication; 2) that the

strategies are defined with specialised advice with the support of international reference organisations; 3) that it systematically refers to social media and social networks (D. Ribeiro et al., 2020).

This study, as well as the studies carried out in the scope of the broader research that has been developed on this subject, allows for the conclusion that, effectively, government communication has a strong influence on Happiness, it also being possible to conclude that the communication can contribute greatly to the success of the policies defined by the government.

The study can be regarded as a contribution to governments worldwide and other institutions on the simplicity of implementing a happiness and positivity programme and on how to communicate it to the citizens.

For the authors, happiness policies together with a well-defined communication programme can also be developed implemented by other institutions, where academy is included introducing the concept of theory 'in action' as far as sustainable happiness and positivity programs are concerned. Further studies on the gap between aimed happiness and real happiness levels in the academic community are strongly recommended.

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Modeling the Female Gender Schematically in Baghdad

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Abstract

This research aims at studying the impact of the females' schema on their self-esteem and social role in the region of the Middle East, and how this schematic image is creating in terms of role and abilities. The population was a sample of females- students in the second academic year 2018-2019 in the University of Baghdad, College of Education for Women, in the department of English. Their ages range between 18 and 24. The sample was 15 students and they were chosen randomly. The researchers were the teachers of the population and they set the questions for the questionnaire and the interviews in English, using a clear, simple and well-understood language. In addition, the researchers chose the sample from the mentioned college definitely to match the research's objective about the females' schema for gender inequality, in other words, the sample consisted of females. The ages were also a target for the research so that the females are adults with well programmed mental maps and they are aware of their own beliefs as well as the answers they delivered in divulging their own opinions.

Keywords: modeling, female, gender, schematic, Baghdad

Literature review

Schema: first and foremost, one has to ask himself what is Schema? How does it work? How is it formed? Here, the researchers try to collect the most related

definitions of schema, and then they will show the schema of female in our city

Baghdad and the criteria that are used to form the schematic form of women.

Definition of Schema

Eysenck (2004) defined schemata (singular schema) as "well integrated networks of information about the world, people, events, and actions."

(Axelrod, 1973) defined schema as a pre- packaged assumption about the world. Cherry(2017, p. 19) defined schema as mental frameworks which lead us to infer the core beliefs that hide behind our pre-existing beliefs and ideas; therefore, schemas can contribute to stereotypes and block the ability to retain new information that does not go with our established ideas about the world. He added that cognitive linguistics have used schema to analyze the key factors which affect the comprehension process; in other words, Schema interprets how human beings use and represent the knowledge of their mental maps, which is a subject of previous experiences, in relation with events, actions, and situations. Aajami (2019a) and Aajami (2018b) and Aajami (2018c) did some studies interrupting the meanings of some English prepositions, and interrelated meanings or what is called the theory of domains. During these studies she used the schematic portrayal to convey the meaning and illustrate its connectedness. As "A Cognitive Semantic Analysis of Meaning Interrelationship", "Applying Cognitive Linguistics to Enhance the Semantics of English at", in addition to another study about "Cognitive Comprehension of 'Beyond & Behind', and another study that is awaiting approval to be published). However, Turton (2013, p.7) defined schemata as "the structure by which people perceive, remember and respond to information". And he distinguished between four forms of schema: formal, content, cultural and linguistic schema:

Formal Schema represents the person's mapped knowledge which is usually used to produce a united discourse.

Content schema refers to the value a person adds to a certain meaning within a certain culture.

Culture schema refers to the beliefs, values, experiences and attitudes a person uses to understand utterances and interact.

A Linguistic schemata refers to the meaning a person contributes to vocabulary and grammar within a certain discourse.

Derry(2011) has announced three classes of schemata within cognition:

Memory objects: the stored knowledge components in the mind.

Mental models represent the interpretation a person matches to his life's situation and problems.

Cognitive fields is another model of memory that activates certain memory objects rather than others depending on the situation.

Bem (1981, p.13) defined schema as a cognitive structure that organizes and guides the one's perception.

Casson (1983) reviewed schemata in cognitive anthropology and defined schemata as conceptual abstractions that mediate between stimuli received by the sense organs and behavioral responses and they serve as the basis of all human information processing as perception, planning, recognition, problem-solving, and decision-making.

Neisser (1976, pp.88-113) illustrated that schema works both the plan and the executor of the plan; he describes schemata as active processes whose primary activity is the construction of interpretations of experience.

DiMaggio (1997, P.2) defined schemata as mechanisms that simplifies cognition and reveals schematic cognition as the realm of institutionalized culture which lead people to be more likely to perceive information that is germane to their own existing schemata.

Depending on the above mentioned definitions, the schematic image can be formed by the following factors mentality, culture, language, and nature. These factors together form the role of women in our society. Since this role is inherited from a long time ago, it becomes a custom. This custom is used by the collective mind of our community to assure the role of both sex and form an ideological frame that cannot be exceeded by most of the community members.

Schema Theory

Axelrod (1973) defined schema theory as the model of processing information for perception and cognition thus each person can make his/her own sense about the complex world around. An example of a process model for the schema theory is that when a person receives new information or knowledge, s/he looks for interpretation for this new situation in their schema; then a combination or matching between the old and new knowledge is done unless the new knowledge is rejected without interpretation.

Zhu (2012) showed in his article how learners select and process information using existing cognitive structures – schemata – which facilitate the industry of organizing knowledge and experiences, and apply this previous knowledge to new situations.

Gender Schema

Bem (1981) defined gender schema as a process which assimilates the self- concept into the gender schema by learning, implicitly, the society's gender schema as children and then humans assess their adequacy in terms of gender schema, and in their later life they match their preferences, personal attributes, attitudes, and behaviors in harmony with the prototypes within the gender schema they have. Bem (1981, p.19) reached this result using BSRI (Bem Sex Role Inventory) through which he measured the gender schematic processing of the self- concept for 48 male and 48 female students. It was clear by the result that being male or a female happens "un-self-consciously" and that the self-esteem is the hostage of the gender schema.

Chung (2009) admitted that one of the cognitive processes that control the human's schemata is gender in which his study that surveyed seventy-one participants investigated how the item of metaphorical gender varies depending on the context. Chung (2009. P.52) proposed that the idea of metaphorical gender is fed by childhood as the child constitutes his or her gender schema or stereotype from their network of associations. However, Eysenck (2004) considered that filling the gender schema reservoir doesn't end by childhood but continues across the life span.

McConnell (2011) explored the correlations that exist between gender distinctions and language by matching gender with the elements of the linguistic system; typically the linguistic expressions, sound units, morph syntactic units, or semantic units. It was inferred that the language's place in the social practices constructs the gender order in the social practices and creates the male advantage in power. The researchers analyzed the utterances used by both genders on the linguistic level.

Fillmore(1978   , pp.148-73) and Chafe(1970, p. 39) discussed the relationship between structures in language and underlying schemata; they defined language as both conscious and unconscious knowledge system and shed light on how lexical and grammatical forms both structure and express underlying schematic representations. They inferred that lexical items and grammatical categories and rules are associated in memory with schemata: "linguistic forms bring schemata to mind and schemata are expressed in linguistic reflexes" (1966, p. 124). These linguistic reflexes are called framing by Minsky: 'framing is a data- structure for representing a stereotyped situation' (1975, pp.4).

Langacker distinguished between two kinds of framing: conceptual framing and contextual framing. Conceptual framing deals with how people interpret and organize their conception of what is happening at a certain time; it makes association between underlying schematic representations and the means of their expressions. Contextual framing, similarly, holds the same reflexive relationship between schemata and frames, while the framing here is accomplished by linguistic and non-linguistic communicative means as tone of voice or body postures and movements (1982, pp.211-77).

Coleman & Kay (1981) considered schemas a prototype semantics which divulges a stereotypic representation of concepts' meanings in the environment (pp.26-44).

Kuklinski, Luskin, and Bolland (1991, pp. 1341-56) examined the underlying thought processes, the quality of racial thinking, through the language people use while expressing their attitudes about black people, examining the semantic and lexical relations of black stereotypes. The study has shown that people consult visual images in memory when making judgments. The people mostly in the survey refer to the black as dangerous, lazy, hard-working, oppressed, etc…

Cognitive linguistics

Thomas (1999) defined cognition as the process of thought by which the individual analyses, evaluates, remembers, and produces beliefs about the world. Chung (2009) announced that cognition consists of schemata theoretically as schemata organize the external information and decode them and help in regulation of the behavior. Cognitive linguistics is a contemporary school of linguistics whose identity studies the relationship between language, mind and social -physical experience, Rasekh-Mhanad (2011). Croft and Cruse (2004) considered that language mirrors thought and the characteristics of human mind. They believed that utterances cannot be recognized without cognitive means. From their point of view, both language and thought have a system and structure that are reflected by the schema. They stated that a fundamental branch of cognitive linguistics school is cognitive semantics, the science of meanings, which is also referred to the relationship between meanings and their reference to the world. (Rasekh, Mahand, 2011,34) considered language as "a means of analyzing the conceptual structure of the mind".

Cognitive Semantics

Lemmens (2017) studied language from cognitive approach and stated that meaning is a module which relates to all linguistic units: morphology, lexical semantics, and syntactic constructions; this linguistic view is called cognitive semantics.

Cognitive semantics deals with the conceptualization of meaning and it studies meaning from encyclopedic view. For instance, CONFESSION can be understood with relation to moral values that may hold in one society concerning sinful while others concerning secretive behavior as well as it includes 2 parties of individuals; in other words, the meaning of linguistic items embraces encyclopedic meaning related to the cultural beliefs and experiences. Langacker introduced schematic network through which meanings are represented as interrelated entities (Dijk, 2011).

Semantics and Ideology:

Dijk (1995) defined the ideological relationship between groups as schema which organizes people's ideologies and social cognitions and he states that schema has a cognitive dimension which involves knowledge, thoughts, beliefs, opinions, judgments and values. Ideologies aren't true or false, they just represent the "self-serving truth" of a social group.

Group self- schema consists of the group's identity, tasks, goals, norms, values, attitudes (shared opinion- schemata), and language Models by which they text and talk personal opinions about personal knowledge, events and situations as a result of their personal experiences.

He added that the cognitive representation of the group self – schema is mapped in the form of semantic representations.

Ideological semantic involves:

Truth and falsity: the group's ideology maybe considered as "mere beliefs" for other groups and vice versa. Ideology defines the social reality constructed by a certain group.

Propositions: are the meanings of utterances or sentences whose structures are controlled by the schemata as the modalities of necessity and probability, the predicate's meaning, lexicalization, presupposition, perspective, point of view, or position.

Methodology

The population was a sample of females- students in the second academic year 2018-2019 in the University of Baghdad, College of Education for Women, in the department of English. Their ages range between 18 and 24. The sample was 15 students and they were chosen randomly. The researchers were the teachers of the population, and they set the questions for the questionnaire and the interviews in English, using a clear, simple and well-understood language. In addition, the researchers chose the sample from the mentioned college definitely to match the research's objective about the females' schema for gender inequality, in other words, the sample consisted of females. The ages were also a target for the research so that the females are adults with well programmed mental maps and they are aware of their own beliefs as well as the answers they delivered in divulging their own opinions.

The questionnaire were composed into two parts; the first part was just personal information about the student who filled the survey. The second part, it is inferred to get the general schema of females gender in Baghdad, and it is also intended to measure the impoverished subconscious map that women have and leads to their adaptation of gender inequality.

Then, the researchers conducted an interview with 6 students who were also chosen randomly from the same sample as a confirmation for the survey's answers. However, the researchers asked indirect similar questions of the survey about the female gender position, persistence, ambition, success, etc… they are also asked about their view to genders' abilities, responsibilities, the employments that they can held, etc. Their answers show gender inequality and disability as well as the interviewee's ideology toward their own gender have been clarified. A coincidence between verbal and written answers of the participants have been detected. These interviews achieve reliability.

4. Conclusion

Finally, it is important to mention that the researchers who conducted all the interviews have a wide psycholinguistics knowledgeable and deep belief in the woman's rights and abilities. This study can be a new trend to change the gender schematic of females in Bagdad and in the MEA as a larger scope.

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Appendix

Factor 1 -- Incompetence/Inferiority
1. Men are more capable than women in areas of work and achievement.
2. The woman is not as intelligent as the man when it comes to work (or school).
3. Women are incompetent when it comes to achievement.

Factor 2 -- Emotional Deprivation
1. It's embarrassing to have a boyfriend to nurture me, share himself with me, or care deeply about anything that happens to me.
2. In general, the girls or women shouldn't have a man-friend to give her warmth, holding, and affection.
3. For the most part, the woman should not have a man- friend rather than her husband or brother.

Factor 3 -- Defectiveness
1. The woman gets sick more than the man does.
2. The woman is inferior to man in luck, religion, and mind.
3. The woman is inherently flawed and defective.

Factor 4- Insufficient Self-Control
1. The woman needs a man to discipline herself to complete her life tasks.
2. Often women allow themselves to carry through impulses and express emotions that get them into troubles or hurt other people.
3. Women used to overdo things, even though they know they are bad for them.

Factor 5 -- Mistrust
1. The woman is usually quite suspicious of other people's motives.
2. The woman often feels that she has to protect herself from other people.
3. Other people are rarely honest; women usually feel afraid of being lonely.

Factor 6 -- Self-Sacrifice
1. The woman is a good person because she thinks of others more than of herself.
2. No matter how busy the woman is, she can always find time for others.
3. Other people see the woman as doing too much for others and not enough for herself.

Factor 7 -- Unrelenting Standards
1. The woman can't settle for "good enough" in her society as much as she tries.
2. The woman accepts normally not to be the first best.
3. The woman doesn't need to strive to things in perfect order.

Factor 8- Abandonment
I. The woman used to cling to her family and her husband in case of marriage.
2. The woman needs her father, brother and husband much more than her mother and sisters that she worries about losing them.
3. The woman worries that people she feels close to may leave or abandon her.

Factor 9- Enmeshment
1. The woman tends to overinvolve her family in her lives and problems. .
2. The woman feels that it is very difficult to keep intimate details from her parents or husband, without feeling betrayed or guilty.
3. The woman often feels that she does not have a separate identity from her parents or partner.

Factor 10 -- Dependency
I. The woman needs other people to help her get by.
2. The woman does not feel she can cope well by herself.
3. The woman believes that other people can take care of her better than she can take care of herself.

Factor 11 -- Emotional Inhibition
1. The woman controls herself so much that people think she is unemotional.
2. The woman finds it hard to be warm and spontaneous.
3. People see the woman as uptight emotionally.

Factor 12 -- Fear of Losing Control
1. The woman worries that she might seriously harm someone physically or emotionally if her anger gets out of control.
2. The woman feels that she must control her emotions or impulses or something bad is likely to happen, especially with her parents or husband.
3. The woman usually worries about losing control of her behaviors or actions.

Factor 12 – Strength of Will
 1. The woman must belong to a family or a husband, she must not be a loner.
2. The woman shouldn't disobey her husband.
3. The woman has all the capabilities to be professional engineer, doctor, or a politician with a word of force.

Piero Gobetti: Not Only an Analysis of Italian Affairs

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Abstract

Piero Gobetti (Turin 1901- Paris 1926) has been always considered just as a political writer of Italian affairs, but this amounts to an understatement. In his journals, Gobetti took into account several foreign countries with regard to politics, economy, culture, customs and traditions. In these analysis Gobetti proved to have extensive knowledge of the inland dynamics of each state described.

Keywords: Gobetti, foreign affairs, Socialism, cultural heritage

Introduction

Even though Piero Gobetti wrote mainly about Fascism and Italian affairs in the 1920s, simultaneously his three journals (*Energie Nove*, *Rivoluzione Liberale* and *Il Baretti*) showed great interest in international politics. France, Belgium, Russia, Germany and the United States were at the heart of essential reflections.

Gobetti and France: cultural heritage and Socialism

Gobetti was an ardent Francophile: this is due mainly to the strong bond between Piedmont and France. In the years in which Gobetti wrote, French culture was a reference point for the turinese *intelligentsia*. According to Norberto Bobbio:

From the Enlightenment since now, all the movements of ideas born in France have affected Italy […][1].

In addition to it- as Pietro Polito noted[2]- the French thinker Georges Sorel played a strong role in the birth of the Italian labor movement[3]: Gobetti dedicated to him a special issue of *Rivoluzione Liberale*.

In other words, French heritage was something important to Italy; the same could not be said for English or German culture[4].

In *Rivoluzione Liberale* (1922-1925) some French events such as the military occupation of Düsseldorf in 1921 and the invasion of the Ruhr Valley in 1923 were carefully analysed: Gobetti stressed that France would have been able to determine risky political developments and a negative impact on Europe. In Gobetti's opinion, France was still a powerful country: the Treaty of Versailles and the decisions it gave rise to testified how authoritative this State was in the 1920s. Raymond Poincaré, responsible for what happened in the Ruhr Valley, was described as follows:

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[1] N. Bobbio, *Alcune osservazioni sui rapporti culturali Italia-Francia*, in N. Bobbio, S. Nitti *et al.*, *Piero Gobetti e la Francia. Atti del colloquio italo-francese*, Franco Angeli, Milano, 1985, p. 45.
Original text: "Non c'è stato movimento di idee in Francia, dall'Illuminismo in poi, che non abbia avuto la sua immediata ripercussione in Italia […]".
See also G. Bergami, *Torino e la cultura francese negli anni '20*, in N. Bobbio, S. Nitti et al., *Piero Gobetti e la Francia* cit., p. 71.
[2] See P. Polito, *Gobetti e Sorel*, in "Mezzosecolo", n. 6, 1985-1986, pp. 29-62.
[3] Sorel (1847-1922) attempted to fill in what he believed were gaps in Marxist theory, resulting in an extremely heterodox and idiosyncratic view of Marxism. Beginning in the second half of the 1880s, he published articles in various fields (hydrology, architecture, physics, political history, and philosophy). In 1893, he publicly affirmed his position as a Marxist and a socialist. His social and political philosophy owed much to his reading of Proudhon, Karl Marx, Giambattista Vico, Henri Bergson and later William James. Sorel's engagement in the political world was accompanied by a correspondence with Benedetto Croce and later with Vilfredo Pareto. Sorel worked on the first French Marxist journals, *L'Ère nouvelle* and *Le Devenir social*, and then participated at the turn of the century in the revisionist debate and crisis within Marxism. He took the side of Eduard Bernstein against Karl Kautsky.
[4] England and Germany influenced Italy particularly in the field of philosophy.

His [of Poncaré] "lawyerly" patriotism makes him a man of a rethoric petty bourgeoisie[1].

According to Gobetti, Poincaré was the leading representative of the so called "democratic imperialism"[2].

But beyond everything, the most interesting articles written by Gobetti concerned a socialist politician, Paul Painlevé, running for president in 1924. Painlevé was, first of all, a mathematician given to politics: his Enlightenment background and scientific approach made him a true representative of France.

As Gobetti reported,

Enlightenment and parliamentary tradition coexist in him […]; the distrust of Fascism is something intrinsic for him[3].

Concluding his reflections, Gobetti affirmed that Painlevé represented that political class able to mitigate the *revanche* policy and solve the reparations issue.

Gobetti and Belgium: "echo chamber" for European events

Even though, at first glance, Belgium seems a pièce ajoutée of France, Gobetti devoted a separate study to it. Religious conflicts, position of the various political groups and economy were closely reviewed.

This was the "portrait" of the country:

Its [of Belgium] strength lies in the balance among agriculture, industry and trade. Relations with foreign countries are extremely delicate: no form of audacity is allowed to Belgium with complete impunity, all the world crises have a detrimental effect on its trade […]. In the European context the people of Belgium are provincial and continuously dragged to play a role beyond their power[4].

In "Rivoluzione Liberale" Belgium was described as a country bound to face continuous challenges and so endowed with an extraordinary capacity for renewal.

As Gobetti added, its modernity also consisted in a well-organized railway system, in a optimistic and business State Socialism (involving most of the Catholics) and in a wide-ranging welfare state[5].

Nevertheless, the upcoming elections seem to be what matters most to Gobetti, because they entailed a real risk of social twisting: past issues (such as the twenty-year crisis of Belgian Socialism, the disunity of the Catholic Party, the nationalist revival and the trend towards regionalism) could have occurred again and cause an explosion of the whole situation.

Gobetti and Russia: among history, ecstatic contemplation and Liberalism

In *Energie Nove* (1918-1920) and *Rivoluzione Liberale* (1922-1925), Piero Gobetti wrote several essays on Russia and in particular on the 1917 Revolution; Language, Literature and Leninism were the three *Ls* sparking Gobetti's interest. Together with his wife, Ada, he began studying Russian with the aim of translating Andreiev's works[6]; but ultimately, it is the phenomenon of the Bolshevik revolution that motivated Gobetti's general passion for Russia.

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[1] P. Gobetti, *Le elezioni in Francia*, in "Rivoluzione Liberale" (from now on RL), III, n. 19, May 6, 1924, p. 73; the article is also included in P. Spriano (edited by), *Scritti politici* (from now on SP), pp. 664-673, p. 667.

[2] Ivi, p. 669.

[3] P. Gobetti, *Un candidato all'Eliseo*, in SP, pp. 680-683, p. 681.
Original text: "L'Illuminismo scientifico si è sommato con il tradizionalismo parlamentare francese […]; la diffidenza verso il fascismo è quasi una riserva innata".

[4] P. Gobetti, *Fiamminghi e Valloni*, in RL, IV, n. 30, November 30, 1925, pp. 121-122; the article is also included in SP, pp. 866-876, p. 872.

[5] Ivi, p. 867.
See also F. Somenzari, *Gobetti e la politica internazionale nelle riviste "Energie Nove" e la "Rivoluzione Liberale". Introduzione*, in F. Somenzari (edited by), *Piero Gobetti. Vita Internazionale*, Aras, Fano, 2017, p. 62.

[6] Gobetti defined Leonid Andreiev "the greatest of contemporary Russian writers". See P. Gobetti, *Leonida Andreiev*, in "Energie Nove" (from now on EN), II, n. 8, September 30, 1919.
Andreiev was defender of the revolution of 1905 and contrary to that of 1917, but above all he was against the excesses of Bolshevism.

In "Frammenti di estetismo politico" and "La Russia dei Soviet", Gobetti presented the Revolution as one of those mythical and unrepeatable events that history offers only rarely: for this reason it had to be contemplated rather than judged. As he reported:

The Russian Revolution is history, you must study it; it is a social phenomenon […]. You have before you a world of constant progress, and you looked for the scheme in which to enclose it […]. The Revolutions do not look at the past. They create and shape new realities. The government of Lenin and Trotzki is a *de facto* government. It is the will of Russia. A state organization and not a scientific investigation. Life and not the book[1].

Gobetti stressed the importance of such a simple and fundamental concept: the Revolution is a fact and a new democracy is born. At first, he seemed to categorically reject any form of manipulation of the phenomenon, preferring a historical and objective interpretation to one of political expediency.

In Gobetti's writings, Lenin and Trozki were called great statesmen who elevated Russia to the level of Western civilizations, facing dangerous government responsabilities[2]. And then:

They [Lenin e Trotzki] are not only Bolsheviks; they are the men of action who have awakened a people and are recreating a soul for them[3].

The position taken by Gobetti led the communist Antonio Gramsci to write that Gobetti was a young men who had understood the greatness of the Revolution and its leaders"[4].

However, after this first contemplation of the phenomenon of the Russian Revolution, in 1921 Gobetti denied himself, by stating:

Trotzki affirms a liberal[5] view of history […]. Only for tactical necessities and for historical needs, the Revolution- full of Liberalism, in a country like Russia, home of the *mir*, worshiper of every form of community- must take the name and sometimes the appearance of socialist work […]. It is up to the historian to affirm the truth above political contingencies[6].

From the ascertainment of the extraordinary nature of the Revolution and from a gaze that wanted to be as objective as possible, Gobetti moved on to an extremely partial political interpretation, placing the Russian events into the riverbed of the liberalism current. According to Gobetti, Trotzki carried on (without knowing it) a liberal, non-socialist design.

In this case, Gobetti's interpretation is neither shareable nor sustainable, but it is very interesting because it clearly demonstrates the non-systematic nature of his thinking[7].

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[1] P. Gobetti*, Frammenti di estetismo politico*, in EN, II, n. 10, November 30, 1919; the article is also included in P. Spriano (edited by), *Scritti Politici* cit., pp. 206-213. Original text: "La Rivoluzione Russa è storia, voi dovete studiarla; è un fenomeno sociale […]. Avete dinanzi un mondo in formazione, e voi cercato lo schema in cui rinchiuderlo […]. Le Rivoluzioni (e tutta la storia del resto) non guardano il passato. Creano e plasmano nuove realtà. Il governo di Lenin e Trotzki è un governo di fatto. E' la volontà della Russia. Un'organizzazione statale e non un'indagine scientifica. La vita e non il libro".

[2] See P. Gobetti, *La Russia dei Soviet*, in "Volontà", February 15, 1921; the article is also included in P. Spriano (edited by), *Scritti politici* cit., pp. 197- 206, p. 197.

[3] P. Gobetti, *Rassegna di questioni politiche*, in EN, II, n. 6, July 25, 1919, pp. 132-139; the article is also included in P. Spriano (edited by), *Scritti politici* cit., p. 151. Original text: "Non sono solo dei bolscevichi, sono gli uomini d'azione che hanno destato un popolo e gli vanno ricreando un'anima".

[4] P. Gobetti, *Paradosso sullo spirito russo*, Einaudi, Torino, 1969, p. XXI.

[5] In this case, the adjective "Liberal" has to be understood in its historical sense, that is "relative to the Liberal Party". Today the term "Liberal" is used with the meaning of "progressive".

[6] P. Gobetti, *Trotzki*, in "Il resto del Carlino», April 5, 1921; the article is also included in P. Spriano (edited by), *Scritti Politici* cit., pp. 206-210. Original text: "Trotzki afferma una visione liberale della storia […] Soltanto per necessità tattiche e per esigenze storiche quest'opera [la rivoluzione] feconda di liberalismo, in un paese come la Russia, patria del mir, adoratrice di ogni forma di comunità, deve prendere il nome e talvolta anche le apparenze di opera socialista […]. Spetta allo storico affermare la verità al di sopra delle contingenze politiche".

[7] See P. Polito, *L'eresia di Piero Gobetti*, Raineri Vivaldelli, Torino, 2018.

Gobetti and Germany: from Versailles to Weimar

In the twenties of the twentieth century German affairs were so important that "Rivoluzione Liberale" dedicated one of its issues entirely to Germany[1]. Gobetti and his fellow writers were very interested in the political and economic context mainly because of Versailles Treaty. Gobetti's considerations were strongly influenced by the thought of Gaetano Salvemini and by the works of Francesco Saverio Nitti.

In refer to Versailles Conference, Gobetti was pretty clear from the beginning:

Versailles not only is not a peace, but it excludes peace[2].

As I have already said, in his judgment the turinese thinker was affected by several readings; however, precisely in those years, the Piero Gobetti Publishing House decided to print "La Paix", written by Nitti, who had been the Italian Prime Minister in 1919 and had opposed to punitive measures towards Germany. With regard to the Versailles Peace, Nitti affirmed:

The damage caused by the war has been massive and it will undermine Europe for the next fifty years: the damage caused by the peace (conceived as a peace of war) has been still worse […]. The peace treaties- as Clemenceau affirmed- were a way to continue the war.

I can say that there has been a failure of peace together with a failure of war[3].

The above-mentioned quotations show an intense exchange of views between Gobetti and Nitti.

In this issue entirely devoted to Germany, the second most important topic was the economic scene arising from the Versailles Conference.

Reparations were so exorbitant that Versailles Treaty underwent six modifications before its entry into force in 1921. Between 1921 and 1924 the Treaty encountered six further changes because of Germany's insolvency.

According to "Rivoluzione Liberale",

During these four-year negotiations Germany payed very little, but this situation in and of itself had destabilised its financial system and internal order […][4].

Despite the failure of the Treaty, the Entente powers continued to expect German payments in gold[5].

The Weimar Republic together with Socialism was the third topic considered by the review. Specifically, "Rivoluzione Liberale" examined the relationships between the *Reich* and the *Länder*, that is a significant part of the new Constitution[6].

Gobetti and the United States of America

In Gobetti's writings even the United States were taken into consideration and not by chance: the First World War brought about the entry of the United States themselves into European life and dynamics, especially at the end of the conflict. Although in the 1920s President Harding carried on the motto *America first* - the basis of a highly isolationist policy - the Wilsonian conception of Europe and international relations was destined to have a lasting echo in the Old Continent, even

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[1] See "Rivoluzione Liberale", III, n. 1-2, 1924.

[2] P. Gobetti, *Il trionfo della democrazia*, in "Rivoluzione Liberale", II, n. 4, February 1st, 1923; the article is also included in P. Spriano (edited by), *Scritti Politici*, Einaudi, Torino, 1997, pp. 448-452.
Original text: "Versailles non solo non è una pace, ma esclude la pace".

[3] F. S. Nitti, *La Paix*, Piero Gobetti Editore, Torino, 1925, pp. 59-61.
Original text: "I danni della guerra sono stati grandissimi e per cinquant'anni almeno l'Europa li risentirà: i danni della pace, concepita come una *peace of war*, sono stati più grandi […]. I trattati, come disse Clemenceau, erano nel suo concetto un modo di continuare la guerra […]. Posso dire soltanto che, se vi è un fallimento della guerra, vi è stato anche un fallimento della pace".

[4] A. Cabiati, *Il fallimento delle riparazioni*, in "Rivoluzione Liberale", III, n. 1-2, 1924, pp. 6-7.
Original text: "Durante queste trattative quadriennali, la Germania non aveva pagato gran cosa; ma in compenso aveva sconquassato la sua finanza e l'ordine interno […]".

[5] Ibidem.

[6] G. Ansaldo, *La Prussia e il federalismo*, in "Rivoluzione Liberale", III, n. 1-2, 1924, pp. 1-3.
In refer to the Weimar Constitution, see U. Villani-Lubelli, *Dall'Impero alla nascita della democrazia: il fragile equilibrio politico nella Repubblica di Weimar*, in "Le Carte e la Storia", I, 2017, pp. 122-135.

by virtue of territorial changes which it produced at the Versailles Conference. The Fourteen Points and the birth of the League of Nations deeply engraved on the new European balance[1].

In the above-mentioned journal "Energie Nove", Gobetti focused on Wilsonism and the League of Nations; the writer's judgment on this international organization (wanted by the Democratic President) was in some ways cautious and even a little suspicious: according to Gobetti, the League of Nations was characterized by excessive abstractness and a utopian vision that damaged its own work. So wrote Gobetti:

To correctly understand and evaluate everything that passes under the name of the League of Nations, we cannot stop at an examination of the potential abstract value of the idea, but we must immediately see its value in relation to social life, that is we must study in which practical forms it [the League] can be implemented[2].

It was not only the idea itself relevant, but its practical implementation, its sustainability: "the politician feeds on reality".

The appeal to democracy as a pivot of peaceful coexistence and a guiding principle of international relations alone was not enough, beyond the morality that this internationalist project carried with it. On this point, Gobetti was very close to Salvemini's position.

Beyond the criticisms, in the pages of Gobetti there is however the recognition of the value of the *New Diplomacy*, that is of a vision that, in spite of its specific and contingent limits, will reveal itself in the long-term forward-looking.

A few years later, on the occasion of Wilson's death, Gobetti wrote:

To realize his greatness, the judgment must instead concern his American figure, in the history of America. His own election to the presidential seat is a solemn fact: as early as 1914 he had turned out to be a great statesman. After the mediocrity of presidents like Taft or Roosevelt, the temper of a Lincoln emerges in Wilson[3].

Conclusions

As I have already written**,** Gobetti's thought also concerned the international political context and not just Italian affairs. The end of the First World War and the Versailles Conference obliged him to consider several countries in terms of economic and social conditions, political situations and general effects after the events above-mentioned.

What emerges from Gobetty's analysis is a composite picture of Europe and of the United States in the 1920s.

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[3] E. Alessandrone Perona, *Le provocazioni della ricerca*, in "Passato e Presente", n. 97, 2016, pp. 103-120

[4] F. S. Nitti, *La Pace*, Piero Gobetti Editore, Torino, 1925

[5] F. Somenzari (edited by), *Piero Gobetti. Vita internazionale*, Aras, Fano, 2017

[6] F. Somenzari, *Wilson, l'internazionalismo e la nuova diplomazia: un quadro complesso tra fallimento momentaneo e valore duraturo*, in «Scienze e Ricerche», n. 24, marzo 2016, pp. 16-20

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[1] It's essential to remember that, based on the principle of self-determination of peoples, the Austro-Hungarian Empire had disintegrated, giving rise to numerous national states; moreover, with respect to Italy, Wilson had taken a very tough position, denying it some strategic territories. See M. Cattaruzza, *L'Italia e la questione adriatica (1918-1926). Dibattiti parlamentari e panorama internazionale*, Il Mulino, Bologna, 2014.

[2] P. Gobetti, *La Società delle Nazioni*, in EN, I, n. 5, January 1-15, 1919; the article is also included in P. Spriano (edited by), *Scritti Politici* cit., pp. 65-67.
Original text: "Per intendere e valutare rettamente tutto ciò che passa sotto il nome di Società delle Nazioni, non ci possiamo fermare ad un esame del valore potenziale in astratto dell'idea, ma dobbiamo scendere subito a vederne il valore in relazione alla vita sociale, dobbiamo studiare cioè in quali forme pratiche essa si può attuare".

[3] P. Gobetti, *Uomini e idee. Lo stile di Wilson*, in RL, III, n. 7, February 12, 1924; the article is also included in P. Spriano (edited by*), Scritti politici* cit., pp. 591-593. Original text: "Per rendersi conto della sua grandezza il giudizio deve invece riguardare la sua figura di americano, nella storia dell'America. Già la sua elezione al seggio presidenziale è un fatto solenne: già nel 1914 si era rivelato un grande statista. Dopo la mediocrità di presidenti come Taft o Roosevelt, in Wilson si sente la tempra di un Lincoln".

[7] F.S. Nitti, *La tragedia dell'Europa. Che farà l'America*, Piero Gobetti Editore, Torino 1924

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Albanian Pension System, Its Anemic and Non-Implemented Pillars

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Abstract

The pension system faces many problems and challenges. This paper analyzes the progress and benefits of applying private pensions in a cross-cutting manner from both public and private schemes. Private pension funds in Albania operate uniformly, regardless of geographical location, and serve as regulators for household economic well-being. Contribution to private pensions schemes come as a good opportunity for a better future of today's young Albanians because the future of Albania's population average age will be like other west countries as exp. Italy, Franc, Spain, etc. This paper deals with implementation of three pillars of pension system in Albania. Compared to European Union countries, Albania still does not implement the second pillar of pension scheme, contrasting even with neighboring countries as per example North Macedonia. In order to implement successfully the second and third pillar and resolve the consequences of first pillar in the public debt and negative impact in GDP, government and AFSA need to act accordingly as per lessons learned by EU countries and asked to be adapted by EU Directives and best practices related to pension schemes.

Keywords: three pillars of pension system, social security, private pension

I. Description based on the data for the progress of voluntary private pension funds

The voluntary pension funds market since its inception has had an increasing tendency in terms of assets it manages and the number of contributors. In the voluntary private pension market, three pension funds exercised their activity[1]. Analysis of data on voluntary private pension market as of 31.03.2019 shows a total net asset of ALL 2423.91 million (EUR 19.34 million) and an increase of ALL 134.81 million (5.89%) compared to 31.12.2018.

Table 4. Net assets and number of members by pension funds 31.03.2019 according to AFSA

Pension fund	Number of members	**Net Asset** (million ALL)
SIGAL	7,281	1,127.56
RAIFFEISEN	2,956	659.09
CREDINS PENSION	15,906	637.27
TOTAL	26,143	2,423.91

The number of members in pension funds as at 31.03.2019 is 26143 members marking an increase of 3.34% compared to 31.12.2018.

Table 5. Market breakdown by number of members for the last four years, according to AFSA

Years	Credins Pension	Raiffeisen	Sigal
2015	35.75%	20.57%	43.68%
2016	51.22%	15.32%	33.46%
2017	57.67%	13.37%	28.96%
2018[2]	60.56%	11.51%	27.94%
March 2019	60.84%	11.31%	27.85%

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[1] *AMF periodic report, January - March 2019*
[2] *Periodic Report 2018, Financial Supervisory Authority.*

As can be seen from the table above, the number of members in voluntary pension funds has been increasing. The rate of increase in the number of members in voluntary pension funds for the period 31.12.2016-31.12.2017 is lower than that for the period 31.12.2015-31.12.2016. At the end of 2018 the number of members in the Voluntary Pension Fund Credins Pension has increased by 24.81% compared to the end of 2015. The chart below shows the market breakdown by number of members in the Voluntary Pension Fund during the four years. last years. The number of members in the Credins Pension Fund is increasing more rapidly than the other two funds.

Table 6. **Market breakdown by net asset value of pension funds over the past four years** according to AFSA

Years	Credins pension	Raiffeisen	Sigal
2015	14.64%	34.92%	50.44%
2016	17.73%	31.26%	51.01%
2017	19.99%	29.35%	50.67%
2018	25.36%	27.21%	47.43%
March 2019[1]	26.29%	27.19%	46.52%

It can be seen from the table that the value of the net assets of pension funds has been increasing year by year. This is a very good indicator as it shows that people are moving towards raising awareness of the standard of living for the elderly.

Table 7. Value of Voluntary Pension Funds Quota (In Lek) according to AFSA

Years	Credins pension	Raiffeisen	Sigal
2015	1249	1444	1243
2016	1305	1544	1297
2017	1354	1635	1350
2018	1406	1724	1394

It can be seen from the table that the value of net assets per quota for each of the pension funds has an increasing tendency. But the best increase belongs to Raiffeisen invest showing a better performance for this fund comparing with the other two.
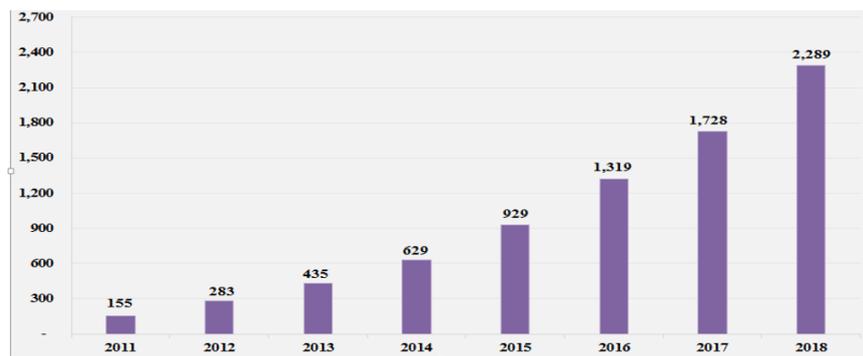
Graph3. Net assets in pension funds in 2011-2018 according to AFSA

It is clear enough and self-explained the chart above. It can be seen that the value of the net assets of the pension funds has had an increasing trend year to year, with the highest increase in 2016.

II. Problem identification

The purpose of this paper is to analyze and expose the private pension funds as one of the key categories of social security for Albanians. The analysis aims to identify how these funds operate, their legal framework and fiscal treatment, their ways

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[1] Periodic Report January-March 2019, Financial Supervisory Authority

of benefiting, their social characteristics and aspects, and their undeniable importance. Also, some of the attention is paid to the management of these funds in our country and their activities with the relevant entities for the pension categories.

III. Methodology

In the context of completing this paper, a specific methodology has been worked out referring to events or reforms and concepts for pensions in Albania. The work on drafting the paper was based on the descriptive analysis as well as the combined method (qualitative method and quantitative method) to address the problems of pensions in Albania theoretically and conceptually, analytically, socially and statistically.

IV. Literature Review

Individuals around the world are becoming increasingly responsible for their retirement savings and investment decisions. To assist them in this critical challenge, EDHEC Professor Lionel Martellini[1] recommends the creation of a public agency. A major crisis is threatening the sustainability of pension systems across the globe. The combination of rising longevity, declining birthrates and the adverse economic climate, characterized by low growth and high unemployment, implies a limited capacity for national solidarity, the first pillar of pension systems, to cover pensions. of future generations. In parallel, the second pillar of pension systems, which is expected to provide supplementary income to pensioners through public or private pensions, is also weakening. In general, a massive shift from defined benefit pension schemes to defined contribution pension schemes is taking place around the world, implying a transfer of corporate retirement risks to individuals. With the need to supplement public and private pension benefits through voluntary contributions, the so-called third pillar of pension systems, individuals are becoming increasingly responsible for their retirement savings and investment decisions. This global trend poses substantial challenges for individuals, who often lack the expertise needed to make such complex financial decisions. We cannot encourage the development of long-term savings habits of individuals and families without making them aware of the benefits of this and supporting them in their investment decisions.

Pension Crisis and Flexibility Retirement Solutions: In the context of the pension crisis, the investment industry is facing an ever-increasing responsibility to provide appropriate retirement solutions. Unfortunately, the currently available investment products are distributed by asset managers or insurance companies hardly provide a satisfactory answer to the needs of retired investors and families.

Awareness campaign. Given this context, it would be particularly appropriate to consider setting up a public financial health agency based on the model of public health services. While physical health is of course the main concern of retirees, their financial health is a close second.

Why not launch a major campaign to raise awareness among the general public? This would include reviewing slogans that are firmly embedded in our minds, that they have become true reflections in terms of healthy living. Therefore the famous notion of "Move regularly and eat healthily" would become "Contribute regularly and invest in health". Similarly, variations of "Eat Healthy", which include "Eat at least 5 fruits and vegetables a day" and "Avoid foods that contain excessive levels of fat, sugar and salt", may become "Invest in it" at least 5 different products and asset classes "and" Avoid investment products that contain excessive fees, risk and levels of complexity. "

Private insurance as an efficient scheme combined with Social Security is designed to finance retirement age income. The voluntary pension fund is a recognized part of the international pension system. This type of pension is created by the fact that ordinary state pension systems do not provide people with sufficient income when they reach retirement age. A voluntary pension fund, a "pension fund", is an asset group owned by members of a pension fund. In order to qualify for a private pension, he must sign a contract with one of the private insurance companies in Albania, which expresses his desire to voluntarily insure himself. Benefits are cash payments in the form of annuities of the amounts held in a member's pension fund account. Benefits of applying for private pensions in a cross-cutting manner from both public and private schemes. Private pension rates operate uniformly, regardless of geographical location, and serve as regulators in household economic well-being. The private pension serves as a powerful generator of monetary values as the economic situation is very low, especially for the elderly. Private retirement should come as a breath for today's young people as Albania's population ratio is more effective than that of other countries. Here's how private pension can be hereditary even if the

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[1] *EDHEC Professor Lionel Martellini, Private Pension Recommendations*

person dies; the advantages that private pension offers in relation to the payment of contributions, as they do not have a fixed value, but depend on the ability of each individual. He may also withdraw early, subject to some penalties.

Given the fact that compared to European Union countries, Albania still does not implement the second-tier scheme, unlike other countries and neighboring countries, not the EU, for example. Macedonia. In order to remedy the consequences of economic impacts, greater interference by state bodies is needed in the sphere of public-private relations. *Contributions to private pension are tax free for the smallest value between 200,000 ALL and 15 per cent of member's gross annual net profit in the pension fund. While, in cases when the member of the pension fund is over than 50 years old, the contributions to private pension are tax free for the smallest value between 250,000 ALL and 25 per cent of member's gross annual net profit in the pension fund [1].* An individual can receive state pension and private pension at the same time. The private pension does not have a fixed amount. People should see private pensions as the only opportunity for real pensions to grow. Multi-pillar pension systems are considered as the most effective way to meet the demographic challenges facing pension systems and to meet the double objective of system sustainability and income eligibility for pensions.[2]. Multi-pillar pension systems have considerable risk diversification advantages, as the factors that most affect the first pillar (labor market dynamics, demographic changes, public finances) are not fully related to those that affect the second pillar. and third, (market volatility and inflation).

There are four main factors affecting pension funds operation and need to be known: 1. legal and regulatory framework. 2. prudent investment policies. 3. time span (Time extension of investment). 4. transparency with the public. The four main challenges for actors which operate in this market can be summarized: 1. awareness, 2. stimulation, 3. financial opportunities, 4. rapid growth of population age.

While pension funds have their challenges for implementing an ideal pension system:

1. Fulfilling the conditions for an ideal pension system requires: a) Be a fiscally sustainable system.

b) Be a system to provide incentives for formalizing the labor market. c) be a system that guarantees reasonable pensions for all individuals.

2. Administration of the pension system in general and of pension policies in particular.

3. Covering the population with successful pension schemes in every country and time when this right arises.

4. Increasing the number of contributors.

5. Collection of income from contributions of farmers and voluntary insureds.

6. Improving the efficiency of the management of social security funds for the pension system.

V. Analyzes

Three[3] voluntary private pension funds have been created in Albania, based on the pension system law which supports and strengthens the private pension market or what is otherwise called the third pillar of the pension system. The 2005 law is the one that created such an opportunity for Albania. Within 2005 we had the creation of the first voluntary private pension fund in Albania. The voluntary private pension market cannot be considered yet an important factor in the Albanian economy.

5.1. Pension reforms in Albania.

Some important reforms of the pension system have been undertaken through these 30 years in Albania. We present on table the main reforms, the purpose of the reform and the particular issue tackled by each of them.

Table 2. Pension reforms undertaken

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[1] *Article No. 88, Law No. 10 197, amended "On Voluntary Pension Funds".*

[2] *Monthly publication number 122, AFSA March 2019.*

[3] *In 2020 in Albania is licensed a new private pension fund under administration of Albinvest which is part of Albsig Financial Group. This new private pension fund is not part of this paper because it was not in operation when the work for this paper took place.*

Year	Reforms	The purpose of the reform	Particular
2014	Parameter Reform	Scheme of stable bearing developed private pension market	Raising the retirement age
2005	Private Market	Adaptation to the market	Third pillar of pensions
2002	Parameter Reform	Coping with Social Demographic Challenges	Raising Retirement Age and Reference Pay
1993	Unification of two social security schemes	A single system (application of the principle of social justice)	Beneficiaries, state employees and cooperatives' members

Operating based on law in Albania we have two types of pension funds: 1) individual voluntary pension fund represents the aspiration of individuals; 2) professional pension fund represents the wish of the employer. For the second type, there are two approaches: a) Employer-only occupational pension fund, where the employer is obliged to pay in full contributions to his employees; b) A joint professional pension fund, where contributions are paid jointly by the employer and the employee.

There are some proposals for amending the Law no. 10197 dated 10.12.2009 "On voluntary pension funds", which are mainly oriented on: Increasing transparency and credibility in the management of private pension funds; and, Strengthening the role of the Financial Supervisory Authority (FSA) in overseeing private pension funds.

5.2. Three-pillars of pension system

Most of social systems today are publicly governed and pay defined benefits. Existing systems are not always able to protect the elderly. However, theoretically and practically there are the opportunities to apply the systems which comprise three pillars, shown in the table as per following:

Table 1. Three-pillars system breakdown

The three pillars of the system		
pillar	The second pillar	The third pillar
Obligatory	Obligatory + Private	Private volunteer
Publicly managed and Ensures a minimum standard of living	Provides the current standard of living	Ancillary pension

The first pillar, mandatory, publicly administered and funded contribution-driven redistribution pillar. This pillar is the model applied in Albania "pay as you go". This is called a safe scheme although the benefits that citizens receive are very low compared to other European Union countries.

Second pillar, mandatory privately administered and fully capitalized. This pillar enables individual selection for a lifetime distribution of money consumption. This pillar is an overlay between the private and the public pension scheme. This scheme generally is administered by private companies, which are selected by the state under the proper application of the legislation[1].

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[1] *Augusto Iglesias and Robert Palacios, Managing Public Pension Reserves Part 1 Social Protection Discussion Paper No. 0003, Department of Social Protection, World Bank, January 2012.*

Third pillar [1], is voluntary, is entirely private and is based on optional capitalism according to the choices of individuals. There are currently three institutions[2] offering this scheme: Sigal - Life Uniqa Group Austria; Raiffeisen Invest; Credins Pension.

5.3. The role of the second and third pillar in the pension system

The second pillar,

AFSA and government need to care about the implementation and progress for this pillar, based on several principles as per following:

1. It should be mandatory, because many citizens do not think about their old age, putting a burden on society.

2. Well defined contributions.

3. Well and totally capitalized.

4. Clear costs from the beginning.

5. Increased contributions to PAY & GO system as per mirroring the population ages.

6. Privately administered because of the unprofessional influence of politicians in power who might appoint their uneducated relatives in managing these funds. While, the private administration will choose the best capital allocation and the highest return on savings and help the country develop financial markets.

The third Pillar,

With the third pillar being built many countries have not found it necessary to build a second pillar. One of the advantages of this pillar is that the state is not responsible for administering voluntary contributions. One feature of this pillar is that it is gradually evolving and requires a diversified investment environment and fiscal facilities. The third pillar in Albania is in its development. Existing companies retain a significant number of contributors and expect fiscal relief and favoritism. The lack of competition of foreign companies favors domestic companies.

VI. Conclusions

Decision-makers and policymakers need to consider and pay particular attention to the fact that the continued increase in public pension spending is harmful to the country's economic growth. Therefore, the alternative of orienting the pension market to the private sector (second and third pillars) is of great importance as it not only gives relief to the stagnation of the public pension scheme but also "facilitates" economic growth.

In the future it can be concluded by the majorities that the pension reform undertaken these years and the efforts to orient the pension system towards the private sector have conveying impact on the country's economic growth.

The Private pension funds are less open to political manipulation than the public scheme. The results of these funds depend solely on the contributions of individuals, the management of the capital market, as well as their good performance.

The social security needs the help of private insurance coverage. Today we should all be aware that private pension funds are not an option but a vital necessity for future generations.

It would be worthwhile to have another pillar in place, which will help establish a direct link between obligatory contributions and benefits, improve the level of funds management, pensions beneficiaries and reduce the burden on the state budget leaving more space for public investment in infrastructure, education and health.

For a better performance of pension system need to be strengthened the legal implementation of the payment of social security contributions, taxes and funds management.

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[1] *The valuable contribution was made by mathematician J. Dotson, in collaboration with one of the signatory insurers in the group Lloyd's, J. J. Angerstein*
[2] *More information on: www.capital.com.al; http://push2check.com/raiffeisën.al; www.sigmaIPP.com.al*

The time has come for Albania to reform its pension systems to guarantee a dignified and peaceful financial life for the elderly. This is also one of its obligations in the EU integration process.

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A juristic-social perspective of domestic violence for 2019 in Elbasan, District of the Republic of Albania

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Abstract

Domestic violence in Albania continues to be widespread across all segments of the population. The prevalence of domestic violence is very high, as most cases are not reported and survivors of domestic violence consider the issue to be personal. 52.9% of women in Albania aged 18-74 have experienced violence. The content of this paper consists of the legal and social analysis of domestic violence for 2019, in the Elbasan District of the Republic of Albania. The main focus of this paper is: - Law No. 47/2018 "On Measures Against Domestic Violence", which aims to guarantee the protection by legal and other necessary measures of family members who are victims of domestic violence, paying particular attention to children, the elderly and persons with disabilities, as well as to any individual subject to this law who has special protection needs; - Coordinated mechanism of referral of domestic violence cases based on DCM 334/2011, which is reported by the 7 Municipalities of Elbasan District, where 213 cases of domestic violence were identified and supported with services. Lastly, it will pay attention to what has been done so far to enable good management of domestic violence in this District, by central and local government, and what needs to be done to prevent, reduce and support violence in the family. The paper is developed in the context of a theoretical, analytical, argumentative and legal approach. The methods used in this paper are empirical and comparative. We have attempted to investigate the reality of the subject, interpreting it as objectively as possible, while at the same time bringing the work to a comparative level between the data found for the 7 Municipalities of Elbasan District.

Keywords: Domestic Violence, Social Services, Woman Rights

Introduction

Domestic violence in Albania continues to be widespread across all segments of the population. The prevalence of domestic violence is very high, as most cases are not reported and survivors of domestic violence regard this issue as personal. 52.9% of women in Albania aged 18-74 have experienced violence. More specifically, 41.2% of women have experienced "sometimes" coercive controlling behavior *(1. Coercive controlling behavior is "A strategic way of oppressive behavior to secure and extend gender-based privilege through depriving women of their rights and freedoms" and establishing a domination regime in personal life. "1 Love related violence"Patterns of abusive behavior)*, 31.4% experienced psychological violence, 18.0% experienced physical violence, 8.6% experienced violence sexual violence, and 7.0% have experienced economic violence *(2. INSTAT Population-Based National Survey 2018-2019; Physical Violence is "Any act that causes physical injury as a result of unlawful use of physical force. Physical violence can take the form and, among other things, serious and minor assault, deprivation of liberty and assault with a weapon. "Sexual violence is" Any sexual act, an attempt to committing a sexual act, unwanted sexual comments or any other act against a person's sexuality by using coercion, by any person regardless of their relationship with the victim, in any setting, including but not limited to home and work. Psychological violence is "Any act that causes psychological harm to an individual. Psychological violence can take the form of, for example, coercion, slander, verbal abuse or harassment. "Economic violence is "The actions of controlling and monitoring the behavior of an individual in terms of use and distribution of money, and the constant threat of disruption of economic resources").*

Law no. 47/2018 "On Measures against Domestic Violence" *(3. amending Law No. 10 329, dated 30.9.2010 "On Measures against Domestic Violence")*, is intended to guarantee the protection by legal and other measures. other necessary

measures for family members who are victims of domestic violence, paying particular attention to children, the elderly and persons with disabilities, as well as to any individual subject to this law who is in special need protection;

DCM 334/2011 provides for the establishment of a Working Coordination Mechanism for the referral of domestic violence cases consisting of: Steering Committees for the coordination of the activities of responsible authorities at the local level and referral of domestic violence cases; which operate near each municipality, are ad-hoc coordination committees that report quarterly to the Ministry of Health and Social Welfare with a report-proposal; Interdisciplinary technical teams consisting of technical representatives of the institutions represented in the above-mentioned committees, child protection unit representatives and salespersons of gender equality recognized by local government units as well as freelance lawyers, psychologists and others; The local coordinators for referring cases of domestic violence are the representatives of the social services office at the local government unit that runs the work of the interdisciplinary technical team.

The social administrator of the municipal social services office will refer cases of domestic violence that occurred in the municipality to the interdisciplinary technical team established in the municipality, whose jurisdiction is the municipality. A victim of domestic violence or any person who constitutes a case of domestic violence may seek assistance in: - any local structure of the responsible state authorities exercising their activity in the territory where the municipality extends its jurisdiction; - the prosecution; - court; - a lawyer; N.P.O specialized in this field; - domestic violence coordinator at the local government unit; - specialist of the Child Protection Unit at the municipality; - school psychologist. In cases that do not require emergency intervention, these institutions / organizations, while respecting the will of the (adult) victim of violence, shall notify the local violence coordinator, who shall present the case for consideration at the interdisciplinary technical team meeting. Members of the interdisciplinary technical team develop a joint intervention plan for the long-term solution of the case being handled.

While for cases requiring bidding intervention, despite being subject to prejudice, the war victim is directed, each has a notice to the sales coordinator of the violence, upon arrival arrives by the police at the scene and the immediate direction of the violated case. , according to the rules of law no. 9669, dated 18.12.2006 "On measures against violence in family offices", as amended, for each serving authority (DCM No. 334, dated 17.2.2011 on the Coordination Mechanism of Case Referral) of Domestic Violence and the Manner of Its Proceedings). Coordinator of violence provided with police representatives for the preliminary analysis of the service you are given: a head-to-head interview with the victim, the abuser, and a member to do more; assess the level of violence; facts, standardization and standardization, provision of primary health care (possible), transportation of the victim of violence to a safe place. The two aforementioned interagency team representatives will participate in a best-in-class service delivery and provide resources offered for first and / or immediate intervention. Following the first aid aides to the victim of violence, the force coordinator appoints a Counseling Advisor at the interdisciplinary technical team meeting.

In the Elbasan District of the Republic of Albania, we have services provided by public and non-public, residential and day-to-day Non Profit Organizations (N.P.O) for these target groups: domestic violence children; elderly domestic violence, domestic violence women / girls and persons with disabilities of various diagnoses such as paraplegia, tetraplegia, blindness and other mixed diagnoses, domestic violence. Out of the 7 municipalities of Elbasan District, only 2 municipalities of Belsh and Prrenjas do not yet have services provided to the above mentioned target groups.

Albanian legislation provides in addition to the aforementioned services for victims of domestic violence and financial support. Specifically Decision of the Council of Ministers No. 597, dated 4.9.2019 "On determining the procedures, documentation and monthly amount of economic aid benefit and the use of additional funds on the contingent fund for economic assistance", stipulates that the amount of financial assistance for each victim of domestic violence that is not treated in social care institutions, as defined in the protection order or immediate protection order, is 3,000 ALL (three thousand Albanian Lek/ which is approximately 25 €) per month. This victim is put on the alternative of receiving either social assistance as unemployed or being paid as a victim of domestic violence, due to the electronic system of economic assistance currently applied to the Regional Directorate of State Social Services Elbasan. Example: if the victim of domestic violence is a woman or man etc. who are unemployed, apart from the monthly payment of 3,000 ALL (three thousand Albanian Lek/ which is approximately 25 €) per month as a victim of domestic violence, they do not receive any additional social assistance payments as individuals in need. . It is necessary that this missing payment be made available as soon as possible to the victim by the Ministry of Health and Social Protection, finding the solution of the electronic system of economic assistance.

During 2019 by the Coordinated Mechanism of Referral of Domestic Violence Cases at the Elbasan District level, it is reported by 7 Elbasan County municipalities that 213 cases of domestic violence have been identified and supported by services. Based on the needs assessment of these cases of domestic violence, the following services were provided: - psychosocial and emotional support for 194 cases; - consultancy and legal support in 91 cases; - Emergency accommodation for 21 women and 20 children; - transport to a safe place for 21 cases; economic support as needed in 29 cases; - economic support due to the protection order in 102 cases; food package for 45 cases; - housing rent bonus for 17 cases; - health care, purchasing medicines for mothers and children in 87 cases; - referral for attending a professional course in 77 cases; - Case employment coordinating with the Elbasan Regional Employment Office for 19 cases; - registration of children respectively in school and kindergarten for 14 cases; - kindergarten payment for 10 children; - monitoring through communication methods (telephone, family visitation, meeting) for the implementation of safeguards set out in the decision of the District Court for issuing a protection order for 112 cases with Immediate Protection Order (I.P.O)/ Protection Order (P.O).

In parallel with the needs assessment, the Local Coordinators in Elbasan District Municipalities have also provided services to the perpetrators as follows: - Information on compliance with the measures taken by the P.O and the penalties provided by law for violating these measures. 107 rapists (99 men and 8 women); - referral to the "Other Vision" center for attending counseling sessions for abusers; - referral to the family doctor to diagnose health concerns; - referral to the Mental Health Community Center; - referral to the Vocational Training Center to attend a vocational course; - referral to the Labor Office for information on vacancies. In addition to the aforementioned services, there is a need for this target group to have rehabilitation programs, which in most cases are alcoholics, drug users, with an aggressive personality, less work and insufficient education. Many needs still need to be provided at present by central and local government to better manage domestic violence. Much has been done but much needs to be done to prevent, reduce and support domestic violence in all its forms.

Domestic Violence

Violence is any act or omission of one person against another, which results in a violation of physical, moral, psychological, sexual, social, economic integrity. Domestic violence is any act of physical, sexual, psychological, or economic violence occurring within the family or household, perpetrated between family members who are or have been in a family relationship, regardless of whether the abuser shares or shares the same flat with the victim. Family members are: - spouse or cohabiting or ex-spouse or ex-cohabiting partner; - brothers, sisters, including, as the case may be, their spouse or cohabitant as well as their grandchild, if the latter are members of the household; - ancestors and offspring in a straight line, without limitation, including where this relationship is established through adoption; - the parents of the spouse or cohabiting partner, including the stepmother, even if this relationship is derived from adoption; - straight line gender, including parents, and adopted children of the spouse or cohabitant; - brothers and sisters of the husband, wife, cohabitant; - children of spouses or cohabiting partners; ë) persons who are or have been in intimate relationships, not necessarily accompanied by cohabitation, enjoy the same protection; f) the guardian and the person in his or her care during the course of the guardianship, in accordance with the provisions on guardianship of minors and guardianship of persons with disabilities and the person who has been removed or restricted the ability to act in accordance with the provisions of the Family Code .

Law no. 47/2018 "On Measures against Domestic Violence" is intended to guarantee the protection by legal and other necessary measures of family members who are victims of domestic violence, paying particular attention to children. , the elderly and persons with disabilities, as well as any individual subject to this law who has special protection needs. This law is based on the principles enshrined in the Constitution of the Republic of Albania, the United Nations Convention on the Elimination of All Forms of Discrimination against Women, the Council of Europe Convention on the Prevention and Fight against Violence against Women and domestic violence "and other international acts ratified by the Republic of Albania.

Article 130 /a of the Albanian Criminal Code defines domestic violence as "beatings, as well as any other acts of violence against the above persons, thereby violating his physical, psychosocial and economic integrity". Also, Article 130 /a: acknowledges as domestic violence "serious threat of murder or serious injury to the above persons as a consequence of the violation of his mental integrity". In the case of domestic violence, the victim or any person who ascertains a case of domestic violence may apply to the nearest local police station (of the area where he or she resides or is located) with a

request (commune, municipality), the health center of the area where he / she resides or is located or at the request of the district court of the place of residence, its location or the perpetrator, to take the necessary measures.

The main authority responsible for the implementation of Law No. 47/2018 "On Measures against Domestic Violence is currently the Ministry of Health and Social Protection. Other responsible line authorities are: - the ministry responsible for public order and security matters; - the ministry responsible for justice; - the ministry responsible for education; - the ministry responsible for housing issues; - the ministry responsible for employment and vocational training; - units of local self-government. These other responsible line authorities differ if one of them assumes the role of the principal responsible authority. In this case, this authority also has a key responsible role and covers issues in the relevant field.

The main responsible authority has the following tasks: developing and implementing national strategies and programs in the field of protection and care for victims of domestic violence; financing or co-financing projects aimed at protecting and consolidating the family, as well as caring for victims of domestic violence; support in setting up support structures, in co-operation with the referral mechanism, to coordinate, implement, monitor and evaluate policies and measures to prevent and combat all forms of violence, and to supplement them with all necessary infrastructure, in particular also in line with the principle of "reasonable fit", which serves to support and meet all needs for victims of domestic violence, including financial assistance, as well as medical and social services, under the legislation in force; - Organizing trainings on the prevention and treatment of domestic violence issues for social service workers, who provide services at each local government unit, State Police structures, medical staff and N.P.O staff licensed for provision of social services; - coordinating the work of maintaining and collecting statistical data on domestic violence cases, including analyzing, publishing and reporting annually to the responsible parliamentary committee / subcommittee on gender equality and violence prevention against women; - supporting and overseeing the establishment of rehabilitation centers for victims of domestic violence; supporting and overseeing the establishment of rehabilitation centers for perpetrators of domestic violence; licensing various N.P.O to provide social services to victims and perpetrators; setting up a national center of social care services for victims of domestic violence; etc.

Specifically in the Elbasan District we have services provided by public and non-public, residential and day-to-day NGOs for these target groups: domestic violence children; elderly domestic violence, domestic violence women / girls and people with disabilities (persons with disabilities of various diagnoses such as paraplegia, tetraplegia, blindness and other mixed diagnoses) domestic violence. Out of the 7 municipalities of Elbasan District, only 2 municipalities of Belsh and Prrenjas do not yet have services provided to the above mentioned target groups. While in the other 5 municipalities the situation is as follows:

1. Municipality of Elbasan (official sources confirmed by the Elbasan Municipality of Elbasan County, Albania) operate 24 public and non-public, residential and daily Non Profit Organizations (N.P.O) with the following services:

- Aid to Balkans Foundation (A2B) - Bread to Life Center. Offers senior menus / lunches, opportunities to stay together and develop activities (newspaper reading, coffee consumption, etc.).

- Balashe Public Center. Provides services for the elderly that enable staying in the social environment until noon, consuming lunch, coffee, etc.

- "Albanian Red Cross - Elbasan Branch". Offers seniors in the form of activities (games like: chess, dominoes), coffee, tea, and health visits by a Red Cross doctor. Due to lack of facilities, these services are offered at reduced hours.

- Aid to Balkans Foundation (A2B) - Bread Center of Life. Provides services for roma children.

- Aid to Balkans Foundation (A2B) - Another Life Project. It offers kindergarten service for children, lunch consumption and educational activities.

- Aid to Balkans Foundation (A2B) - "Hope for the Future". Provides services for the children that go to school in that area, who come to this Center after finishing school and consume lunch, and then learn together and do home-works with the Center's teacher.

- Charity Missionary Foundation / Gift of Love "Mother Teresa's Sisters". They operate in the form of a Family-Home for Social / Biological / Disabled Children with full services such as: food, clothing, and sleeping, health care, kindergarten (depending on the age of the child). Provides summer camps.

- "Wilhelm Relief Society for Albania" - House "Lucky Hours" Function in the form of a Home for Children social / biological living, with full services such as: food, clothing, sleeping, doctor attendance, garden companionship (Depending on the age of the child.) The Wilhelm Aid Foundation for Albania aims to: Up bring, health and social care, education, psychosocial treatment of children, creating conditions and characteristics of a family environment around them, integrating them into the environment outside the institution, as well as placing the child in a priority family environment of origin in accordance with the country's social policies regarding children with social problems.

- "Wilhelm's Aid for Albania" - Antonia House. Works in the form of a home for social / biological orphans, with full services: food, clothing, sleeping, doctor's (health) attendance, kindergarten (depending on age) Aims: upbringing, health and social care, social education, independence education, job education, psychosocial treatment of girls, creating conditions and characteristics of a family environment, and integrating them placement outside the institution, placement of the girl in a family setting, with priority given to origin in accordance with the social policies of the country.

- Wilhelm's Aid for Albania "-" Fritz Sommer "Kindergarten" Fritz Sommer "is a day care institution attended by children in the area and also children from the" Lucky Hours "orphanage aged 3-6 years.

- "Roma Community Center". Offers services for kindergarten children in the region (mainly Roma and Egyptian). Teaching and educational activities in Albanian and Roma language. Cultural and artistic activities. Sporting activities, as well as civic and health education for acute social problems that concern the Roma community.

- Balashe Public Center. Provides services such as therapy / physiotherapy, for adults with Doa Syndrome, mental health, Autism, and mix diagnosis.

- Elbasan Autism Center "Fly for Life". It offers services such as therapy / physiotherapy, mainly for Autistic children, Doe Syndrome, as well as mental health.

- "Future for You" Center. Provides services like therapy / physiotherapy, for children mainly with Doyne Syndrome, but also Mental Health, Autism, MIX Diagnosis.

- "Multifunctional Center for Immigration Returns". Offers after-school for children ages 8-20; integration of families returned from immigration; the IGA budget is a service provided to the poor to develop a small business for all vulnerable groups, as well as immediate assistance for furnishing and heating for families in need.

2. Municipality of Librazhd (official sources confirmed by the Municipality of Librazhd of Elbasan County, Albania) operate 2 public and non-public, residential and daily N.P.O with the following services:

- Day Center, "Third Age from the Red Cross". Provides services for the elderly that enable staying up to noon, coffee, tea, etc., age-related activities such as reading newspapers, chess, dominoes, as well as health services by a Red Cross doctor.

- The Daily Center for "MEPAK" is a daily center for people with disabilities, tetra-pleural-paraplegic. Provides services for people with disabilities such as: - education, physiotherapy, speech therapy, nutrition care, etc.

3. Municipality of Cerrik (official sources confirmed by the Municipality of Cerrik of Elbasan County, Albania) operate 2 public and non-public, residential and daily N.P.O with the following services:

- Day Center "Kites". Provides education, community outreach, and meals for children in need who come from families with socio-economic problems.

- "Daughters of Love" Residential Center. It operates in the form of a Home-Family for children social / biological orphans, which offers full services such as: food, clothing, sleeping, attending a doctor (health) as well as kindergarten or school attendance (depending on the age of the child). .

4. Municipality of Peqin (official sources confirmed by the Peqin Municipality of Elbasan District, Albania) there are 1 public and non-public, residential and daily NGOs working with the following services:

- The Aid to Balkans Foundation (A2B) - The Center "Again Another Life" offers services to Roma children.

      5. Municipality of Gramsh (official sources confirmed by Gramsh Municipality of Elbasan District, Albania) there are 1 public and non-public, residential and daily NGOs working with the following services:

- Association "ASED", Gramsh Daily Center. Provides services for people with disabilities such as: Down syndrome, Mental Health, Paraplegic paraplegia.
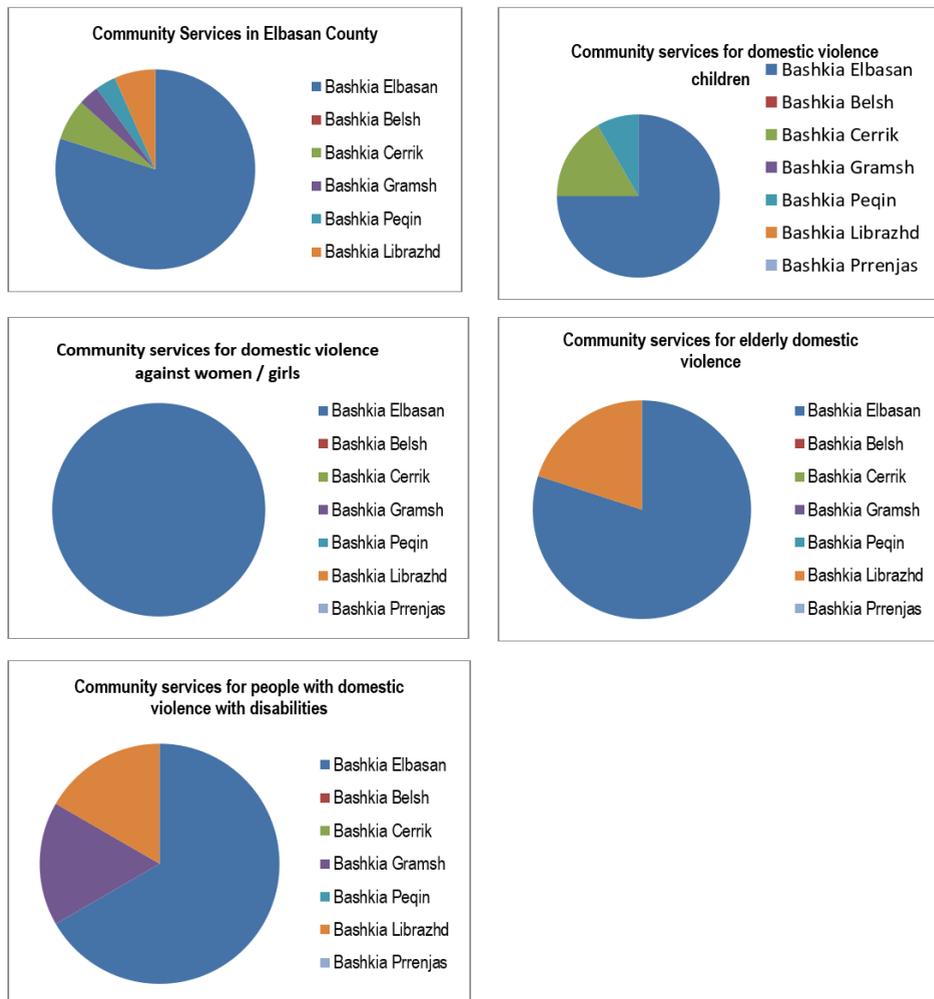
Community Services in Elbasan County

Community services for domestic violence children

Community services for domestic violence against women / girls

Community services for elderly domestic violence

Community services for people with domestic violence with disabilities

In parallel with the needs assessment, the Local Coordinators in Elbasan District Municipalities have also provided services to the perpetrators as follows: - Information on compliance with the measures taken by the P.O and the penalties provided by law for violating these measures. 107 rapists (99 men and 8 women); - referral to the "Other Vision" center for attending counseling sessions for abusers; - referral to a family doctor to diagnose health concerns; - referral to the Mental Health Community Center; - referral to the Vocational Training Center for a vocational course; - referral to the Employment Office for information on vacancies. In addition to the aforementioned services in Elbasan County, for victims of domestic violence, at the national level is the "National Center for the Treatment of Victims of Domestic Violence" (official source from the Ministry of Health and Social Protection). The Services Directly provided by this center are as follows: - Food, clothing, temporary accommodation; - Psychosocial assistance; - medical assistance; - Legal assistance; - Educational education; - Professional qualification and treatment; - Occupational, rehabilitation activities; - Reintegration referral; - Preparation for reintegration; - Undertaking family reintegration negotiations; - Monitoring and evaluation of cases after referral to reintegration centers or the community. Albanian legislation provides in addition to the aforementioned services for victims of domestic violence and financial support. Specifically, Law no. 57/2019 "On Social Assistance in the Republic of Albania",

one of its aims is to alleviate poverty and social exclusion for individuals and families, as well as to create opportunities for their integration, by providing a system of interventions and services to improve their livelihood. Victims of domestic violence have been designated as a category in need of social assistance in the form of social assistance. Article 7 stipulates that the beneficiaries of economic assistance are, inter alia, victims of domestic violence, for the period of validity of the protection order or immediate protection order, which are not dealt with in social care institutions. Victim of domestic violence within the meaning of this law is any person, as defined in the law on measures against domestic violence, for whom a protection order or immediate protection order has been issued by a court decision. The Decision of the Council of Ministers No. 597, dated 4.9.2019 "On the determination of the procedures, documentation and monthly amount of economic assistance and the use of additional funds on the contingent fund for economic assistance", stipulates that the amount of financial assistance for each victim of domestic violence that is not treated in social care institutions, as defined in the protection order or the immediate protection order, is 3,000 ALL (three thousand Albanian Lek/ which is approximately 25 €) per month. If the I.P.O/ P.O stipulate that in addition to the adult persons raped in the family is also one of the children or another adult member of the family, the payment of 3'000 ALL goes for each of them. This financial assistance shall be granted during the period of validity of the protection order or immediate protection order set forth in the court decision. Example: if the victim of domestic violence is a woman or man etc. who are employed in the state administration or private company, in addition to the monthly payment they receive from their employer they receive an additional allowance of 3,000 ALL.

In order to impose safeguards, based on Law No. 78/2018 "On Measures against Domestic Violence, the court (the body competent to issue protective orders in the case of domestic violence is the district court) issues protection orders and immediate protection orders.

Entities entitled to request protection order (P.O) *(Law No. 78/2018 "On Measures Against Domestic Violence, Article 3, paragraph 10, reads"Protection Order"is an order issued by court order providing for protective measures for domestic violence)*are victims, children and, where appropriate, measures to rehabilitate the abuser) are: the victim himself; the victim's legal representative or lawyer; police / prosecution. The application for protection order for a minor may be submitted by: the parent or guardian of the minor; the victim's legal representative or lawyer; relatives; representatives of the social services office of the municipality or commune, where the victim is a permanent or temporary resident who is aware of the use of violence; centers and services for the protection and rehabilitation of victims of domestic violence, recognized / licensed by the Ministry of Health and Social Protection; police / prosecutor; persons legally responsible for children.

Entities entitled to request immediate protection order (I.P.O) *(Law No. 78/2018 "On Measures Against Domestic Violence, Article 3, Item 11, reads" Immediate Protection Order "is an order temporarily issued by court order, valid until the issuance of a protection order by court order)* are victims them self; the victim's legal representative or lawyer; police / prosecutor; the person with whom the victim has a family relationship; representatives of the social services office of the municipality or commune, where the victim is a permanent or temporary resident who is aware of the use of violence; centers and services for the protection and rehabilitation of victims of domestic violence, recognized / licensed by the Ministry of Health and Social Protection.

The court decides to consider the request for issuance of the protection order within 15 days after receiving the request. Whereas, in respect of a request for immediate protection, the Court shall decide in the case of a minor within 24 hours of the request being filed; in the case of other victims of domestic violence within 48 hours of the request. The court decision, which contains the immediate protection order, is final and constitutes an executive title as soon as it is announced (or notified to the parties). The court decision containing the protection order constitutes an executive title after it becomes final and is executed immediately by the bailiffs, in accordance with the provisions of the Code of Civil Procedure, police stations and local government units (municipalities, communes) or even the perpetrator voluntarily. . The court issues the execution order at the same time it issues the protection order. Also institutions, residential centers, service centers, N.P.O licensed to provide services implement the measures provided for in the judicial decision and coordinate their work with the units of the local government court and police departments, as direct executors of these decisions. The mechanism of coordination of work between the authorities responsible for referring cases of domestic violence, as well as the manner in which it is processed to support and rehabilitate victims of violence, shall be determined by decision of the Council of Ministers.

Cross-sectional support in the 7 municipalities of Elbasan District for survivors of domestic violence and gender-based violence.

During 2019 from the Coordinated Mechanism of Referral of Domestic Violence Cases at Elbasan District level, it is reported from 7 municipalities of Elbasan that 213 cases of domestic violence have been identified and supported with services. From these: 124 are cases of I.P.O or P.O, while 77 are without I.P.O /P.O, but which are supported by services to prevent domestic violence; 39 cases are carried forward from 2018 due to P.O duration;

The following table presents the relevant indicators at Elbasan County level. (* data provided from official sources confirmed by Municipalities at Elbasan District level).

Indicators	2019 Year
Total number of cases of domestic violence Municipalities	213 Elbasan 129; Perrenjas 29; Gramsh 29; Cerrik 17; Belsh 5; Librazhd 4.
Number of cases with I.P.O or P.O Municipalities	124 Elbasan 81; Perrenjas 13; Gramsh 23; Cerrik 2; Belsh 1; Librazhd 4.
Number of cases without I.P.O or P.O Municipalities	77 Elbasan 27; Perrenjas 19; Gramsh 12; Cerrik 15; Belsh 4.
Nr. of the cases of dismissal of the claim Municipalities	34 Elbasan 8; Perrenjas 19; Gramsh 4; Cerrik 3.
Nr. of the cases from year 2018 Municipalities	39 Elbasan 13; Perrenjas 11; Gramsh 5; Cerrik 1; Belsh 9.
Man Municipalities	14 Bashkite: Elbasan 9; Gramsh 5.
Woman Municipalities	199 Elbasan 120; Perrenjas 29; Gramsh 24; Cerrik 17; Belsh 5; Librazhd 4.
The Roma community	2 in Elbasan
The Egyptian community Municipalities	31 Elbasan 28; Gramsh 3.
Adults Municipalities	176 Elbasan 99; Perrenjas 29; Gramsh 26; Cerrik 17; Belsh 1; Librazhd 4.
Kids (included in P.O) Municipalities	50 Elbasan 43; Perrenjas 2; Gramsh 4; Belsh 1.
Kids/ girls Municipalities	21 Elbasan 18; Gramsh 2; Belsh 1.

Based on the needs assessment of specific cases of domestic violence, services are provided according to the following detailed data:

Psychosocial and emotional support - 194 cases in total.

Legal consultancy and support - 91 cases.

Emergency accommodation - 21 women and 20 children.

Transport to a safe place - 21 cases.

Economic support as needed - 29 cases.

Economic support due to P.O - 102 cases.

Food package - 45 cases.

Residential rent bonus (as per case specifics) - 17 cases (16 cases Elbasan Municipality and 1 case Gramsh Municipality).

Healthcare, purchase of medicines for mothers and children - 87 cases out of which 86 cases Elbasan Municipality and 1 case Prrenjas Municipality.

Referral for attending a professional course - 77 cases.

Case employment in coordination with Elbasan Regional Employment Office - 19 cases.

Registration of children respectively in school and kindergartens - 14 cases.

Kindergarten payment - 10 children.

Monitoring through communication methods (telephone, family visitation, and meeting) for the implementation of protective measures set forth in the decision of the District Court for issuing the protection order - 112 cases with I.P.O / P.O.

In parallel with the needs assessment, Local Coordinators in Elbasan District Municipalities also provided services to the perpetrators as follows:

Information on compliance with the measures taken by the P.O and the penalties provided by the law for violating these measures. 107 rapists (99 men and 8 women).

Referral to the "Other Vision" center for attending counseling sessions for abusers.

 Referral to your GP to be diagnosed with health concerns.

Referral to the Community Mental Health Center.

Referral to the Vocational Training Center for attending a vocational course.

Referral to the Labor Office for information on vacancies.

The Interdisciplinary Technical Team has been operating regularly in the 6 Elbasan District Municipalities (Elbasan, Librazhd, Prrenjas, Gramsh, Cerrik and Belsh), with the exception of Peqin Municipality which has not had this group regularly established for 2019 due to lack of a stable person in position as Coordinator for Domestic Violence. In the other six municipalities this Team is convened periodically, each month, as required by law, but also depending on the cases presented. It has established its own mode of operation, rules of communication, procedures followed for case management, data collection and information dissemination, etc. This team has held 30 meetings in all 6 of these municipalities during 2019.

The technical roundtables served to plan activities and campaigns over time aimed at addressing issues of gender equality and domestic violence. Specifically, during the year 2019, 69 awareness-raising and outreach activities were organized at the District level in schools, communities, institutions including activities on marked days such as: International Day for the Elimination of Violence against Women which is November 25, announced by the United Nations for the first time in 1981. (Brochure by MMSR, United Nations Albania and Swiss Embassy, 2017 entitled "Boys & Men, part of the solution. Show that you are against violence). In 1991, the Global Women's Leadership Center at Rutgers University for the first time called for a "16 Days of Activism against Gender Violence" campaign - days between November 25 and International Human Rights Day, December 10.

The Employee Readiness System is the first system of its kind established by the mayor / mayor, which strives to increase the effectiveness of work to minimize domestic violence. This system is set up to provide emergency services (24 hours a day) in five Elbasan District Municipalities as follows: Elbasan, Belsh, Librazhd, Gramsh and Cerrik. The system consists of public administration employees of the social service sector operating near the above municipalities, who are alert, based on a schedule set out in a calendar with employees' phone numbers. The graph is made available to the Elbasan District Police Directorate, the Elbasan Judicial District Court, and the State Agency for the Protection of Children's Rights. In each administrative unit is the Social Worker as the focal point for identifying and referring cases of domestic violence. During 2019, this system provided emergency services for 21 cases after official business hours.

Conclusions

In law no. 78/2018 "On Measures Against Domestic Violence", it is envisaged that the Ministry of Health and Social Protection will guarantee the organization of training courses on domestic violence with social service employees, attached to each local unit, structures of the Police Order and with NGO employees licensed to provide social services. This Ministry also guarantees support and supervision for the expansion of rehabilitation centers for victims of domestic violence as well as for the perpetrators of domestic violence.

For 2019, in the Elbasan District out of 7 municipalities in total, we have services provided by public / non-public, residential / daily NGOs, for victims of domestic violence / rapists, in only 5 municipalities. Specifically Elbasan Municipality with 24 services, Librazhd Municipality with 2 services, Gramsh Municipality with 1 service, Cerrik Municipality with 2 services, Peqin Municipality with 1 service. While the remaining 2 municipalities, of Belsh and Prrenjas , do not yet have services provided to victims of violence. The Interdisciplinary Technical Team has been operating regularly in the 6 Elbasan District Municipalities with the exception of Peqin Municipality which did not regularly establish this Group due to the lack of a stable position on duty as a Domestic Violence Coordinator. From the statistics reflected in paragraph 3, it results that for 2019 there are 199 cases of raped women / girls and 14 cases of raped men; violated adult persons are 176; raped female children are 21 and raped male children 0. This is due to the dominance of masculine mentality where male children are more preferred than female children.

It is also noted that Elbasan Municipality has the highest number of cases of domestic violence managed (129), followed by Prrenjas (29), Gramsh (29), Cerrik (17), Belsh (5) and Librazhd (4). This is due to the high number of 24 services provided on the territory of Municipality of Elbasan. Consequently, it is necessary to: - extend to the other 6 district municipalities more of these services; - raise awareness of the community of all institutions and N.P.Os on domestic violence, gender stereotypes and prevention of gender-based violence by conducting meetings or activities in rural / remote rural areas, with women and girls, elderly, persons with disabilities in high schools and health centers where these target groups have ongoing contact. The purpose of these awareness-raising meetings or activities is to target the above-mentioned groups to know what their rights are provided by law and how they should be protected in the event of domestic violence; and to provide long-term rehabilitation services in cases of domestic violence.

The Specific Fund should be of higher value than ever for local and central government Emergency Domestic Violence Support Services. The socio-economic problems of victims of domestic violence have been partially solved so far, as they need to have more effective vocational training and employment programs aimed at empowering them economically. In ruling on domestic violence, the court does not state that the abuser must leave the house, but always happens to be the victim (mostly the wife) forced to leave the house with the children without a place to live. As a result and long-term housing for survivors of domestic violence remains a partially resolved problem for some district municipalities with the rental bonus.

The Local Coordinators in the Elbasan District Municipalities, as set forth in paragraph 1, have so far provided services to violators such as: - Informing them of the compliance with certain measures in the P.O and the penalties provided by law for violating these measures; - referral to the "Other Vision" center for attending counseling sessions for abusers; - referral to a GP to be diagnosed with health concerns; - referral to the Community Mental Health Center; - referral to the Vocational Training Center to attend a vocational course; - referral to the Labor Office for information on vacancies. In addition to the aforementioned services, there is a need for this target group to have rehabilitation programs, which in most cases are alcoholics, drug users, with an aggressive personality, less work and insufficient education.

The victim who is not treated in social care institutions, as defined in the protection order or the immediate protection order, although receiving a cash payment of ALL 3,000 (three thousand All/ 25€) per month, is put before the alternative of receiving or receiving assistance. Social assistance as unemployed or paid as a victim of domestic violence, due to the electronic system of economic assistance currently applied to Regional Directorate of State Social Service Elbasan. Example: if the victim of domestic violence is a woman or man etc. who are unemployed, apart from the monthly payment of ALL 3,000 (three thousand All or 25€) per month as a victim of domestic violence, they do not receive any additional social assistance payments as individuals in need. It is necessary that this missing payment be made available as soon as possible to the victim by the MH&SP, finding the solution of the electronic system of economic assistance.

The implementation of "Immediate Protection Preliminary Order" to equip domestic violence cases by Community Policing specialists (COMMUNITY POLICING IN ALBANIA 2007-2015, Tirana 2015) has not yet been implemented. Community policing is the cooperation between the State Police and Local Government Institutions, which is needed to implement the aforementioned I.P.O as soon as possible. In the event of domestic violence, the victim or any person ascertaining a case of domestic violence may refer a request to the nearest police station (area where he / she resides or is located), the relevant local unit (municipality), the health center of the area where he / she resides or is located or at the request of the district court of the place of residence, its location or the perpetrator, to take the necessary measures. Currently cases identified by health centers are non-existent. More effective cooperation is needed with the Regional Health Authority in Elbasan, which is affiliated with these health centers.

Much has been done to enable good management of domestic violence by central and local government, but much needs to be done in the future. Hoping to continue this effective cooperation between central and local government, as reflected in this paper, the prevention, reduction and support of domestic violence in all its forms, as efficiently as possible, remains a priority for this target group.

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Twitter Networks' Centrality Measures of the Association of Health Journalist (ANIS): the Case of Vaccines - Introduction and Theoretical Framework

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Abstract

The popularization of Internet and the rise of social networks have offered an unbeatable opportunity for anti-vaccines, especially active communicators, to spread their message more effectively causing a significant impact on public opinion. A great amount of research has been carried out to understand the behavior that anti-vaccine communities show on social networks. However, it seems equally relevant to study the behavior that communities and communicators "pro vaccines" perform in these networks. Therefore, the objective of this research has been to study how members of the *Spanish Association of Health Journalist* (ANIS) communicate and use the social network Twitter. More specifically, the different interactions made by ANIS partners were analyzed through the so-called "centrality measures of social network analysis" (SNA), to check the configuration of the user network and detect those most relevant by their indexes of centrality, intermediation or mentions received. The research monitored 142 twitter accounts for one year analyzing 254 twits and their 2.671 interactions. The research concluded that the network of ANIS partners on Twitter regarding vaccines has little cohesion and has several components not connected to each other, in addition to the fact that there are users outside the association that show greater relevance than the partners themselves. We also concluded that there are an important lack of planning and direction in the communication strategy of ANIS on Twitter, which limits the dissemination of important content.

Keywords: Centrality Measures in the Twitter Network of Health Specialized Journalists -The Case of Vaccines

Introduction

Even though vaccination rates in Spain are higher compared to other European countries (European Center for Disease Prevention and Control, 2019), is still insufficient and well below what would be desirable with respect to a considerable number of diseases ((Ministry of Health, 2018))

One explanation is in "the concern" that certain anti-vaccine groups have awakened in the population. Thus, in many cases, the alarm generated about the side effects of vaccines has overshadowed the dangers of diseases preventable by these vaccines (kata, 2010). This has socially relevant consequences since community immunization (herd immunity) weakens or even disappears, increasing the likelihood that such diseases will resurface or spread with greater ease (Gastaaduy, Budd, Fisher et al., 2016).

On the other hand, the increasing presence of new online communication platforms has caused that a large part of the existing debate on vaccines as been transferred to certain social networks (Dredze, Broniatowski, Smith, & Hilyard, 2015; Orr, Baram- Tsabari & Landsman, 2016). In turn, people are increasingly looking on the internet for information on health-related issues (Beck, Nguyen-Thanh, Montagni, Parizot, Renahy, 2014) and specifically, on how to act regarding vaccines (Betsch, Brewer, Brocard, Davies, Gaissmaier, Haase, Leask, et al, 2012; Harmsen, Doorman, Mollema et al., 2013). For example, Salmon et al., (2005) showed that parents who decide not to vaccinate their children have received more messages on the subject via the Internet.

This has produced an increment in the research focused on the study of communication about vaccines in different social networks such as instagram (Basch & MacLean, 2018), Pinterest (Guidry, Carlyle, Messner & Jin, 2015) Facebook, (Fassee , Chatman and Martin, 2016) and, especially Twitter (Zhou, Coiera, Tsafnat, Arachi, Ong & Dunn, 2015; Keim-Malpas, Mitchell, Sun & Kennedy, 2017). The latter being of special interest due to it's ranking, also being the most popular social network for sharing opinions and information.

Previous studies have shown how anti-vaccine movements tend to get organized. Also, they know very well how to take advantage of social networks such as twitter (Broniatowski, Jamison, Qi, AlKulaib, Chen, Benton, Quinn, & Dredze, 2018). However, despite the importance of this issue, there are no studies on how pro-vaccine groups behave on Twitter.

Thus, in line with previous research where social networks have been used to promote health aspects (Chou, Hunt, Beckjord, Moser & Hesse, 2009; Neiger, Thackeray, Van Wagenen, Hanson, West, Barnes & Fagen, 2012), this article analyzes how members of the Spanish Association of Health Journalist (ANIS) relate to each other and send messages about vaccines on the social network Twitter. Specifically, the different interactions that ANIS partners do through the so-called centrality measures of social network analysis (ARS) are analyzed, to check the configuration of network users and to detect those most relevant by their indexes of centrality, intermediation or mentions received.

Objectives

The objectives were the following:

Measure to what extent ANIS members disseminate content related to the work of the association itself in relation to the subject of vaccines.

Analyze the pattern of vaccine messages on the twitter network, both from the official account of the association and its partners.

Analyze and interpret through the *centrality measures* the most relevant users that appear in the network formed by the interactions of ANIS partners on Twitter regarding vaccines.

Determine what type of external content is the most diffused by the network and by each one of its forming groups.

Methodology

The Node XL pro application (Smith, 2010) was used to collect data, through which all the tweets and interactions (mentions, responses and retweets) of journalists members of ANIS with a user account on Twitter were downloaded as well as those on the official twitter account. The data collected were those published between December 2, 2018 and January 1, 2019. The number of monitored journalists was 345.

All the messages that included the word "vaccine" or any of its derivatives (** vaccine **) were extracted from the generated database. In this way, it was possible to eliminate all the messages that produced noise within the conversation under study.

The main measures of *centrality* (Yep et al., 2014) were calculated with the already filtered database, in addition to creating user groups through the Clauset-Newman-Moore (2014) clustering algorithm.

The centrality measures calculated for the analysis were as follows:

In-degree:

Count of the number of edges pointing to a user in a directional network. This is one of the easiest ways to measure popularity within a network.

Out-degree:

Very prolific users within a network can also be very relevant when they mention or respond to others. They influence other users to join in and keep the conversation topic active. Out-degree levels count the number of times a user mentions or responds to others.

Eigenvector centrality:

The centrality index is determined by the number of connections a user has and the connections that the user's connections have. It is not just about making a count of connections per user to measure their relevance within the network, but also counting how many connections the users that connect to the user in question have. A user can be a relevant character within the network not only by having many connections, but also by having few connections, who in turn are well connected.

Betweenness centrality

In a network it is not necessary to have many connections or important connections or to be very proactive to be a relevant character. There are users who connect to others acting as a connection bridge. Without these users, the network would lose cohesion and could end up being made up of components not connected to each other. The level of intermediation calculates which users act as connection bridges establishing the shortest path between two other non-connected users.

While in-degree levels and out-degree levels have objective meanings, since they represent counts of incoming and outgoing connections of each user, the levels of eigenvector centrality and intermediation, present relative values and are only valid for users present within the same network.

The in-degree and out-degree levels have objective meanings in network analysis; They are the total number of incoming and outgoing connections that an account has. On the other hand, the Eigenvector centrality and Betweenness centrality indices do not have such meanings. The values of these metrics are relative and can only be compared between accounts within the same network.

Analysis of Results

Network Analysis

The download of tweets published by ANIS associates with a Twitter account (345), and the association itself, between December 1, 2018 and November 30, 2019 generated a database of 37,239 users who interacted a total of 87,934 times, of these interactions 62,899 were unique and 25,035 duplicated.

Those users who included the term vaccine or its derivations ("** vaccine **) in their messages or interactions were filtered from this database, offering a result in which 142 partners were found, creating a network of a total of 836 users who interacted with each other 2,671 times, with 1,160 unique interactions and the rest repeated. The type of interactions were 256 original tweets, 770 mentions, 437 retweets, 1,099 retweet mentions, and 109 responses. the reciprocity index being 0.020.

The network identified 23 components of which three of them consisted of only one user. The component with the most users had 764 users and the component with the most interactions consisted of 2,586 of the total interactions.

The clustering algorithm used established 38 different user groups. The largest of them consisted of 160 users. Groups 16 to 38 were made up of less than 10 users.

Answers and mentions
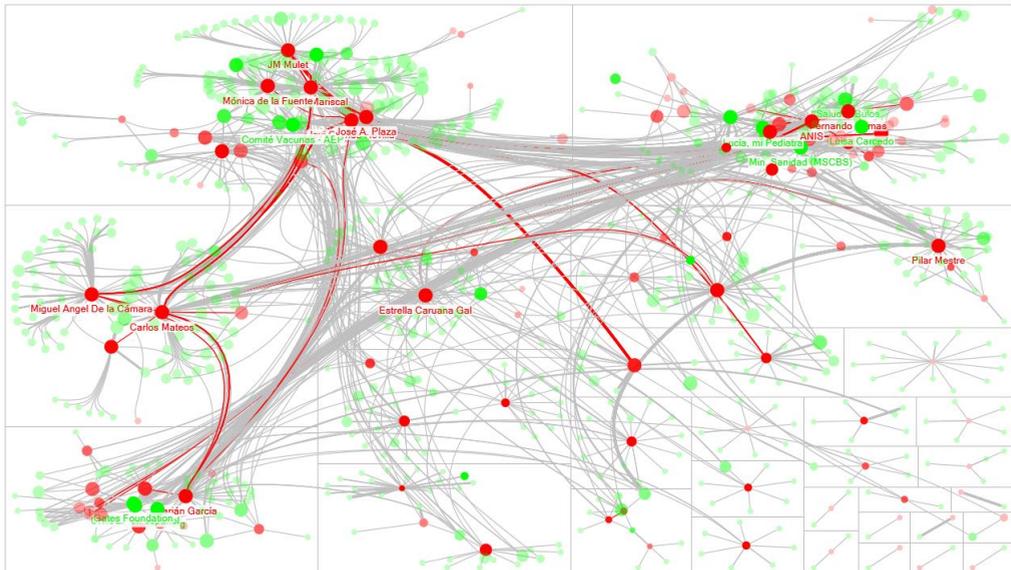
The size of the node indicates the centrality index, the color the membership of ANIS (red) and the opacity the level of intermediation. The thickness of the edge indicates the strength of the connection. Its color, reciprocity (red).

Retuits
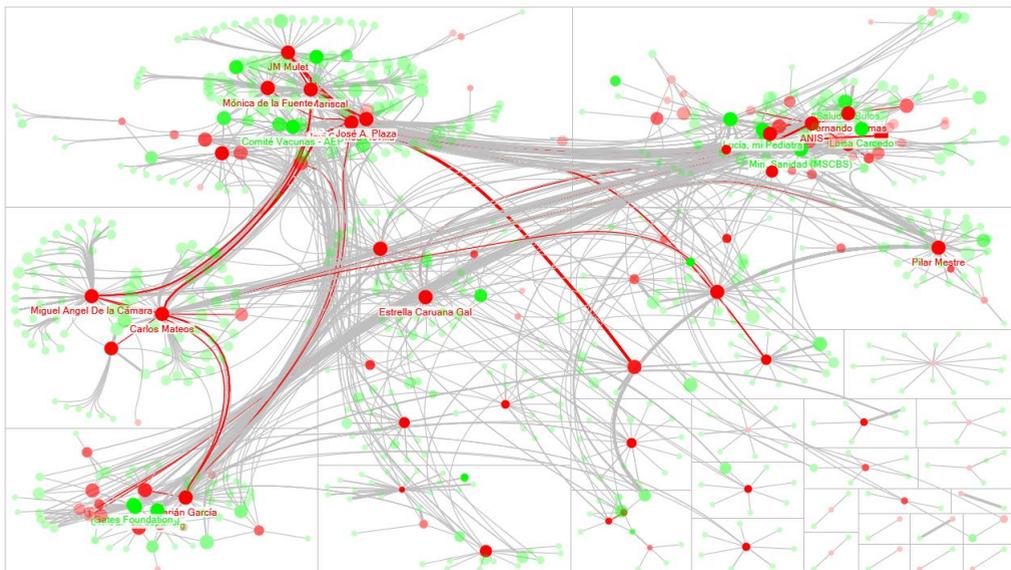
The size of the node indicates the centrality index, the color the membership of ANIS (red) and the opacity the level of intermediation. The thickness of the edge indicates the strength of the connection. Its color, reciprocity (red).

User analysis

The calculation of centrality measures identified the following users as outstanding:

Eingenvector centrality and Betwenness centrality

Name	Centrality	Associated	Name	Intermediation	Associated
Ricardo Mariscal	0.027	Yes	Ricardo Mariscal	123,505.30	Yes
Carlos Mateos	0.023	Yes	Carlos Mateos	105,763.76	Yes
Javi Granda Revilla	0.018	Yes	Miguel Angel Of the Camera	68,414.84	Yes
ANISE	0.017	Yes	Min. Health (MSCBS)	62,902.02	No
Lucia, my Pediatrician	0.013	No	Vaccines.org	61,196.58	No
Miguel Angel Of the Camera	0.012	Yes	Javi Granda Revilla	55,247.43	Yes
José A. Plaza	0.012	Yes	Lucia, my Pediatrician	54,393.65	No
Vaccines.org	0.011	No	JM Mulet	50,690.58	Yes
JM Mulet	0.010	Yes	ANISE	45,313.78	Yes
Pilar Mestre	0.010	Yes	Pilar Mestre	41,849.48	Yes

The centrality index figures highlighted the absence of ANIS as the highest ranking node. ANSI appeared in third position, surpassed by Ricardo Mariscal and Javi Granda Revilla, main users of group 1, in addition to Carlos Mateos, who is the most relevant user of group 3. The ANIS account, with a lower centrality index than those previously mentioned, is the most relevant user in group 2.

It was striking that the fifth user in terms of centrality ranking was not a member of the association. This is the user Lucía, my Pediatrician, who together with ANIS is the most important user of the second largest group in the entire network.

The ten users with the highest centrality indexes are concentrated in the four groups with the highest number of users, leaving the rest of the other 38 groups without a leader, or with leaders that are not very relevant within the network as a whole.

At the brokerage or intermediation levels there is a lesser degree of coherence of users belonging to the ANIS association versus those who do not. The three users that established the largest quantity of connections among other users belong to ANIS. Descending in the ranking, accounts of institutional users that already appeared in the previous lists are present, such as the Ministry of Health and the Spanish Association of Vaccines.

In-degree and Out-dregree

Name	In-degree	Associated	Name	Out-degree	Associated
Lucia, my Pediatrician	35	No	Ricardo Mariscal	111	Yes
Min. Health (MSCBS)	3. 4	No	Carlos Mateos	86	Yes
Vaccines.org	28	No	Miguel Angel Of the Camera	67	Yes

Luisa Carcedo	26	No	Javi Granda Revilla	58	Yes
THE COUNTRY	22	No	Pilar Mestre	46	Yes
UNICEF in Spanish	18	No	ANISE	Four. Five	Yes
Gates Foundation	17	No	JM Mulet	Four. Five	Yes
ANISE	16	Yes	Caruana Star Gal	40	Yes
#SaludsinBulos	14	No	Laura Castellanos	38	Yes
Vaccines Committee - AEP	14	No	José A. Plaza	36	Yes

When the users with the highest number of mentions were analyzed, corporate and institutional have a higher ranking. They do not form a part of the ANIS network. The only accounts of individuals that appeared were from socially well-known users in relation to the object of study, such as the Minister of Health and the aforementioned, Lucia, my Pediatrician. The latter receives many mentions for their social recognition for publishing scientific works and having received a national award for this work. Regarding this index, ANIS partners do not appear.

Remember that the users with higher levels of out-degree are those who mention others the most, maintaining the conversation and the cohesion of the network. In relation to this index, ANIS associates appeared very prominently. The ten users with the highest levels were members of the association, with the ANIS account also appearing in sixth place. It also highlights that the partners with higher levels of centrality also appeared in the first positions in the out-degree levels.

In relation to the groups created with the clustering algorithm, the users with most mentions were distributed to a greater extent in different groups than in the previous cases, since they appear in groups 1, 2, 3, 5, and 7. Significant concentration remains in these groups with regards to the general network, considering that 38 groups were established in total.

Shared external content

Title	Medium	N ° times released
JM Mulet: "Unvaccinated children should not be admitted to a public school"	The world	9
Challenge Ministry of Health, Consumption and Social Welfare - #VacunasSinBulos	Ministry of Health	5
Bioethics Committee: "Parents who do not want to vaccinate must have parental authority withdrawn for a time"	The world	4
A judge endorses the City Council that refused to enroll a child without vaccination in its nursery	The country	4
WHO alert: "dramatic" resurgence of measles in Europe due to 'anti-vaccines'	The vanguard	4
What do we do with anti-vaccines?	iSanidad	3

Nine scientific arguments to dismantle a vaccine	Huffingtonpost.es	3
The Bexsero will not be financed: the Government refuses to pay the meningitis vaccine that costs 400 euros	The Economist	3
Public health adds vaccines against meningococcus A, W and Y	The country	3
A judge against anti-vaccines: "They want others to take the risk to life of their decision"	The world	3

The general media are the chosen sources when external information is disseminated in the network. Only the Ministry of Health appears as a different source, when it holds a contest focused on the denial of hoaxes about Vaccines as well as an article published in a specialized media, published by Ricardo Mariscal, who appears online as the most relevant user in the main indexes, both absolute as well as relative.

Discussion and Conclusions

Previous research has shown that social media is one of the main focal points of conversation regarding health issues in general and vaccines in particular. For this reason, in this study we have carried out an analysis on the behavior of the members of the Spanish association of health journalist (ANIS) on Twitter regarding their communications on the subject of vaccines.

In the first place, the fact that only 142 members of the 345 have tweeted some content about vaccines is an indicator that there is not a great participation in this medium regarding the topic.

Secondly, the network presented by the ANIS partners together with the organization itself is very dispersed and incoherent. This is verified for the network cohesion index (0.00213592), and its modularity (0.209467), and also because there are 23 different components and 38 groups.

Third, when the most relevant users of the network formed by the interactions of ANIS partners on Twitter regarding vaccines were identified, it was found that, members of the association had significant influence with respect to out-degree indices. But when analyzing the in-degree indices, the users who receive the most mentions were not members of the association. In turn, regarding the centrality index, it was relevant to see the high scores of other non-ANIS users

To better understand why users are more relevant in terms of centrality, in-degree and out-degree, it would be convenient to study the content of their communications. Therefore, future research should analyze both, the format and content of their communications on twitter and combine the findings with those produced by this network study to achieve a better understanding of the communication style of the members of the association, as well as its effectiveness.

Another aspect that could be taken into account is the possibility that ANIS could contact those users outside the association who are relevant within the network, so that they can associate and collaborate with them when disseminating information related to Vaccines.

Finally, it could also be concluded that, if ANIS wants to increase its influence on the network, it should establish a communication plan, protocols and guidelines with its partners to establish greater cohesion within the network. Configuration of a list of preferred partners on Twitter is recommended so that content of high informative or educational value may increase reach and audience. In this manner the network will improve overall cohesion instead of having 23 disconnected components and isolated groups with no relevant users.

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Health Prevention and Response Policies Against Infectious Diseases: Is the World Ready for a Novel Coronavirus Pandemic?

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Abstract

Despite the significant scientific progress, in 21st century the world is not yet fully protected in case of infectious disease outbreaks. The pandemic caused by H1N1 in 2009 led to the adoption and update of various policies especially designed to increase the worlds' preparedness for possible future global health threats. Renown international, regional and state organizations and institutions developed elaborated prevention and response plans that engage healthcare specialists, regulators, business and public in common frameworks that should ensure their coherent and coordinated actions when a health emergency arises. In the beginning of 2020 their effectiveness was put to a test by the novel coronavirus outbreak in China. It quickly transmitted over the globe and within less than two months affected thousands of people in more than 100 countries. The aim of the present study is to provide a comprehensive analytical review of the pre-existing counteraction measures against pandemics and how they are implemented in real situation. Is the world ready to respond to a novel virus pandemic? How efficient the prevention and response protocols prove to be in a real health emergency situation? Are the national states ready to act and defend their citizens and ease the negative economic impact? The answers of these questions will reveal if the world has learned the hard lessons from its previous experience with infectious diseases and what are the key adopted mechanisms on global, regional and national levels to limit their inevitable negative impact on the public and economic spheres.

Keywords: health prevention, regulation, pandemic, COVID-19, impact assessment

Introduction

For centuries the outbreaks of infectious diseases cause the death of millions of people worldwide. Despite the significant scientific development, the humanity is still vulnerable to such threats due to the globalization of the world. The air traffic and the free movement of people and goods could easily facilitate the spread of a virus around the globe within just few hours and cause epidemic in less than two days. The outbreaks in 2002 of the Severe Acute Respiratory Syndrome (SARS), in 2009 of H1N1 virus, the Ebola epidemic in 2013 all resulted in the loss of thousands of lives in different parts of the world. Global, regional and national organizations and authorities actively engaged in the development and implementation of various measures to combat the spread and the consequences of the infectious diseases. The World Health Organization (WHO) and other rerenown and designated regional and national institutions establish and improve various prevention and action plans in line with the latest scientific discoveries and technical advancements.

The adoption of the International Health Regulations and the launch in 2014 of the Global Health Security Agenda provided comprehensive guidance and encouraged many countries to assess and upgrade their risk assessments on prevention, detection and action plans with reference to infectious diseases outbreaks. The main goal of the adopted health policies and measures is to ensure higher levels of preparedness in case of epidemics or pandemics and to coordinate and facilitate the global, regional and national response. The present material will review some of the existing key initiatives on global, regional and national level, how they were enacted in the recent novel coronavirus pandemic and how a national state implements and coordinates its local response plan.

Review of the Existing Global, Regional and National Prevention and Response Protocols

An infectious disease could spread around the globe in just 36 hours, severe pandemic could kill millions of people and cost trillions of dollars (Vital Strategies, 2020). Nearly 5 billion people are vulnerable to the next health threat and a severe pandemic can destroy up to 1 % of the global GDP with annual cost of $ 600 billion (Resolve to Save Lives, n.d). Each national state should be well aware of the risks that such diseases impose and therefore be prepared to take timely and adequate counteractions without causing panic in the society. International, regional and state organizations and institutions participate in the development of various measure in case of epidemic outbreaks that could be commonly addressed as "prevention and action protocols". Their scope is defined by the various functional profiles of the engaged stakeholders and require coherent and coordinated implementation process customised as per each infectious disease specific manifestation like virulence, morbidity, mortality and recovery rates.

The World Health Organization (WHO) is the globally renown leader in the development and implementation of health promotion, protection and prevention policies for more than seventy years. It has a special structure devoted to health emergencies preparedness and response and as the directing and coordinating authority for health within the United Nations' system has a mandate for global pandemic influenza risk management (WHO, 2017). The organization has undertaken many incentives in this direction as one of the most significant is the establishment of an elaborate network that supports effective infection prevention and control (IPC) measures - The Global Infection Prevention and Control Network (GIPCN). It is coordinated by the IPC Global UNIT, part of WHO Service Delivery and Safety department and brings together the major international organizations and WHO collaborating centers on IPC (WHO, 2018). GIPCN actively participated in the 2014 update of WHO's interim guidelines "Infection prevention and control of epidemic-and pandemic-prone acute respiratory infections in health care" (WHO, 2014) intended to help policy-makers, administrators and health-care workers to prioritize IPC. Preparedness guidance are published and revised since 1999 but the 2009 pandemic outbreak of H1N1- the swine flu, has provided further understanding of influenza pandemics and requirements for preparedness and response (WHO, 2017). The document includes measures that are concentrated on operative level and is based on four key principles: 1) early and rapid recognition of patients; 2) application of routine IPC precautions (Standard Precautions) for all patients; 3) additional precautions in selected patients and 4) establishment of an IPC infrastructure for the health-care facility, to support IPC activities.

In 2017 WHO published another relevant guide called "Pandemic Influenza Risk Management" that updates and replaces the "Pandemic Influenza Risk Management: WHO Interim Guidance" published in 2013. The document incorporated (WHO, 2017) few major thematic circles: the WHO global leadership role in cooperation and establishment of Pandemic Influenza Preparedness (PIP) Framework, the adoptions of Emergency Risk Management for Health and National Pandemic Risk Assessment and Measurement. While the previous guide includes structured recommendations for healthcare facilities, the main goal here is to inform and harmonize national and international pandemic preparedness and response plans on more general basis. The 2017 issue includes two major updates: alignment with other relevant United Nations policies for crisis and emergency management and inclusion of the significant development in recent years of the strategies for pandemic vaccine response during the start of a pandemic. The updates in the 2013 issue also deserve attention since they introduce more specific measures. The Emergency Risk Management for Health should align more closely with the disaster risk management structures already in place in many countries after 2009 and should underscore the need for appropriate and timely risk assessment for evidence-based decision-making at national, subnational and local levels. A risk-based approach to pandemic influenza risk management is added and Member States are encouraged to develop flexible plans based on national risk assessment with reference to the global risk assessment of WHO. In response to lessons learned from the influenza A(H1N1) 2009 pandemic, a revised approach to global phases is introduced and Member States are encouraged as far as possible to use national risk assessments to inform management decisions for the benefit of their country's specific situation and needs.

At international level a health organization that shares common goals with WHO regarding infectious diseases epidemics is Vital Strategies. Through its initiative "Resolve to Save Lives" it supports a project dedicated to epidemic prevention that helps national states "to become better prepared to find, stop and prevent epidemics by building local capacity, improving global polices and supporting robust systems to protect the world from the next epidemic". Their activities unfold in three main levels – technical, political and financial. The project team has also created a report card for preparedness - ReadyScore, to determine whether a country is prepared to find, stop, and prevent epidemics. It uses data from WHO's Joint External Evaluation (JEE) that was launched in 2016 in compliance with the International Health Regulations (2005). Since then 112 countries have completed JEEs and over 7000 gaps were identified (Resolve to Save Lives, 2020). The

ReadyScore is formed as per the average score of 19 preparedness areas that are filled in first by a group of national experts and then by an external group of international experts. The assessment is critical because it provides a snapshot of each country's capability in important areas required to control outbreaks like having adequate labs to diagnose diseases, surveillance systems to detect when diseases spread, emergency response operations to effectively coordinate a response, and a trained workforce to implement control measures. The assessment reveals if there are existing gaps and helps to prioritize where to invest time and money to improve readiness. The countries are categorized as per five levels of preparedness: Better Prepared (over 80%), Work to Do (40-80%), Not Ready (under 40%), In Progress – a country has begun the external evaluation process but no data is available at this time, and Unknown- a country has not volunteered to have an external, transparent evaluation of their ability to find, stop and prevent health threats.

Figure 1: ReadyScore country information as per JEE data
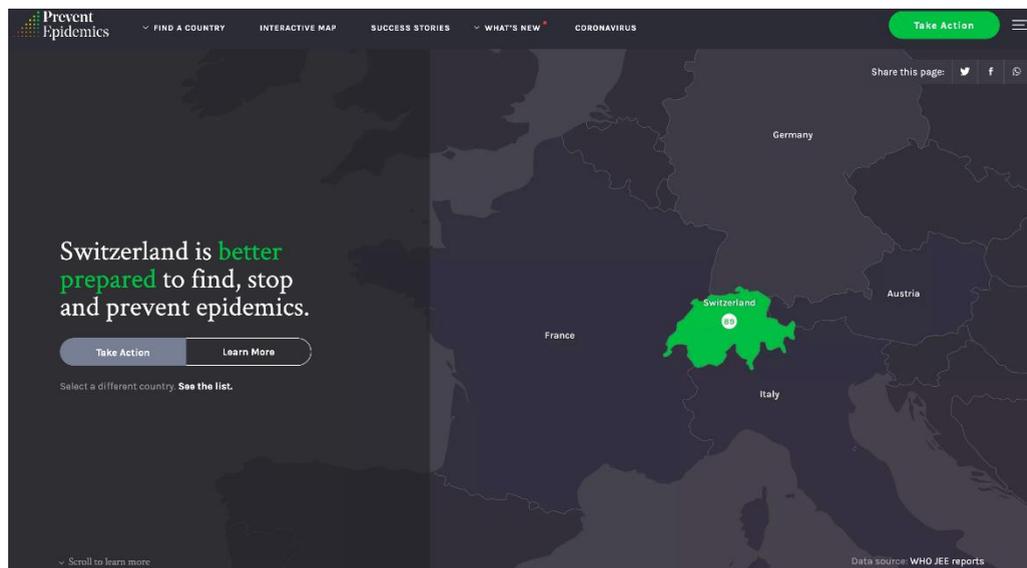
Source: Prevent Epidemic, n.d

A good example for regional engagement on IPC activities is the European Centre for Disease Prevention and Control (ECDC). The idea of creating the center had been discussed previously by public health experts but the 2003 SARS outbreak and its rapid spread across country borders confirmed the urgency of the establishment of an EU-wide institution for public health (ECDC, 2015). The Agency was set up in record time and in May 2005 it became operational. The major responsibilities of the Centers (European Union, 2019) are to ensure the early detection and analysis of emerging threats to the EU, coordinate the European Programme for Intervention Epidemiology Training and help EU governments to prepare for infectious disease outbreaks. It closely cooperates with the European Medicines Agency, WHO and other non-European and international partners. The Agency also operates 3 essential systems, each covering a different area of disease control: Early Warning and Response System (EWRS), Epidemic Intelligence Information System (EPIS) and The European Surveillance System (TESSy). The Agency is engaged in many activities: country support, epidemic intelligence and outbreak response, heath communication, microbiology, preparedness, public health training, etc. The two main stakeholder groups that benefit from it operations are the public health community in Europe (national & sub-national public health bodies, EU institutions and other European policymakers) and the public health professionals, researchers, international organizations and national authorities outside Europe. In 2005 the ECDC issued "Framework for a strategy for infectious disease surveillance in Europe (2006-2008)" (ECDC, 2006). The document sets three key tasks for the Agency: 1) to evaluate the existing networks; 2) to determine the functional specifications of the IT infrastructure and 3) a to prioritize exercise in collaboration with stakeholders. Three main components are also outlined including routine surveillance, enhanced surveillance networks and studies or feasibility project in order to propose new surveillance for emerging infection or new priorities that had not been sufficiently addressed. The main goal is a more coordinated approach to be established for European infectious disease surveillance. In 2009 was issued a technical report – "Guide to public

health measures to reduce the impact of influenza pandemics in Europe: 'The ECDC Menu'". It includes 27 measure divided in 8 categories: travel measure, border closures, personal protective measures, social distancing measures, antivirals and vaccines (ECDC, 2009).

At anational level a corresponding institution to the ECDC is the U.S. Centers for Disease Control and prevention (CSC), one of the major operating components of the Department of Health and Human Services. It conducts critical science and provides health information that protects the country against expensive and dangerous health threats, and responds when such arise. Three are the main national pandemic strategy documents. The first one - "The National Strategy for Pandemic Influenza", is issued in 2005 and represents a preparedness and response guide to influenza pandemic, with the intent of (1) stopping, slowing or otherwise limiting the spread of a pandemic to the U.S; (2) limiting the domestic spread of a pandemic, and mitigating disease, suffering and death; and (3) sustaining infrastructure and mitigating impact to the economy and the functioning of society (Homeland Security Council, 2005). The second key document, issued in 2014 - "Preparedness and Response Framework for influenza Pandemics", is designed for decision-making by federal, state, and local health authorities. The framework (Holloway et al.,2014) is a revision of the 2008 CDC interim guidance to 1) update of the novel influenza virus pandemic intervals as basis for U.S. planning efforts; 2) align the intervals with the new WHO phases; 3) add and align tools to aid in decision-making and actions throughout the progression of an event; 4) serve as recommendations for U.S. risk assessment, decision-making, and action as advised by WHO; and 5) replace the U.S. government stages with six intervals for pandemic influenza planning. The revised framework also incorporates the recently developed Influenza Risk Assessment Tool (IRAT) and Pandemic Severity Assessment Framework (PSAF). IRAT assesses potential pandemic risk for a novel virus on the basis of the likelihood of emergence and the public health impact if it were to emerge and after it has achieved efficient and sustained transmission, PSAF can be used to characterize the potential impact of a pandemic relative to previous influenza epidemic and pandemic experiences. The third document – "Pandemic Influenza Plan", is updated in 2017 and incorporates the knowledge acquired after the outbreak in 2009 of H1N1, the 2018 Ebola and 2015 Zika Virus epidemics (CDC, 2017). Based on the gained experience the Plan presents the best practices on how to address pandemic influenza challenges and builds upon the four domains featured in the 2005 plan: 1) surveillance, investigation, and protective public health measures; 2) vaccines and antiviral drugs; 3) health care and emergency response and 4) communications and outreach.

The existing health policies for prevention and control of infectious diseases confirm that the world has learned from its previous experience with epidemics and harnessed significant regulatory and financial resources to be prepared for the next outbreak. They include diverse instructions and recommendations for all stakeholders and provide coherent framework for information and experience sharing on global scale. No country could deal on its own when a global health crisis arises caused by highly contagious disease. It could be already existent for relatively long time before the local authorities understand for the problem. The measures in such situations are usually implemented at a stage that the virous has already unsuspiciously spread outside the country of origin and the affected states focus more on damage control than on prevention. This turned out to be the case with the outbreak of the novel coronavirus in China that in less than two months from its detection and global acknowledgment upgraded in pandemic. Europe was one of the regions that might have underestimated the threat and at present the countries in the region experience unprecedented impact on society and economy.

The Response to COVID-19 – Action plans and global impact

In the beginning of 2020 the elaborated prevention and response protocols were put to a test. On 30th of January WHO declared the novel coronavirus outbreak in China as Public Health Emergency of International Concern. On the 11th of February it announced the name of the new disease caused by the virus – COVID-19. Soon became clear that it shows specific characteristics to community spread and severity with comparison to other similar precedent infections and on 27th of March WHO upgraded its risk assessment on global level to "very high". The epidemic has already affected 33 countries and the globally confirmed cases reached 80 239 (WHO, 2020 February 27). When on 11th of March WHO finally categorized COVID-19 as pandemic, the confirmed cases were exceeding 118 thousand in more than 100 countries and territories (WHO, 2020 March 11). The delay of WHO to declare pandemic might be justified by its experiences with H1N1 in 2009 when the Organization was accused of overreacting since the disease proved less deadly than expected (World Economic Forum, 2020). How the relevant international and regional health organizations and institutions responded to the situation and what are the initial implications for the public and global economic will be reviewed in the following paragraphs.

China Fights Back

In February WHO issued a Report of the WHO-China Joint Mission on Coronavirus Disease 2019. Although some health experts expressed their doubts regarding the effectiveness of the undertaken actions (Begley 2020), the report states that China implemented prevention and control measures in timely manner and "has rolled out perhaps the most ambitious, agile and aggressive disease containment effort in history" (WHO, 2020 February 16-24). The action plan includes three main phases of consequent and interrelated activities undertaken by the national authorities. During the first stage - the outbreak of the virus, the main strategy was focused on prevention of its spread from the city of Wuhan and Hubei Province by establishing control of the source of infection and block transmission. The main focus in the second stage was to reduce the intensity of the epidemic and to slow down the disease dissemination. The measures extended from Hubei province to other provinces and escalated to national level. A rigorous traffic control was imposed and mass gatherings were cancelled. The third stage focused on reducing clusters of cases, thorough control of the disease and establishing a balance between epidemic prevention and control, sustainable economic and social development. A risk-based prevention and control approach was adopted with differentiated prevention and control measures for the different regions of the country. Relevant health insurance policies were promulgated, health and welfare services were provided to returning workers, normal social operations are being gradually restored.

Chinese central and local authorities already develop and implement series of supporting policies to reduce the negative economic impact caused by COVID-19. Zoey Zang (2020) provides a consolidated and updated list of all measures, which include policies guiding businesses to resume production, measures to facilitate foreign trade, provision of tax and fee reductions and exemptions, financial support, social security benefits, energy cost reduction, and incentives for medical supply donations. The Chinese business, including foreign-invested enterprises (FIEs) could also benefit from them to overcome the difficulties caused by COVID-19. Special policy measures were adopted to facilitate business resumptions across the country and lift unreasonable management and control measures for both personnel and logistics. The State Council executive meeting on February 25, 2020 unveiled a string of measures to support Small and Medium Enterprises as the financial institutions will be encouraged to provisionally defer their principal loan repayments, defer interest payments till end of June, with penalty interest payments exempted. The employees will be supported by be phased reduction of basic medical insurance contributions for employees and can negotiate suspension of contributions to Housing Provident Fund. From March 1 to June 30, 2020, cargo dues and port facilities fees that are set by the government will be reduced by 20 percent, and emergency response services and charges for non-tanker cargo ships will be scrapped. Tax-free policies were announced for imported products used in virous prevention and control. Cost reduction was negotiated with reference to energy sources – electricity and gas. These various policies are intended to facilitate the economic recovery of the country as they continue to evolve with reference to the epidemic situation and consequences. Many other countries follow the example of China and initiate the adoption of measures to support the significant economic impact caused by the pandemic.

International Organizations Active Response

The engaged global and national organizations created special web portals on their official web sites dedicated to COVID-19. The portal of WHO is rather elaborate and provides latest updates and targeted information to all stakeholders. Situation reports are published on daily basis since 21st of January and include information on the disease advancement. The technical guidance includes various documents organised by topic: Country – level coordination, planning and monitoring; Surveillance, rapid response teams and case investigation; National laboratories, Infection prevention; Risk communication and community engagement, etc. The training section provides access to simulation packages for the engaged groups. The advice for the public is accompanied with video materials and posters that educate people on how to protect themselves and others from getting sick. They are translated to local languages and widespread to public and private institutions and organizations.

Figure (1): WHO posters for public education

Source: WHO, 2020

A special attention deserve two publications of WHO as the first one dates from beginning of February, two weeks after the epidemy was announced – "2019 Novel Coronavirus (2019-nCoV): STRATEGIC PREPAREDNESS AND RESPONSE PLAN" (WHO, 2020 February 3) It outlines the public health measures that the international community stands ready to provide to support all countries to prepare for and respond to the disease. The document translates the previously accumulated knowledge into strategic action that can guide the efforts of all national and international partners when developing context-specific national and regional operational plans. To achieve the strategic objectives of the plan the response should include three steps: Rapid establishment of international coordination and operational support, scaling up of country readiness and response operations and acceleration of priority research and innovation. The second publication - "Critical preparedness, readiness and response actions for COVID-19- Interim guidance", was published in the beginning of March) and updated on 16th of March (WHO, 2020 March 16). It advises all countries to increase their level of preparedness, alert and response to identify, manage and care for new cases and to prepare to respond to different public health scenarios since there is no one-size-fits-all approach. WHO has defined four transmission scenarios for the disease. The first should be adopted if a country has not yet confirmed cases. The second concerns those with 1 or more cases, imported or locally detected. The third scenario refers to countries experiencing cases clusters in time, geographic location and/or common exposure while the fourth concentrates on countries experiencing larger outbreaks of local (community) transmission. Each scenario included several priory areas of work - emergency response mechanisms, risk communication and public engagement, case finding, contact tracing and management, surveillance and laboratory testing, etc. For each of them a relevant WHO guideline is provided, translated in several languages.

The digital advancement made possible the creation of various interactive maps and dashboards that provide a real-time information on the infectious disease epidemics. WHO, as well as other organizations and institutions, implemented this approach and support this functionality on their websites. One of the most elaborate dashboards is developed by Johns Hopkins Center for Systems Science and Engineering and is publicly accessible. The data could help all interested stakeholders to calculate few very important epidemic indicators like the morbidity, mortality and recovery rates.

Figure (1): Examples of real time COVID-19 information platforms (data from 21 March 2020)

Source: Center for Systems Science and Engineering at Johns Hopkins University, 2020

The implementation and coordination of IPC policies of such magnitude inevitably require serious funding. The advancing health threat mobilized all kinds of donors- international organizations, foundations and institutions. In the beginning of February WHO called for a total resource requirement of $ 675 million, of which $ 61.5 million are for the organization's urgent preparedness and response activities for the period of February to April 2020. The United Nations released $15 million from the Central Emergency Response Fund (CERF) right after the global risk was updated to "very high" (United, Nations, 2020). EU announced that it provides a new aid package worth 232 million Euro, as 114 million will go for the need of WHO (European Commission, 2020). The International Monetary fund will make available about $50 billion through its rapid-disbursing emergency financing facilities for low income and emerging market countries that could potentially seek support (IMF, 2020). The US Senate approved $ 8.3 billion emergency funding, with $ 7.8 billion more than requested from the White House, to combat the spread of the virus at the local, state, national and international levels (Heeb, 2020). The World Bank Group is making available an initial package of up to $12 billion in immediate support to assist countries coping with the health and economic impacts of the global outbreak and to take effective action to respond to and, where possible, lessen the tragic impacts posed by the COVID-19 (The World Bank, 2020). The donations and financial help increase every day as it can be seen from the figure below.

Figure (2): Contributions to the WHO COVID-19 appeal for 61.5 million USD (updated: left on 4 March 2020, right on 19 March 2020)
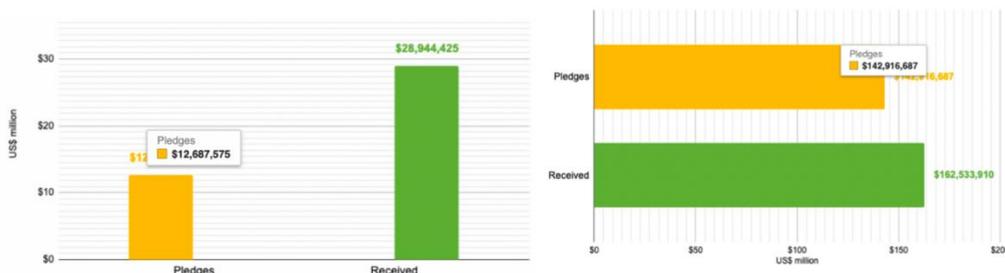
Source: WHO, 2020, March 19

Impact on the World Economy and Society

The COVID-19 triggered a worldwide response and collaboration but it is also expected to pose significant economic challenges that are presently estimated to reach few billion US dollars. Bachman (2020) defines three ways that the epidemic could affect the global economy. The first one is the direct impact on production since China is a leading manufacturer and exporter of various goods - Nissan and Honda already delayed the restart of their Chinese plants due in compliance to the local directives (The Japan Times, 2020). The second problem would raise from supply chain and market disruption since many production companies rely on imported raw materials and product components from China. The Pharmaceutical industry in Europe already indicated problems with active substances availability that could lead in medicine shortages. The third way concerns the financial impact on the companies and the financial markets - the outbreak in Italy led to a 3.4% decline in the S&P 500 index of American stocks on February 24th, the biggest one-day fall for two years (Economist, 2020). The financial markets are significantly susceptible to any information regarding the pandemic evolution and some experts predict that a new global financial crisis should be expected in rather short period of time.

Among the most affected industrial sectors are expected to be those of transport and tourism. Countries continue to cancel flights and impose travel restrictions to hotspots of the disease. Few EU countries are under quarantine as the first one was Italy, the most affected state in Europe so far. USA closed its borders for 30 days for people coming for EU Schengen area from 13th of March. The EU Member states also initiate closure of their land and air borders. The World Trade Organization (2020) predicted that international tourist arrivals will grow negatively between 1-3 percent in 2020 due to the COVID-19 pandemic and this will translate to an estimated loss of US$ 30 to 50 billion in international tourism. The International Air Transport Association (IATA) updated as to 5th of March the forecast for revenue losses caused by COVID-19 to the amount of between $63 billion and $113 billion depending on the possible scenarios for the coronavirus global spread (IATA, 2020).

The COVID-19 epidemic also impacts society. UNESCO announced that a record number of children and youths – more than 1,250 billion, as to 20th of March do not attend school because of temporary or indefinite closures mandated by governments in an attempt to slow the disease pervasion (UNESCO, 2020). The organization provides immediate support, including solutions for inclusive distance learning. Many business, cultural and sports events across the world were cancelled or postponed - the famous Carnival in Venice, the 2020 Geneva Auto show, Shanghai Fashion week, etc. (ABC News, 2020). Sports and entertainment events are conducted without public, canceled or postponed.

Figure (3): Global monitoring of learners affected by school closures caused by COVID-19
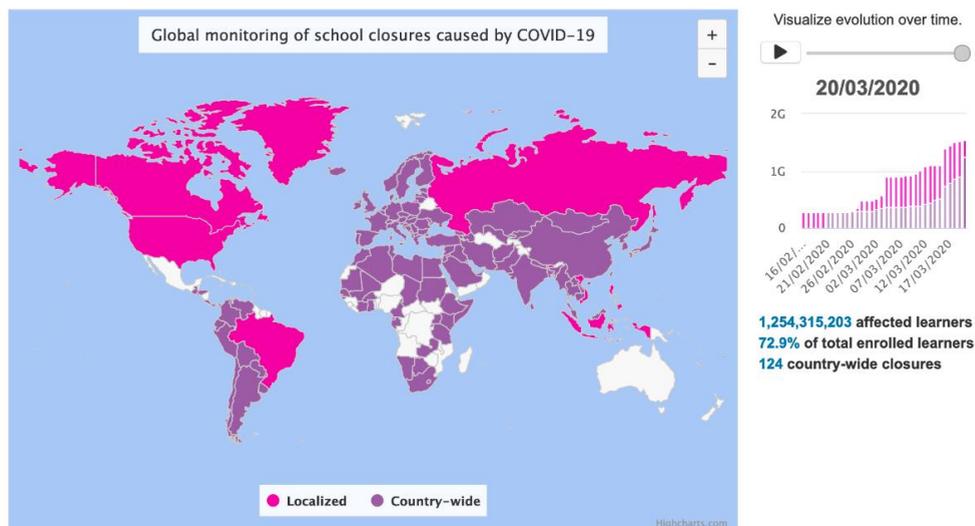
Source: UNESCO, 2020

The Chinese unprecedented measures "bought the world time to prepare for COVID-19" (Begley,2020). They were timely and vigorously imposed and facilitated by the discipline of the Chinese people. The advice of the health experts is to follow

their example but some organizations already raised the question regarding the human right breach (Amnesty International, 2020) and especially the one for free movement. Each country should decide how to proceed and what measures to imply to protect the health of its citizens. However, border control and quarantine of the suspected cases and contact persons already prove their effectiveness and result in slow down of the epidemic. The consequences of the diseases are expected to influence the future economic development. The disruptions in the supply chains already cause serious troubles and threaten the healthcare sectors in many countries. A Majority of national states already experience shortage of personal protection equipment and imposed ban on their export. WHO calls on industry and governments to increase manufacturing by 40 per cent to meet the global demand, negatively impacted by panic buying, hoarding and misuse (WHO, 2020 March 3). People around the world give in to panic and their behaviour results in further upending of the national healthcare and economic systems.

Bulgaria Against the Coronavirus – Case Study of national IPC measures

The WHO advises each country to assess its national risk and rapidly implement measures at the appropriate scale to reduce both COVID-19 transmission and the economic, public and social impacts (WHO, 2020 March 7). Bulgaria as member of both WHO and EU initiated IPC protocols at the very beginning of the pandemic. Although the country managed to remain safe for a relatively long period with reference to other European Member States, on 8th of March the first four case were confirmed. The measures are updated on daily basis with reference to the global and European recommendation as the state representatives have engaged actively to prevent panic in the society. However, Bulgaria already experiences many problems and the fact that the COVID-19 pandemic coincided with the influenza type B outbreak additionally upends the local health care, economic and public sectors.

The two national institutions that lead the state coordination in case of infectious disease epidemics are the Ministry of Health (MOH) and the National Centre of Infectious and Parasitic Diseases (NCIPD). On 27th of January an operative, multi-sectoral group was formed as per order of the Minister of Health to monitor the spread of the virus and adopt measures to contain its transmission on national territory. It includes members from MOH, NCIPD, Expert council on infectious diseases to the Minister of Health, Ministry of Foreign Affairs, Main Directorate "Border Policy" from Ministry of Interior and the State Agency for National Security.

Bulgaria also has an existing National Plan for Influenza Pandemic Preparedness adopted in 2006 and in accordance with the recommendations of EU and WHO. Although it has not been updated, its content corresponds in general with the latest developed IPC protocols for COVID-19. The Plan provides comprehensive instructions for national coordination in case of pandemic and includes recommendations and responsibilities for the different stakeholders (Ministry of Health of Republic of Bulgaria, 2006). The specific measures include list of activities that should be undertaken in cases of infected and contact people, measures restricting the transmission and spread of influenza viruses (isolation measures), disinfection activities and advice on domestic and international travel.

The national crisis headquarters initiated at a very early stage the implementation of an extensive prevention and response protocols targeted at the limitation of the disease spread. Recommendations for travel limitation were issued and some airlines cancelled their flights to the distinct hotspots of the disease. Bulgaria was one of the first EU countries that without confirmed cases implemented stricter border control for detection of possible infected persons with the new virus. At the airports were installed thermo-cameras that screen the passengers for increased body temperature and representatives of the respective Regional Health Inspectorates conduct 24/7 surveillance. The action plan in case of suspected case transportation to designated hospital was practiced. Passengers coming from affected or high-risk regions were detected, examined and placed under medical surveillance in designated healthcare facilities or home quarantine for 14 days. Health control was implemented also at the country's land and sea entry points. At present it is even increased – the country borders are closed with some exceptions and the movement inside the country to and from the big district cities are restricted.

The authorities also reacted promptly to the upcoming shortage of personal protection equipment (PPE) and organized initial import from Turkey. Since the delivery was estimated to be sufficient for approximately one month, the authorities turned to the local textile industries for support. They actively engaged in the development of PPE high quality prototypes and the first ones were already approved. The manufactures state that they have the needed resources to respond in full to the local needs and the first deliveries are already expected. The trade with PPE with partners outside Bulgaria was banned and the border control has already prevented few attempts for illegal export.

On 13th of March in the presence of 23 confirmed COVID-19 cases, the country announced emergency situation. With order of the Minister of Health new, stricter countermeasure to limit the virus spread were imposed. The country has already adopted respective measures with reference to the type B influenza outbreak that were expanded and prolonged. Already all prophylactic medical checks were cancelled, mass gatherings were limited and the schools and some universities were closed. Additionally, all public venues like cinemas, restaurants and bars, all kindergartens and universities were closed till the middle of April. All educational facilities adopted distant forms of work as well as some private companies when this is possible.

At first one designated laboratory in the national Military Health Academy was appointed to conduct testing for COVID-19 and subsequently few more were equipped across the country. The healthcare facilities were instructed how to proceed in case of suspicious patents and the authorities developed action plan in case the virus spread. The Regional Health Inspectorates were required to set up an organization in conjunction with healthcare facilities to provide beds, as well as to organize the work of the medical staff. The health premises where the first cases were confirmed operated in emergency regime and the personnel as well as the contact people were placed under quarantine in special areas. Regular disinfection activities were initiated at places like the public transport vehicles and stops.

The national Plan stipulates the main elements of a communication strategy in case of influenza pandemic. The main principles require the provision of timely, actual, correct and understandable information. The responsible institutions should coordinate its flow and content so as to be consistent and to avoid public panic. Both MOH and NCIPD update their websites with reference to COVID-19 and provide relevant information directed to the health sector, business and public. The majority of materials sourced from WHO and ECDC, but national specific instructions are also drafted. They include Q & A, measures on how to prepare our workplace, recommendations for people who travel to affected zones, how to protect us and the surrounding people, interim guidance on disinfection of places different from health care facilities. A specific section was designated for instructions for the healthcare workers with reference to definitions, prevention and control activities, laboratory testing, contact persons surveillance and personal protective equipment. The Regional Health inspectorates also update their web portals with the relevant information. MOH has also opened a hotline for inquires connected with COVID-19 and the national operational group engaged with daily media briefings.

Information is presented for the epidemic on global, regional and national levels. The adopted measures are communicated and explained to the public, the healthcare workers and the business on daily basis. The public response however raised the question if the increased informational flow is a perquisite for panic in the society. Every time new measures are announced the people rush to overstock with different goods. The protective masks and disinfection products became impossible to find in pharmacies and stores. The announcement of emergency situation led to immediate public overstocking with basic foods and medications. The authorities tried to calm down the society and held a media briefing with representatives of all key food production industries who declared that the stocks could be sufficient for a period of 2 years.

The Bulgarian authorities react promptly to the fast changing regional and national situation. The measures they adopt and implement engage all stakeholders and are influenced by the global and EU practices. The protection of the peoples' heath is the main focus but at the same time the state is trying to support the local economy and lay down the fundaments for a quick recovery after the crisis is under control. Despite the timely and active state engagement, many problems occurred that mainly derive from the irresponsible actions of people that present imminent threat – diagnosed or contact persons that violate their quarantine or people that do not comply with the established prevention protocols. Such misbehaviour led to the imposition of significant fines and even prison time. How the situation will evolve in the next few days, week or months is rather uncertain but one is clear – the virus is not spreading on its own, but with the support of irresponsible people.

Conclusion

Pandemics, caused by known and novel viruses continue to threaten the world's population despite the prevention and response protocols developed and implemented by the responsible organizations and authorities. They upend the national healthcare systems and significantly impact the economic development. Each health crisis caused by an infectious disease provide further knowledge that is of key importance not only for the scientific advancement but also for the overall development of the public and economic systems. Despite the elaborate arsenal of existing countermeasures, the present situation with the COVID-19 proves that the world is not fully prepared yet to face a health threat of such magnitude. It affected so many people and countries worldwide for such a short period that when some states detected the disease it has already uncontrolledly spread on their territories. At present it can be stated for sure that the peoples' behaviour in such

emergency situations is of great importance and all relevant national and international organizations should focus on this issue in future. China's experience and reactions in this situation proved to be very timely but their success in the fight was greatly due to the self-responsibility of the Chinese people and their readiness to give up of some essential human rights as free movement and cultural life in the name of protecting their lives and nation. Their example should be followed by all affected countries and nations worldwide. The international and state organizations and governments should focus on educating people to be more responsible towards their own health and the well-being of the whole society. The individualistic approach, very typical for the modern world, should be diminished. After the present pandemic is overcome, all engaged stakeholders will once more concentrate their efforts to prepare for the next heath threat but at the same time the society will pay the highest price.

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Inclusive Education Between Humanistic Idea and Corporative Model of Education: Are the Special Schools Better?

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Abstract

In this paper a paradox of global educational politics is problematized (GERM – global education movement) that is reflected in education reforms of numerous countries as it is insisted on uncompromizing introduction of inclusive education, while at the same time, more and more bigger breakthrough of neoliberalism is evident in education. Neoliberal education, that is corporative model of education, based on marketing orientation and imposing the demands for higher academic standards in order schools to be more competitive, is contradictory to humanistic and egalitarian idea of inclusion in education with the final aim of improvement of inclusive education in which all children, young and adults no matter of differencies, are given an opportunity to take part in and to give their own contribution. In practice, it is also questioned the co-existence of inclusive education and corporative model of education along with presenting the reflections and researches of some authors who emphazise the advantages of special education.

Keywords: inclusive education, neoliberal education, corporative model of education, special schools, researches of inclusive education

Introduction

Philosophy of inclusive education is that all children have right to be educated together with their peers in regular classes in schools that are the closest to their place of residence. It is necessary to differ the determination of inclusive education both in broad and narrow sense. Inclusive education being understood in wider sense is related to strategies of inclusion into regular educational system of all the children that due to some of their characteristics (age, sex, abilities, race, ethnic and religious membership, health status etc.) are being exposed to different kinds of marginalization, segregation, isolation and discrimination as in school so in society in general. In narrow sense, inclusive education is related in including the children having disability-related differences (disorders with eyesight, hearing, talking, mental insufficiency, behavioral disorders, multiple disorders) into regular schools. Our intention is to problematize the paradox of global educational politics (GERM – global education reform movement) reflecting in the fact that in educational reforms of numerous countries it is insisted on uncompromising introduction of inclusive education but at the same time, a breakthrough of neoliberalism in educationn is more and more evident. Neoliberalism in education is characterized by procedures such as evaluation, clasification, quantification, acreditation standardized tests, evaluation criteria and orientation toward perfection that is manifested in shape of increased competition among schools. As Tolofari (2005) has noted, education becomes a product at the market which should be more effective and efficient, students become buyers of services, but supply and demand are determined by market mechanisms, that is neoliberals want competition, choice, efficiency and accountability.

Inclusive Education vs Corporative Model of Education

In that regard, some authors (Hardy and Woodcock, 2015; Kreitz-Sadberg,2015; Skrtic, 2009; Slee, 2011) consider as neoliberal market orientation and individualised view upon society imposing bigger demands in respect to academic standards in order schools to be more competitive, are contradictor to the idea of inclusion in education. According to Stubbs (2008) inclusive education refers to a wide range of srategies, activities and processes that seek to make a reality of the universal right to equality, relevant and appropriate education where all differences according to age, gender, ethnicity, language, health status, economic status, religion, disability, life-style and other forms of difference are

acknowledged and respected. Therefore, inclusive education represents a humanistic idea whose final aim is the improvement of inclusive society enabling to all children, young and adults regardless of differences to take part and contribute in it. Of course, such understanding of society does not imply the balance – does not mean as all the members of society are equal ones, but all regardless to afore mentioned differences have equal right to possibility to take part in and to belong to the society, that is to educate in accordance with their abilities. Such understanding of „equality" contributes to eradication and decreasing of the all forms of seggregation, separation, isolation and discrimination.

On the other side, instead to be engaged in strenghtening up the neccessary diversity being understood under the concept of inclusive education, neoliberal ideology suggests a revival of one-dimensional interpretation of school based on individualism, competitiveness, social darwinism, talent myth and similar, that leads to marketing of education, that is abolishing the education as basic human right and common good. As Liasidou mentioned, „the values of the marketplace are enshrined in educational institutions, which are called upon to produce 'human resources' in order o fulfil the demands of the global economy, thereby relating to the margins those students who are allegedly deemed 'unfit' to meet the demands of corporate modes of schooling (e.g. disabled students)" (Liasidou, 2015:8). So, neoliberal educational trends represent an attack on egalitaristic norms, social equlity, right to possibility all to take part in and belong to the society, therefore to be educated in accordance with their abilities that represents the essence of inclusive education concept.

Apple (2001) perfectly detects the key elements of corporative educational mode where the education is mainly based on transfering the neutral knowledge on the students but the basic role of school is „to fill in" the students with knowledge needed for taking part in fast changing world. The executive arbiter in evaluation of transfer and knowledge acquisition are tests of acquisition intended to state the educational level as „objectively" as possible. If everything functions well, „good" students will finally „learn well", gain good results, take good positions and work on good jobs in society and to earn much more money. This effectiveness line is followed by financial benefit of schools and school systems in charge of knowledge transfer and preparation of „good" experts. Newly ethroned centers of power have inviolable right to define „the history of real culture" and „real knowledge" (Apple, 2001:9). This contruction of good schooling, good management and good results in final, has been traced by those social powers that gained a domination in society aiming to increase the profit and their own positions, finding decisively important interest in education. Apple recognizes four key interest groups having a monopoly over education in The United States of America, and they more and more impose to the rest of the world the ideal of „good" and „real" knowledge, the adequate method of revising of the „functionality"of acquired knowledge strongly influencing the „peripheral" cultures to re-shape and continually come closer to the ideal knowledge core of global culture. Apple recognizes those social powers through the impact of neoliberals, neoconservatives, aggresive populists and technomanagers.

Corporative educational model based upon neoliberal economic ideas is characterized by the values of market to be applied onto educational institutions where the value of student is reflected in how much is able to contribute to the labor market, that is „students have been increasingly viewed as profitmaximazing pawns in the service of an 'audit culture', whereby a school's 'effectiveness' is measured against simplistic and superficial assesment procedures akin to corporate rationality" (Liasidou, 2015:11). As a rule, students that are not able to adjust themselves into corporative educational model are those originating from ethnic minorities, poor students, as well as those having various disabilities. Therefore, all those students included in inclusive education concept. Along with all previously said, a question is imposing whether the concept of inclusive education (especially its narrow understanding), has any sense in those educational systems where neoliberal ideas dominate?

The idea of inclusive education which is utterly human and has its scientific-theorethical basis and justification (e.g. Allport's contact hypothesis[1], Vygotsky's zone of proximal development[2] and similar) is sensless to a good extent in corporative

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[1] The concept of inclusive education, especially its socialization and non-academic aspects, is based on the contact hypothesis. According to the contact hypothesis, the general student population is expected to reduce prejudice, ie to form positive attitudes, to accept diversity and to build friendships through repeated contact / exposure to children with disabilities (Cerić, 2019).

[2] Vygotsky's consideration of „zone of proximal development" and his understanding of disabilities from socio-cultural aspect could be accepted as theoretical starting point of inclusive education. The conception of „zone of proximal development" enables individualization of learning process and explains positive influence of social environment on development, upon demand of inclusive education disciples for educating heterogeneous groups of students in regular schools is based. Making distinctly shift from biological to socio-cultural explanation of disabilities, Vygotsky anticipated today's broadly accepted social model, which is in the basics of inclusive education, according to its barriers to learning and participation arise through an interaction between students and their context; the people, policies, institutions, cultures, and social and economic circumstances that affect their lives (Cerić and Alić, 2005).

educational model that is based upon competitiveness and oriented to prefection, so it is questionable whether including a child, at any cost, having some disability into regular school be of any advantage for it. Kaufman (1989) for example, considers as a try all these students to be included into regular education is equally forcedly and discriminating as it would try to include the all students into special classes and special institutions. At the same time, it should bear in mind that there are categories of children which, along with the best conditions and support can not be included into regular education. Advantages of special schools for education of some categories of children with disabilities in regard to inclusive schools a famous philosopher Mary Warnock in the introduction of the book Celebrating the Special School gives the following arguments:

I profoundly believe that for many children, not only those with the most severe or multiple disabilities, special schools are their salvation. They can trust their teachers to understand their difficulties and they can be free from the teasing and bullying that they fear from their fellow students (and this fear is more intense for those children who are not visibly or obviously disabled, such as those with autism in its various degrees). One of the huge advantages of a special school for such children is that it is small. In a small school, a child knows everyone and is known by all the staff. The staff, too, know one another and work in a collegiate atmosphere, where they can share their insights and their problems. Special schools are, of course, not cheap. But the policy of inclusion in mainstream schools should not be cheap either if it is to provide enough support for individual students to enable them to flourish. It is not enough that children with special needs in mainstream schools should be supported by teaching assistants; they need expert, trained teachers, who can teach them in small groups, or one-to-one. This is something that few mainstream schools can offer. What has been wrong with the policy of inclusion has been the idea that if some children with special needs can flourish in the mainstream they all can (2006: viii-ix).

Furthermore, the inclusive schools imply considerable investment into education of teachers working with children having disabilities and creating the adequate conditions for their work, as well as school infrastructure and resources (teaching aids and apparatus, adjusted access to school, space and material conditions and similar. Apple picturesquely talks about it:

While in an ideal situation I would prefer to have inclusive schools, on the other hand, in the realities of too many classrooms what we have now are rising class sizes, decreasing budgets, more social problems in the schools, and the intensification of teachers' labor. To quote from one of my friends who teaches in the schools of my own city, 'Michael, I don't have time even to go to the bathroom during the day.' Given this kind of situation, what is happening in many ways to teachers is that the rethoric is saying "inclusion," but the reality says 'Dump these children into a regular classroom, and give no help, no assistance, no resources to teachers who are already in conditions that make life extremely difficult.' Hence, in the real situation in a considerable number of schools and classrooms, what we have is often equivalent to what we did when we closed mental hospitals in the United States. We dumped people back into the communities and let them sink or swim, with little long-term support. And by and large, they sank (Apple, 2004: 200).

Palmer et al (2001) analyzed the written comments of 140 parents of students having serious disabilities in order to establish the reasons why do they support or are against the curriculum of inclusive education. Reasons for parents' support are assurances as their children would learn more in regular classrooms. Parents opposing the inclusion mostly thought as the seriousness of disabilities of their children prevent any kind of benefits from such curriculum, therefore, inclusive classrooms would not be appropriate for education of their children.

Gilmour (2018) considers that researches, unfortunatelly, gave just weak evidences as educational inclusion brings benefits to students with disabilities, and that studies reporting on better academic results and sociability outcomes for students with disabilities being taught at regular schools, suffer from lack of methodology. Less evidences suggest that the teachers of regular schools are adequately prepared to meet unique academic and social needs of disabled students. One of crucial methodology lack in research of inclusive education is that they are mostly based on presumption as students with diabilities are educated in a vacuum; i.e. they are mostly focused on effectiveness gained at students with disabilities while the impact of educational inclusion on typical fellow students and teachers is ignored. Mutual interaction between teachers and students with disabilities from general population is exactly imposed as the research field whose results could direct a future discussion on inclusive education and improve school inclusive practice.

The fact that disabled students included into regular classrooms fall behind their typical fellow students, and that their mere placement into inclusive classrooms does not improve their academic achievements is confirmed by results of meta-analyses of 23 studies conducted by Gilmour et al (2018). Namely, they established that in regard to reading ability at

students with disabilities there is standard deviation about 1.17 in relation to typical fellow students which represents a falling behind during more than three years in academic improvement.

The research conducted by Siperstein et al (2007) shows that including children with intellectual disabilities could increase negative attitudes toward them in general students' population. The authors of this study polled random sample comprising of 5837 students of secondary schools on national level about their attitudes to including their fellow students with intellectual disabilities into regular schools. The findings show that students: (a) have limited contact with students with ID in their classrooms and school; (b) perceive students with ID as moderately impaired rather than mildly impaired; (c) believe that students with ID can participate in nonacademic classes, but not in academic classes; (d) view inclusion as having both positive and negative effects; and (e) do not want to interact socially with a peer with ID, particularly outside school. The key findings gained by Hardiman et al (2008) , comparing social competences of children with mild intellectual disabilities in inclusive contrary to segregated school enviroments, show that children in inclusive schools do not significantly differ from children at segregated scools in regard to social competences which support a presumption that children having intellectual disabilities can function well in various educational environments.

Conclusion

The concept of global education policy has appeared over the last few decades, and it is about phenomenon that implicates the characteristics of educational reform present at the global level (GERM). The methapors "marketing meta-governance" (Woods, 2011) and "Westernized version of educational modernization" (Alić, 2018) refer to undertaking educational reforms in the US, UK and other Western-centric socio-political systems, based on neoliberal ideologies, whose fundamental goal is to restructure education so that it begins to contribute to economic growth and development . Such an understanding of education that rests on the demand for competiveness, profitability and increased productivity is at odds with the concept of inclusive education based on concerns about human rights, social justice, collegiality and the common good. Neoliberal versions of inclusion are harmonized with the standards agenda supported by the ascendancy of market-based imperatives (Dyson, 2005).

And finally, our ultimate question might be: is there any possibility to accomplish the idea of inclusive education in predominantly market and neoliberally oriented world?

One, among, not so many positive examples exists in Finland, which have somehow avoided neoliberal directions, and maintained a strong focus on a social democratic vision in education policy and practice, have managed to achieve higher educational standards and more equitable educational outcomes for learner diversity (Hargreaves and Shirley 2012; after Liasidou, 2015:10). While explaining the nature of Finnish educational reforms, Sahlberg (2010, after Liasidou, 2015:10) points to the fact that the country has not been influenced by the global education reform movement (GERM), which has emerged from the interests of supranational development agencies and has been geared towards introducing high-stakes accountability regimes for schools.

Having in mind a positive Finnish example, a resistance to market-oriented educational system is possible exclusively in a case of entire social emancipation directed to the ideal of social justice. Such concept enables the equal possibilities to all students, egalitarian distribution of all resources, minimizing the effects of competition among students, gradual building up of a higher level of confidence among the all participants within educational system especially among teachers, parents and students. Such approach, besides the social model, directs much more to some key standpoints of spiritual-scientific pedagogy, that is still considered to be remote, idealistic and humanistic point of view onto education (Alić, Cerić and Habibović, 2018). Finally, within a tradition of spiritual-scientific pedagogy is said: The aim of bringing up is education as a subjective way of culture existence, but not achieving the skilled qualification, so, it brings to conclusion as education is spiritual achievement , inner accomplishment, the state of soul, higher life, „ethos" of living area, a credential into timeless values...(König and Zedler, 2001).

Meanwhile, such huanistic ideal is totally opposed to neoliberal, competitive, corporative models of education. If, by market logic, a gap between „typical" and students with disabilities deepened, in that case it perhaps better following the traces of Mary Warnock's thoughts as well as numerous researches on effectiveness of inclusive education, to save the children with disabilities from additional stigmatizing and to improve the work of special schools?

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Educational Justice Praxis and Cultural Competence

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Abstract

In this study I investigate how culture, cultural norms, and teachers' habitus (habits to dispositions) affect the implementation of educational justice praxis (theory and practice) as a response to alleviate the structural inequities faced by ethnic/racial minority students. This study also suggests culturally appropriate educational tools that pre-service teachers can use in their cross-cultural classrooms. Using qualitative methods, I conducted interviews with 12 teachers and teacher educators who work in public schools, nonprofit organizations, and universities in Florida, United States. My findings expose how dominant cultural norms (whiteness), teachers' habitus (white fragility), and structural problems (racism) help to marginalize ethno-racial minority students and suppress their educational rights. The findings suggest that combating racism, questioning dominant norms/values, and accepting distinct cultural identities should be the components of educational justice praxis.

Keywords: Cultural Norms; Teachers' Habitus; Educational Justice; Whiteness; Racism; United States

Introduction

Can theoretical frameworks and pedagogical models help to alleviate the structural inequities faced by ethnic/racial minority students? While exploring students' self-identifications and their educational interests are appropriate approaches to educational justice, finding the "best" educational praxis (i.e., theory and practice in educational equity; Gramsci, 1971) presents a challenge. However, Gorski's (2016) argument on culture, cultural competency, and multicultural education provided a useful place to start meeting this challenge.

Gorski criticizes a congratulatory perspective in multicultural education which celebrates food, music and cultural festivals, but ignores the issues of inequality, power, and privilege. Gorski argues (2016, p. 1),

a focus on culture, the meaning of which remains intensely contested, stunts the possibility of real progress toward educational justice. […] I argue for a new commitment to centering equity rather than culture in conversations and practices related to educational justice.

According to this view, culture should not be the only frame of reference for conversations about social justice education. Rather, educational justice should be discussed along with issues of power imbalances and inequalities.

Although I generally accept Gorski's interpretation, I argue that equity, equality, and educational rights cannot be separated from cultural matters; dominant cultural values (e.g. whiteness) and norms (e.g. white fragility, i.e., inability to tolerate racial stress, entitlement to racial comfort, and withdrawal from any encounter with non-white groups) impact the cultural identities and rights, including language rights, of ethno-racial minority students. Accepting the cultural identities of students complements the search for educational justice praxis and the fight against racism.

Consequently, in this study I develop a theoretical framework to explore the interplay of cultural competence, equity, and the various aspects of culture in education. This study also provides new information about culturally sensitive pedagogies for educators. It indicates the impacts of structural inequalities (racism) and teachers' habitus (whiteness and white fragility) on the educational rights and educational attainments of students.

Theoretical Considerations

Recognizing the cultural backgrounds of students and confronting systemic racism in educational settings are central to educational justice praxis. Therefore, interrogating ethnocentrism, Eurocentrism, and whiteness should be key in exploring

the dominant cultural norms that marginalize ethno-racial minority students and hinder their educational rights (Gay, 2010). As DiAngelo (2011) argues, whiteness might be better understood within the context of racism.

Racism, as a form of oppression, legitimizes inequality, exclusion, and subordination in society and educational settings (Anthias & Yuval-Davis, 1992; Hall, 2000). Racism has a conjunctural character and cannot be separated from the structures of society (Hall cited in Lewis 2000), and therefore must not be homogenized.

For Hall (2000, p. 222), racism "claims to ground the social and cultural differences which legitimate racialized exclusion in genetic and biological differences." Hall argues that,

Biological racism privileges markers like skin color, but those signifiers have always also been used, by discursive extension, to connote social and cultural differences. 'Blackness' has functioned as a sign that people of African descent are closer to Nature, and therefore more likely to be lazy, indolent, over-sexualized, with low-self-control. Correspondingly, those who are stigmatized on ethnic grounds, because they are 'culturally different' and therefore inferior, are often also characterized as physically different in significant ways, underpinned by sexual stereotypes. The biological referent is therefore never absent from discourses of ethnicity (p. 223).

Since racism works discursively with an articulation of cultural and biological differences, Hall talks of "racism's two logics." That is, racism works both through cultural differences (such as cultural practices like language and religion) and biological differences (such as skin colour). Here, Hall connects biological racism with cultural racism and thus avoids depicting cultural racism as "less" racist than biological racism and therefore more tolerable.

According to cultural racism, ethno-racial minorities are not "inferior" because of their racial/ethnic background, but because they do things "differently" (Cohen, 1999). That is, their religious practices, names, clothes, customs, and foods are deemed inferior. Their accents are incomprehensible, or their dialects are sub-standard (Kayaalp, 2014). Refusal to acknowledge the existence of individual and cultural differences of students, including their self-identification, is itself a form of racism. Cultural identities in their various aspects (such as language) are significant reference points for severely marginalized students whose stories and histories have been systematically and historically omitted from the curriculum and textbooks.

Therefore, culturally responsive teaching and educational justice must respect students' racial/ethnic and linguistic identities (Gay, 2010), and acknowledge the powerful system of shared values and norms in the cultural context that shapes group identities and creates power imbalances and oppression in social and educational settings (Sensoy and DiAngelo, 2017). These cultural categories or categories of identification are always socially and contextually (through time and space) constructed.

Students' social locations and their educational experiences, including their hopes and fears, are determined by the asymmetrical power dynamics and dominant cultural norms that surround them. By focusing on culture and the dominant cultural norms, one can reveal the forms of injustice, oppression, domination, and power imbalance generated by the existing cultural framework. Whiteness as a dominant cultural norm and practice, for example, exalts white people's status and marginalizes non-white people's position and their cultural identities.

Culturally responsive teaching should thus stress the impacts of whiteness (as a social construct) and also the role of white fragility (as habitus--habits, life style, taste, dispositions) that demonizes ordinary people and encourages segregation in educational settings. According to DiAngelo (2011), whites perceive any social and racial encounter with people of color as a challenge to their identities and to the system which protects their privileges and dominance. DiAngelo argues,

White people in North America live in a social environment that protects and in- sulates them from race-based stress. This insulated environment of racial protec- tion builds white expectations for racial comfort while at the same time lowering the ability to tolerate racial stress, leading to what I refer to as White Fragility. White Fragility is a state in which even a minimum amount of racial stress be- comes intolerable, triggering a range of defensive moves. These moves include the outward display of emotions such as anger, fear, and guilt, and behaviors such as argumentation, silence, and leaving the stress-inducing situation. These behaviors, in turn, function to reinstate white racial equilibrium (p. 1).

In countries such as the United States and Canada, whiteness protects its dominance through certain cultural practices, beliefs, and values. White fragility and the protection of white privilege through manipulation make whiteness a permanent dominant cultural norm. Explicit and implicit, de facto segregation create comfortable sites for whites that compartmentalize lifestyles, limit social and physical interactions, and constrain all manner of relationships between white and non-white

people. Whiteness remains protected, and white fragility is perpetuated through those segregated spaces and life styles. White fragility thus must become part of culturally responsive teaching.

Methods

In this qualitative inquiry, I collected data through in-depth interviews. The interviews were conducted with 12 teachers and teacher educators who work in public schools, nonprofit organizations, and universities in Florida, USA, to investigate teacher educators' interpretation of culture, cultural identities, and equity. The interviews further addressed the research questions (see below) and explored the elements of cultural competence and educational rights in teacher education programs.

Participants dedicated to the project approximately 1 hour during the 12-month period from May 2018 to May 2019. The interviews were conducted at a location specified by the participants, such as the participant's office. With participant consent, these discussions were audio taped and transcribed for anonymity. In addition to interviews, I conducted a literature review focusing on the issues of systemic racism and cultural competence. I also analyzed publicly available secondary data (i.e., internship data from teacher education programs).

The research objectives were clustered around two themes: i) teacher's identity, white culture and white fragility; and ii) culturally appropriate pedagogical models.

Recruitment to the study was done through personal contacts. I met most of my potential participants in both formal meetings and informal get-togethers (holiday parties) at the college where I work. Meetings and random encounters in the college helped me build trust relationships with my colleagues. I contacted prospective participants who are teachers and teacher educators in Florida via email.

Results

Teacher's Identity, White Culture and White Fragility

Teaching is a subjective endeavor. Teachers' experiences, perceptions, and positionality, particularly their racial/ethnic identity, shape their teaching practices and their interactions with their students (Nieto, 2013). Similarly, the habitus of the teachers affects their relationships with the students (Kayaalp, 2019).

Habitus differs according to class, gender, and cultural differences between people living in different geographic locations. As Bourdieu (1989, p. 18) argues "the dispositions of agents, that is, the mental structures through which [agents] apprehend the social world, their habitus are essentially the product of the internalization of the structures of that world." Therefore, the gap between a white teacher's habitus and that of an ethno-racial minority student is substantial (Kayaalp, 2014). Since habitus depends on social structures, it is unlikely to initiate change; if teachers are conditioned by unchanging and, say, racist social structures, teachers will remain racist. As DiAngelo (2011, p. 149) argues, "I do not feel guilty about racism. I didn't choose this socialization and it could not be avoided."

If the structures and norms of a culture produce and restrict a teacher's habitus, how do they affect educational justice? Culture, power, and educational justice are deeply related (Bettie, 2003). Cultural norms and power imbalances affect not only people's identity and their social location, but also their access to social institutions, including educational institutions. Students who have privileged (dominant and valued) identities because of their group membership (e.g. whiteness) have access to educational institutions and benefits not available to students with marginalized identities (e.g. a physical disability).

Not surprisingly, my participants recognized that "culture" in the United States generally means white culture. This understanding of culture excludes or misrepresents subjugated identities and cultures while over-representing people and norms from the dominant (white) culture. So, while Shakespeare remains one of the key figures of western civilization and literature, students typically have no familiarity with, say, Indigenous writers or even Indigenous people and their culture in general (Wade, 2014). Amy, a teacher educator, identifies how power and privilege play a role in American culture:

the last part of that [the aspects of culture] would be knowledge about the culture connected to issues of power and privilege in society. So that while you might understand the culture of your students and yourself, how do we connect to that? Like cultural capital? […] If you align with certain values and beliefs of the dominant group, then that gives you more power in certain situations.

Amy's report indicates how categories of identification (e.g., race) and the dominant values and beliefs (e.g., whiteness) help establish power imbalances in society and educational settings. Consequently, personal identities are valued or devalued according to a person's group membership (Sensoy and DiAngelo, 2017).

My participants' interviews also confirm that white fragility (DiAngelo, 2011) obstructs educational justice by maintaining racial hierarchy and protecting white people's position in that hierarchy. Sam, who is a teacher educator, touches on white fragility when discussing the emotional reactions of his white PhD students when visiting a black community in Springfield. Sam reports,

When I was working with doctorate students, we were going to be out exploring the community. One of the students said, '*I'm angry at you* because you're making us come here, and this place is unsafe. *You're putting my safety at risk.*' Another student had her husband driving around the block, because they were so afraid that she was in danger. This is Springfield, you know. Those are doctoral students.

The defense of white fragility, as expressed by Sam's students, protects power imbalances and white privilege in society and educational settings.

While whiteness is a group membership and a social construct, white culture has its own beliefs, values, and cultural practices (e.g., gestures and taste; see Bourdieu, 1984). Sam's interview further indicates that white students' emotional responses to structural problems (such as de facto segregation) encourages them to leave an "unsafe" setting (in this case, the black neighborhood). DiAngelo (2011, p. 61) anticipates this emotional response:

Whites have not had to build tolerance for racial discomfort and thus when ra-cial discomfort arises, whites typically respond as if something is "wrong," and blame the person or event that triggered the discomfort (usually a person of color). This blame results in a socially-sanctioned array of counter-moves against the perceived source of the discomfort, including: penalization; retaliation; isolation; ostracization; and refusal to continue engagement.

Exploring the impacts of power and the dominant cultural norms on the marginalization of racial/ethnic minority youth should be the premise of educational justice. Students' identity formation and their educational experiences are determined by the dominant norms of the society (e.g., white fragility).

Sam also comments on the interplay between educational justice and the hidden racism of "colorblindness." Sam asserts,

I think being culturally responsive to me is reframing our lens and how we look at students, and communities, and families. We start seeing their strengths, and assets rather than their deficiencies. [..]When you hear a teacher says, "I don't see color." "I don't see race. They're all my babies," that trashes equity. It's not acknowledging the cultural realities of racial and cultural life.

Sam's criticism of colorblindness parallels the premises of anti-racist education. According to this approach, racism exists but colorblind teaching ignores the existence of race and thus racism. By ignoring racism, colorblind teaching itself becomes racist. As Kendi (2019, p. 10) argues "the language of color blindness is a mask to hide racism." Teachers' racism has a direct negative impact on students' academic achievement.

Colorblind education also ignores the identities and experiences of racial/ethnic minority students. The statement that "we are all humans, we have similar experiences" supports a white supremacist ideology which disregards social injustices and presumes that every student starts the "education race" from the same start line. Failure then becomes an individual choice, regardless of the inequities that might distinguish one student from another. Disregarding educational injustices (e.g., race and class bias) leads to deficit practices which in turn perpetuate oppressions of marginalized students (Valencia, 2012).

My study participants seemed aware of the issues of white privilege and white fragility, and how they affect educational justice. But if educational justice praxis is not just to interpret the world of education but to change it, can we find pedagogical strategies to prepare culturally aware and competent teachers for cross-cultural classrooms? My respondents had some suggestions.

Culturally appropriate pedagogical models

My data show that creating a place where pre-service teachers can engage in honest and open conversations about educational justice (including stereotypes, biases, inequalities), and make themselves vulnerable encourages educational

justice praxis. Critical thinking, self-reflection, and multicultural literacy also help develop culturally competent pedagogical strategies.

Alyssa, a public-school teacher, discusses the positive effects of multicultural literacy in educational praxis and in acquiring culturally responsive techniques:

In my personal experience, having exposure to multicultural literature in college was such a gift. During my first year, I had a class of 19 students-18 were African-American. I might have been reading *Goldilocks*, and the *Three Bears*, and *Rapunzel*, and *American Girl Doll.* Who knows? If I didn't have that experience, I could have never realized that these students were not going to relate to these books. I can read *Goldilocks* but there's a book called *Leola and the Honeybears* that's an African-American retelling of the story. It's the same story, but there's different cultural differences in the story by using different words. Teachers may not think that it's necessary, but it's essential to pick books that your students can relate to. The great part of it is if teachers are reading these stories to their kids, they're starting, without realizing it, to understand cultural differences.

Sophie, another passionate school teacher, echoes Alyssa:

In my fifth-grade class last year, a lot of my students were Spanish-speaking students. We had to read a novel in the curriculum about immigration. Many of my students then were going through that process. Their parents are in other countries, or their parents are here, and they're scared of going back to Mexico or wherever. So, we read this novel about this girl who's from Mexico and had to move to California, back during the Depression. They felt like they could relate to the story because some of their parents are still in the process of moving. They have gone through that immigration process. They have family who are still there, and it engages these students. They were wanting to know what's going to happen next. They were willing to read, and willing to explore, and comprehend the story.

Alyssa and Sophie's comments show that the curriculum, including the lesson plan and textbooks, should relate to the students' cultural background, their identities, and their interests. Kayaalp (2014, p. 20) suggests that "culturally offensive teaching leads to devaluation of minority youths' native languages, confused cultural identities and lowered school performance." Therefore, culturally responsive pedagogical strategies should acknowledge and respond to existing cultural differences (such as life styles) and group history. Teaching methods should also include behaviors and attitudes that illustrate cultural awareness and cross-cultural communication (Bennett, 2006), and raise issues of equality and equity.

My findings also demonstrate that dismantling dominant cultural practices (e.g., personal space) and values (e.g., nationalism) of pre-service teachers remains challenging. Alyssa discusses the difficulty of changing the habitus of pre-service teachers:

People [interns] are coming with a lot of baggage and a lot of values at their parents instilled that maybe contradicting to the things that we talk about. What to do for these students? I don't know. It's not an easy question. […] I also think how to appeal to the more patriotic person. The person that may be very, you know, the USA all the way, and against different cultures.

Alyssa indicates that eliminating nationalism and its associated racism in classrooms can be difficult since the pre-service teachers' habitus arises from the structures of their society and culture.

In response, October, a public-school teacher, suggests that pre-service teachers need more help to understand the meaning of cultural competency and educational justice praxis. October asserts,

They have to go into classrooms with the mindset that they're specifically looking for cultural competence. I don't believe that majority of the educators know what we mean when we tell them that we want them to be culturally relevant, culturally aware, or culturally competent. I think they know what the word cultural means. I think they know what the word competent means. I don't think that they know what that means in practice.

Similarly, Nancy, a teacher educator, suggests that experience can be very educational:

When does that light bulb go off for an intern? I think it happens with exposure. We can teach him all day long in a classroom and they could hear it and maybe even understand it, but they can't apply it until they're out there. […] I taught high school English. One of my students would sleep through my class all the time. One day I woke him up and asked him, "What is

it?" Well, he had a baby. He was working two jobs after school and he would get home at two or three o'clock in the morning because he was washing dishes at a restaurant. That was a wake-up call for me.

October and Nancy's statements affirm that learning the conceptual framework of cultural competence is important for pre-service teachers, but applying this knowledge in classrooms can be challenging. Pre-service teacher education can provide assignments to help aspiring teachers build relationships with students because cultural competency entails bonding with students, understanding their conditions, knowing their home culture and lifestyle, and accommodating their needs and expectations. Meeting students' parents or guardians and walking their neighborhood streets can lead to cultural awareness and self-awakening. October reports,

If I walked my students' home, I can tell you right now my students go right here. They go through this dirt road and it is so scary. I know why they smell like pee because I saw where they live. I saw that their house doesn't have a door knob. when you see the environment, it gives them [pre-service teachers] what we want them to have. When I look at interns, particularly the white ones, there's that something missing. It's not that they don't like the kids. It's that they're missing the understanding of where they [their students] come from. They've never seen the real hood. Once you get that like breakthrough, you never leave Title One. You know why you're here. But a lot of them, I don't think they know their purpose.

Based on my participants' statements, educational justice praxis has numerous components: a) teaching a relevant theoretical framework regarding cultural norms, identity, whiteness, and cultural competency; b) teaching social and structural problems of the society such as poverty, segregation, and structural racism; c) exercising culturally appropriate pedagogical practices such as bonding with students and meeting their parents.

Conclusion

In this study I investigated the educational justice praxis to alleviate the structural inequities faced by ethnic/racial minority students. My findings indicate that i) dominant cultural norms (whiteness) and teachers' habitus (white fragility); and ii) structural issues (racism, segregation) lead to the marginalization of students.

According to my analysis, educational justice praxis requires a close investigation of culture and cultural norms to understand the forms of domination and marginalization that affect students in educational settings. While whiteness exalts teachers' positions in society, it marginalizes non-white students' identities and their cultures; mainstream education values white and middle-class norms (Bourdieu & Passeron, 1990). This, in turn, leads to a culture gap or clash between white teachers and non-white students because each develops a different habitus as the outcome of the unfair structures of their society.

As a response to these concerns, my study recommends that educational justice praxis should emphasize theoretical knowledge about educational equity and practical skills to implement it. Teacher education programs should help aspiring teachers learn about structural problems in society such as poverty, racism, and others, and their relation to educational inequities. Additionally, teachers and educators more generally can and should learn from their students, parents or guardians, and community, respecting their students' cultural identities and experiences.

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The Social and Environmental effects of foreign Investment in Kosovo

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Abstract

The effects of different foreign companies that are expected to invest in Kosovo is a significant aspect of its effect in the environment. Pollution is an important factor that has become a major problem today. The geo-physical status of the country, situated in the central Balkans region, happens to be a corridor of economic change and prosperity. That prosperous positive upcoming change may be halted due to the continuous disruption of toxic and poisonous fumes being released into the atmosphere. Institutions are expected to undergo a real-time monitoring technique that will be able to allow certain factories to set up their headquarters and allow for production in law abiding rules and in full relation to the health environmental issue.

Keywords: Economy, prosperity, environment, health, toxic.

1. Introduction

The country's economy is highly dependent on healthy foreign and domestic investment. Nations that are net yet highly developed, like countries in the west, are facing a very different situation. It happens to be that they have not met the standard requirements for investment. It is required that those standards are up to the dated requirements and that it would include the health issue as well as the well-being of clean air and the minimum requirement of pollutants being released into the atmosphere.

2. The major problem

Even though there happens to be an acceptable lawful purpose as to what degree level the air can be or is allowed to have a specific coefficient of pollutants into the atmosphere, that would underline the fact that this law is not respected by many investors along with the companies. Such companies have managed to employ many people and have created new jobs, however they have not respected the law that prohibits the high levels of pollution into the atmosphere.

It would be reasonable to dignify the fact that on the long term investors are willing to invest in places and countries where they can get a better deal rather than having to focus on the environmental health issue problem effecting the atmosphere. If one was to analyse the situation on the long term, then we would understand that such a case would have serious replication's on the country's environmental and polluted cities, this would also take into account that as well as the motion were serious investors would be interested to come and invest in places where there is a law abiding institution.

According to the (AKMM, 2018), in Kosovo, the levels of NO_2 have indicated that they have surpassed the continental acceptable values of VML 40 µg / m3) in two distinct cities Hani-Elezi, Gjilan and Prizren. It's pretty much the same in neighboring countries like Albania(SH.com,2020). It is believed that 60% of the population live in areas where dust and mini-pollutants have overpassed the acceptable levels of clean air that would be in accordance to OBSH 35 µg / m3. The world health organization has emphasized that lowering the level of pollution into the atmosphere from 70 to 20ug.m^{-3} will lower the death rate by 15% caused from polluted air.

This brings into the account the fact that serious investors will not invest into countries like Kosovo where it will cause an increase in the level of pollution into the atmosphere and at the same time lowering the company's image in the business world. Therefore, it must be taken into account that foreign investment is in proportion to the health environmental problem and the pollution in the atmosphere.

3. The Social effects to the problem

The society is highly effect by the rate of investors as to where and how they will decide on their investment strategy. The Energy we use is directly related to the environmental effect. This will bring into account that the greenhouse gases that have also had an effect as to how much we can tolerate the factories that allow pollutants into the atmosphere. The oxides released into the atmosphere have shown a great deal of impact as to how much we can allow more investors to invest in some highly populated areas. The location to be decided for certain power plants is another important factor that has to be taken into account. This is because toxic fumes and waist can harm the environment.
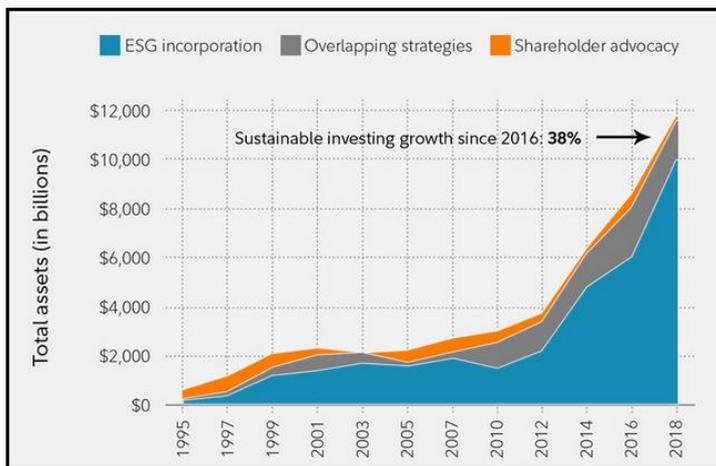
Figure 1: Sustainable Investments (www.forbes.com, 2019)

According to figure 1, it can be seen clearly that towards the end of the year 2016 an increase in the investment growth has been raised and it has given rise to a continuous growth. We can base this data and take into account the fact that this investment has to be carried out and that it brings into work more jobs.
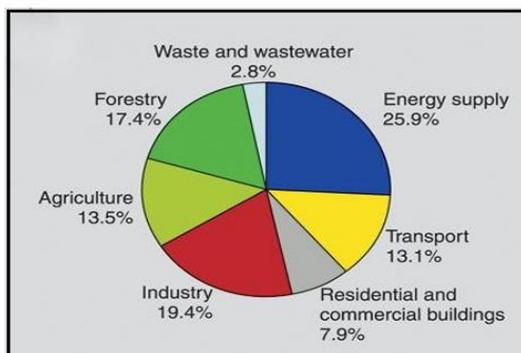
Figure 2: The Greenhouse emission (O'Connor, 2009)

Figure 2 shows the total greenhouse emission for the year 2004. It can be clearly understood that the highest level of pollutants and toxic is mainly from the energy supplier sector and the industry. This is a very important because these two

sectors are sectors for an increment in job requirements and we do expect that these figures to continue to grow more. It must be taken into account that in regard to these two sectors both are highly essential and that they must meet the so called environmental friendly demand that will not contribute to increasing the levels of pollution and its pollutants.

4. Significant Analysis
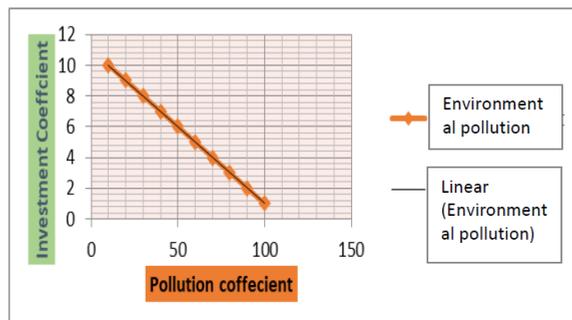
Figure 3: The Investment Report (Yeoh, 2019)

Figure 3 shows the potential investment ability in relation to the levels of pollution. It can be understood here that as the level of pollution continues to increase the chances of investment decrease. This indirect rationality was further analysed and we understood that it would require an online twenty-four 7 measurements, on the levels of pollution in the atmosphere in order for us to understand and take into account the fact that we require a certain level of efficiency, allowing us to be maintained within the acceptable range. In addition to that we will still be allowed to have continuous acceptable investment strategies.

Conclusions

We believe that this paper makes an important contribution to the economic development of the country because it incorporates two positive elements. The first is that it emphasizes the importance of ambient, the clean air for a developed country and a healthy life, and the second enables companies to calculate their exact level of pollution at which they are able to function using a very low cost model, which is easy to use and implement and provides us with very precise results.

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Research of Students' Attitudes toward the Management Challenges at Private and State Universities

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Abstract

The research refers to the study management mechanisms of tertiary education institutions. Specifically, the research discusses management peculiarities at private and state universities, their strengths and weaknesses, opportunities and threats. The thesis examines both the challenges of teaching process management and infrastructure issues as well as the relevant legislative and normative frameworks that are the basis of the functioning of the organization. Ongoing reforms, achievements and challenges of the tertiary education system in Georgia are also reviewed in the article. Research was conducted in 2019 to analyze the above-mentioned issue in depth at one state and one private university. 342 students in total have been interviewed. The faculty of Economics and Business was selected for piloting, as almost all multi-profile private and state universities have this faculty. Focus-group Methodology was used to interview the students. 36 closed ended (multiple choice questions) and one open ended questions were included in the questioniar. We studied students' attitude to the learning process, programs, professors' skills, and level of students' trust to the university, whether they believe that they will get modern knowledge and will be able to engage in the global competition after graduating from the university. During the research we were interested how fascinating was the scientific work for the students – young generation, whether they wish to become lecturers, scientists, what challenges they see along this path and in general how they appreciate their professional choices. We were interested in the attitude of the students toward the current situation in management. Do they feel bureaucratic barriers and gaps in the university governance? We were also interested in how the students value their life at the university, whether they like the university infrastructure. The study shows a very positive attitude of private university students toward their university. Quantitative and qualitative research has enabled us to identify existing challenges and develop relevant recommendations.

Keywords: *Public universities, Private universities, Tertuary Education System, Research of Students Attitude*

Introduction

The trends of university management changes in 2020 are due to social (personal and social effectiveness of individuals), technological (impact of techniques, software and technologies on society), economic (influence of mega, macro and micro trends on work and skills needed) **(Tea, Kasradze, 2013),** environmental (surroundings and its sustainability - workplace, city and place of residence are meant in it) and political (state policy, government systems, decisions and society) factors **[19] (Tea Kasradze, Nino Zarnadze, 2019).**

After receiving a secondary education, people who wish to pursue further education are faced with the difficult decision of continuing their studies at a private or at a state (public) higher education institution. On the one hand, there are state universities with relatively low prices and many years of teaching experience, on the other hand, private universities with high fees, good infrastructure and less teaching experience. It is interesting to see if the expectations of the students are

justified after making choices. Do they even have the feeling that they are acquiring modern, market-oriented competitive knowledge? **(Kasradze Tea; Zarnadze Nino, 2018).**

The Lisbon Declaration of the European University Association **[20]** says: „Europe now expects its universities to perform an even wider role, enabling civil society to meet the challenges of the twenty-first century. Climate change, energy issues, increasing longevity, the rapid pace of technological change, growing global interdependence and rising economic inequality both within Europe and between Europe and other continents: all these require investigation, fundamental research as well as technological and social innovation which will solve problems as they arise and ensure economic success combined with social stability in many different societies" **(Europe's Universities beyond 2010: Diversity with a Common Purpose, 2010).**

The Declaration, on the one hand, calls on governments to increase education funding, emphasizing the role of adequate funding to secure the future of universities, enhancing their social, cultural and technological skills. It says the education system will not be complete until research funding is seen as a future investment (Kasradze Tea, 2014) (Kasradze Tea, 2014). On the other hand, it calls on universities to improve their governance structures and leadership competencies in order to enhance their effectiveness, innovative capabilities and achieve their multifaceted mission.

The Declaration places fundamental importance on the issue of university autonomy. Autonomy implies the independent management and control of property, staff and finances, as well as accountability to the internal university community.

It is interesting to see how Georgian universities are prepared to respond to these challenges.

Before gaining the independence, there were only state universities in Georgia. After the independence, the number of HEIs increased significantly, but this was mainly due to the emergence of private institutions on the market. By the beginning of 2019, there were 44 private and 19 public (state) higher education institutions in Georgia. The number of private HEIs was on the rise over the years, but in 2019 their number decreased by 12 units compared to the previous year. The majority of higher education institutions, 62%, is in Tbilisi [21] **(Diagram 1)** [22]**.**
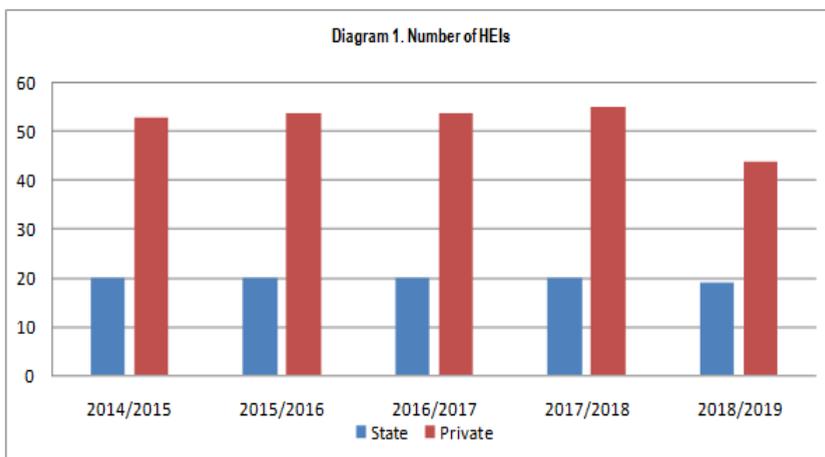
By the beginning of the 2018/2019 academic year, 41.6 thousand students were enrolled in Georgian higher education institutions, out of which 27.8 thousand are at state universities and 13.8 thousand at private universities. Student admissions are decreased by 2.700 compared to the last year. The decline happens mainly at private universities. The total number of students at Georgian higher education institutions amounted to 147.7 thousand, which is 2.7% more than in the previous academic year. 65% of the students study at state higher education institutions and 35% at private schools. 50.2% of the students are female and 49.8% are male. **[21] (Diagram 2)**

Diagram 2. Number of Students in HEIs, in thousandth
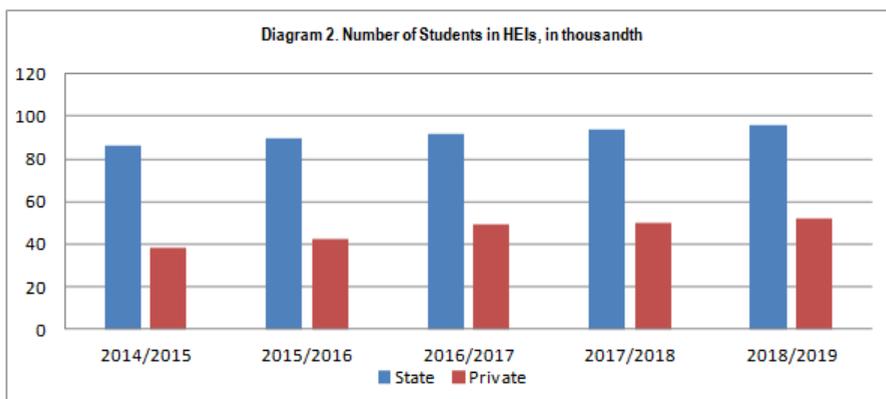
According to the number of enrolled students the list of the top ten universities of Georgia in 2018 looks like this:

1. Ivane Javakhishvilis Tbilisi State University (Tbilsi) - 4432 Students

2. Georgian Technical University (Tbilsi) - 3885 Students

3. Ilia State University (Tbilsi) - 3571 Students

4. Akaki Tsereteli State University (Qutaisi) - 1655 Students

5. Georgian National University (SEU) (Tbilsi) - 1623 Students

6. Batumi Shota Rustaveli State University (Batumi) - 1317 Students

7. Georgian University (Tbilsi) - 1288 Students

8. Tbilisi State Medical University (TSMU) (Tbilsi) - 1017 Students

9. Caucasus University (Tbilsi) - 1006 Students

10. Business and Technology University (Tbilsi) - 917 Students **[22].**

Out of which there are 6 state universities and exactly they are in the first four places. While according to the number of students enrolled with the scaled points private universities are on the top. Specifically, according to the number of enrolled students the list of top ten universities in 2018 in Georgia looks like this:

1. Free University (Tbilsi) - Average Scalar Score: 2115.78

2. Agricultural University of Georgia (Tbilsi) - Average Scalar Score: 2022.44

3. Tbilisi State Medical University (TSMU) (Tbilsi) - Average Scalar Score: 2015.42

4. David Tvildiani Medical University (Tbilsi) - Average Scalar Score: 1967.70

5. Ivane Javakhishvilis Tbilisi State University (Tbilsi) - Average Scalar Score: 1964.58

6. New Vision University (Tbilsi) - Average Scalar Score: 1947.53

7. Caucasus University (Tbilsi) - Average Scalar Score: 1919.15

8. Georgian Institute of Public Affairs (GIPA) (Tbilsi) - Average Scalar Score: 1911.54

9. International Black Sea University (Tbilsi) - Average Scalar Score: 1893.27

10. Business and Technology University (Tbilsi) - Average Scalar Score: 1884.97 **[22].**

How do private and public HEIs differ from one another? According to the OECD's glossary, an institution is classified as public if it is controlled and managed directly by a public education authority, or by a governing body most of whose members are appointed by a public authority. Conversely, a private institution is one that is controlled by a nongovernmental organization, or if its governing board consists mostly of members not selected by a government agency **[23] George Psacharopoulos** the member of the European Experts Network on Economics of Education (EENEE) gives us the similar definition in his work **,,who makes the critical decisions regarding the operations of a university: Is it the center, e.g., a bureaucrat in the Ministry of Education? Or is it the university senate and, why not, the student-user of university services?"** **[24]**

If we rely on these definitions, there is really no state or private HEI not only in Georgia but also in many countries around the world. However, it is likely that the state HEI leadership in Georgia according to the number of enrolled students is associated with the state, along with the low tuition fees.

Unlike state HEIs, private universities have the potential to be more flexible in terms of market demand, they can concentrate on profitable segments and lower costs on non-profitable processes, such as scientific activities of academic staff. They have less commitment to older professors, as they are more free during choosing staff, and state universities include scientific institutions within their own framework maintaining of which sometimes has a purely social function.

Institutions often fail to provide their own needs. The state or university has to cover the cost of maintaining them. However, the age of private universities in Georgia does not exceed the age of independent Georgia. They have more freedom to attract or fire staff because of not so much scientific achievement as academic skills. Consequently, in most cases, they choose young staff, which allows them to save money. However, Article 34 of the Law on Higher Education **[25]** obliges all higher education institutions to elect their academic staff on the basis of open competition, in accordance with the principles of transparency, equality and fair competition, which should be determined by their statute.

In Georgia, state universities have such an important advantage as history, the oldest of which - Ivane Javakhishvili Tbilisi State University is 102 years old, although it was created as a joint stock company in the period of Georgia's independence in 1918, since 1921 it has become an object of the Soviet state ownership. Soviet Georgian State Universities owned a large amount of material capital, utilizing all fields of science and education. In independent Georgia many areas have become less attractive for the market, though state universities in line with state policy are trying to maintain unprofitable directions, which commercially damages state universities to some extent, though maintaining them is important for the state and, therefore, the government encourages entrants to maintain such directions, However, maintaining them is a matter for the state, and the government, therefore, encourages entrants to maintain such directions, introducing benefits such as cancellation of payments so that they can choose these directions. Therefore, some universities do not have competitors in some directions on the domestic market. The state also regulates the number of places declared. State universities have the advantage in this regard, they have the opportunity to increase the number of entrants.

It should be noted that the size of student groups at public universities (at most 30 undergraduates per group) exceeds the number of students in private sector groups, which, of course, reduces the chances of applying individual approaches towards students at state universities, especially at multidisciplinary faculties such as Economics and Business and Law Faculties.

Students' rights are, of course, protected by the constitution and law. The Georgian Law on Higher Education **[25]** (Article 43) grants any student the right to: a) acquire high quality education; b) participate in scientific research; c) use the material and technical and, library and, informational and other resources of a higher education institution on equal terms, as provided for by the statute, and the internal regulations and provisions of the higher education institution;

However, when it comes to applying to a private or state HEI for the exercise of this right, the entrant must know what are the key factors **(degree of independence, effective internal and external HEI management mechanisms, access to financial resources, which in turn ensures the proper learning environment with state-of-the-art technology and infrastructure, highly qualified academic staff, etc.)** that make them substantially different and affect the quality of student's knowledge acquired at the HEI.

According to Article 15 of the "Law of Georgia on Higher Education" **[25]** the determination of the management bodies of higher education institutions and their competences is the prerogative of these subjects themselves, which they should state in the Statute. State higher education institutions, in particular, public law legal entities, are required by law to

administer management through the Academic Council, the Representative Board, the Rector, the Head of Administration, and the Quality Assurance Service.

First, private and state HEIs differ in the degree of independence. Both private and public higher education institutions in accordance with Article 10 of the Law on Higher Education:

• Endorse the main areas of study, research and creative activity;

• Develop a statute, approve the institution's internal regulations, the principles and rules of ethics and disciplinary responsibility;

• Approve the unified rules for hiring academic and support staff;

• Elect the institution's management bodies and officials;

• Dispose of its finances and property in the manner prescribed by the legislation of Georgia;

Although, according to the law, in case of the state universities directly the government structures do not make decisions, nor do they appoint the rector directly, but the degree of autonomy and academic freedom is still low. Despite the high autonomy granted by law for the election of a rector, election in fact is formal in state HEIs and there are more appointments than elections. The degree of independence is also low at the time of the creation of academic structures, and these structures serve the interests of certain narrow groups. It can be said that the two-step management system is formal and actually authoritarian at public universities [26].

The degree of financial autonomy of state HEIs is also low (Kasradze Tea, 2016). Since 2004, direct funding of public HEIs by the state in Georgia has been minimized. Today, HEIs receive funding from the state not on the basis of the number of students, but on the number of successful students at the Unified National Exams. The rest of the students pay the tuition fee by themselves. Students who have enrolled in private higher education institutions after successfully passing the Unified Entry Exams also receive state grants. State HEIs are legally allowed to spend their income from students' funding independently, though funds are scarce because of the limited number of students (students are enrolled through the Unified National Exams and the HEI has no means for choosing them) and tuition fee (2250 GEL), set by the state and they do not have the right to increase it. Whereas, private HEIs do not have such a restriction. The current voucher model of financing public and private HEIs prevents a healthy competition on the market.

It can be said that it puts some of the private universities in a relatively privileged position. Private and public higher education institutions receive approximately equal numbers of state-funded students, correspondingly, they receive approximately equal funding from the state.

In the absence of basic funding from the state budget, a state tuition grant is the only means of obtaining public funding for public higher education, and since private higher education institutions, unlike public institutions, can impose tuition fees to any extent, their total income significantly exceeds the income of public agencies (up to GEL 8,000).

Existing funding rule at public institutions results in low pay for academic and administrative staff (with the exception of law and economics and business faculties, high salaries are due to a particularly large contingent of students), which does not have a positive impact on the quality of the teaching and learning processes **(Kasradze, Tea; Antia , Vakhtang; Gulua, Ekaterine;, 2019).**

The biggest challenge for higher education in both public and private universities in Georgia is to establish good governance principles. Good governance implies transparency, accountability, effectiveness, and more. Article 16 of the Law of Georgia on Higher Education obliges HEIs to provide:

a) Publicity and accessibility for all interested persons to the decisions of its management bodies, reports and decrees; State-owned non-entrepreneurial (non-commercial) legal entities are subject to the norms of freedom of information established by the General Administrative Code of Georgia **[27]** This type of institution should have transparent decision-making procedures;

b) Academic freedom of academic staff, scientific staff and students;

c) Involvement of academic staff, scientific staff and students in decision-making;

d) Equal treatment for all, regardless of one's ethnic or social origin, gender, political or religious beliefs, etc.;

e) Fairness and transparency of elections and the publicity of competitions held at a higher education institution;

However, legislative regulation alone is not enough, unfortunately. Quality assurance rather than quantity is a critical issue at private and public universities around the country. With good governance, HEIs will be able to better identify limited resources and use internal control mechanisms more effectively. Weak governance (both internal and external) is a major problem that has contributed to the inefficiency and inefficiency of higher education.

It is believed that the model of governance in which the state assumes the role of a supervisor may be better than strict government control, which is somewhat detrimental to higher education in developing countries **(Olda, 2007)**. The state can play an important stimulating, supportive role in reforming and developing higher education institutions **(Antia, Vakhtang;, 2018).** Direct state control may sometimes be needed to regulate the higher education system in developing countries.

The shortage of good governance and financial resources has a negative impact on the quality of academic staff and HEIs' infrastructure, which naturally affects the quality of teaching.

In the field of staffing, both private and public universities have a high autonomy in the selection, dismissal and promotion of staff and in the determination of salaries. However, the extensive rights of universities are, in some cases, ineffective and unfair at public universities.

This process is facilitated by the competition regulations for the selection of academic staff developed by universities, which do not guarantee the fulfillment of the requirements set by law. HEIs fail to ensure fairness and transparency of elections and publicity of competitions in higher education. All of this has a significant negative impact on the quality of educational programs and, ultimately, significantly reduces the guarantees of the right to receive a quality education **[28].**

Academic staff statistics affect the costs of higher education institutions, on the one hand, and its quality, on the other. The overwhelming number of academic staff is declining from year to year in the public sector, while rising in the private sector. At the beginning of 2016-2017 8231 units of professors were reported. 36% in the private and 64% in the public sector. This is while 29% of the total graduates are from the private sector and 71% from the public sector. This means that more lecturers are for one student in the private sector and less in the public sector **(Diagram3) (Kasradze, Tea; Antia , Vakhtang; Gulua, Ekaterine;, 2019)**.

Diagram3. Number of Professors in HEIs

(At the beginning of school year, (persons)

■ Public   ■ Private

	2014-2015	2015-2016	2015-2016	2016-2017
Public	5359	4731	4801	4692
Private	3030	3352	3291	3539
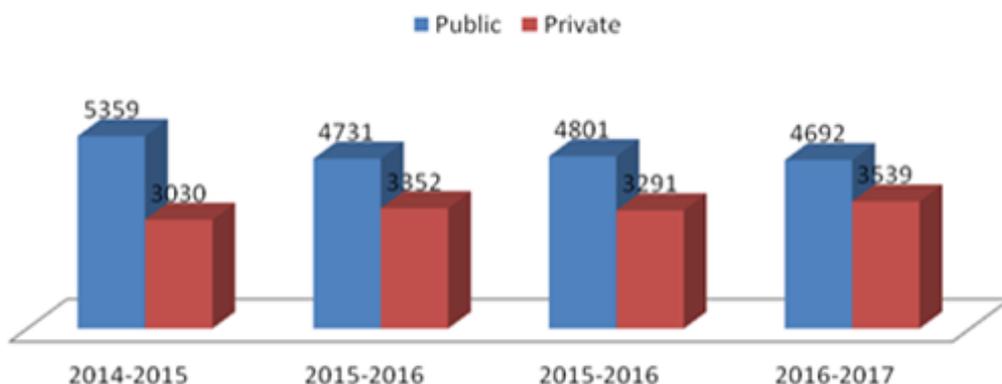
Another key factor for assessing how a university responds to contemporary challenges is its involvement in researches. Research is always regarded as an important aspect of teaching and learning in higher education. Research is related to quality. Educational institutions that are not research oriented do not contribute to creating a knowledge-based society (Tea

Kasradze, Nino Zarnadze, 2019)**.** Without research, universities will not be able to produce and disseminate new knowledge, and this will hamper national and human development goals (Kasradze Tea, 2018) **.**

General researches are scarce at both private and public universities and research infrastructure is quite poor and outdated/inadequate. University funds allocated for researches are always less than needed. Most of their budget is spent on salaries and pensions for teachers and other support staff, and small amounts are spent on research.

In 2017, education funding amounted to 137 million GEL, which was 0.36% of the country's GDP. And for higher education and research altogether, 190 million GEL was allocated in 2017, which is 0.5% of the country's GDP and 1.62% of the budget expenditure. Similar figures in 2012 look like this: government spending on higher education and research was also 0.5% of GDP but it amounted to 1.8% of the budget, which means that although government spending doubled in 2017 compared to 2013, its share in GDP remained the same and in terms of overall budget, it has even declined. This, unfortunately, indicates that the government cannot provide sufficient funds for universities to research. In 2018, the Research and Development in Georgia were conducted by 56 Institutions, of which 47 were Higher Education Institutions. Total expenditures on R&D equaled 128.3 Million GEL. Number of employees in Research and Development equaled 15 522 persons, of which 11 174 were researchers. 53 percent of researchers are women and 47 percent are men. 65.6 percent of researchers has doctoral or equivalent degree, 30.1 percent - master's or equivalent degree and 4.2 percent - bachelor's or equivalent. The chart below presents the distribution of researchers by level of education and sex **[29]**. **(Daiagram 4)**
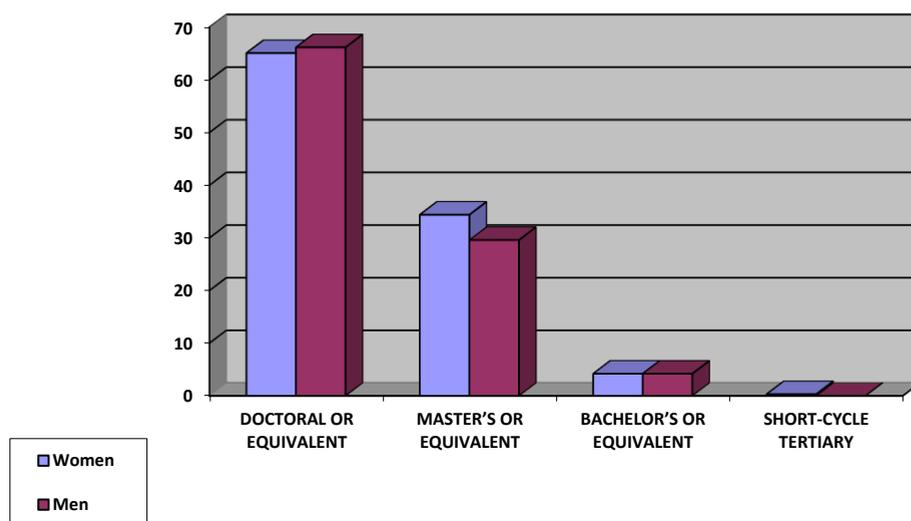
Under the conditions of scarce funding of universities, obtaining research grants are the only way to conduct university research. The main way to get funding from the state is to participate in the grant competition organized by the Shota Rustaveli National Science Foundation (SRNSFG) of the Ministry of Education, Science, Culture and Sport of Georgia. Rustaveli Science Foundation promotes the development of science, technology and innovation systems in the country.

The foundation implements grant calls, targeted programmes and projects is involved in international scientific networks and joint projects. SRNSFG administers more than 20 programmes, out of which 15 national, about 10 international bilateral programmes and 2 multilateral projects (Black Sea Horizon, EaP PLUS) funded by the EU Framework Programme for Research and Innovation "Horizon 2020". The Foundation has an International Advisory Board, which is comprised of leading Georgian and foreign scholars and representatives of the Government of Georgia. The Rustaveli Foundation conducts the scientific grant competitions through an independent, competent commission, thus it is possible to ensure transparency and fairness. However, the disadvantage of funding through exclusively centralized grant competitions is that higher education institutions and research institutions have to adapt their research interests to obtain funding for research **[30]**.

The most important activity of the Rustaveli Foundation - funding researches through competitions is not enough for universities to respond to the challenges of the 21st century. The government should provide universities with sufficient funds for research on the basis of evaluating its productivity and being relevant.

It is also important to actualize and promote the importance of scholarly research not only in private and public higher education institutions and academic circles, but also its importance should be explained to students. A scientific research activity is a top priority for only 10% of the 1093 surveyed students, for most students - lecture quality (73%) and other activities adjusted to student needs (17%) **(Kharadze, Natalia; Gulua, Ekaterine;, 2018).**

In order to understand students' attitudes to management challenges at public and private higher education institutions, we conducted a pilot study. We interviewed one state (Ivane Javakhishvili Tbilisi State University) and one private (Caucasus International University) undergraduate students at the Faculty of Economics and Business, as they have more learning and interacting experience at university than freshmen.

The study was conducted in 2017 according to the survey questionnaire conducted by the State University **(Gulua, Ekaterine, 2017).** Both students and academic staff were interviewed then **(Gulua, Ekaterine;, 2018) (Gulua, Ekaterine;, 2019).**There is a big difference between the scales of these universities, as far as the rankings are concerned, as already mentioned, the ranking of the state university is much higher than of the selected private university.

The study clearly showed the students' attitude - the degree of confidence in their own university. 58% of the surveyed students at a private university believe that they get a good level of knowledge at their university, while 24% of students at a state university are definitely positive. 56% believe that they receive only theoretical knowledge **(Diagram 5).**

We were interested to see if students thought they would be globally competitive after graduation. Here, their optimism is much lower. 65% of the surveyed students at the State University think that they receive such knowledge only in some subjects, while 45% of the students at private universities believe that they receive international knowledge in most subjects. In this regard, 15% of the surveyed students at the private university and only 4% of the State University trust fully their own university **(Diagram 6).**

Diagram 6. Are there subjects in which you acquire international knowledge?
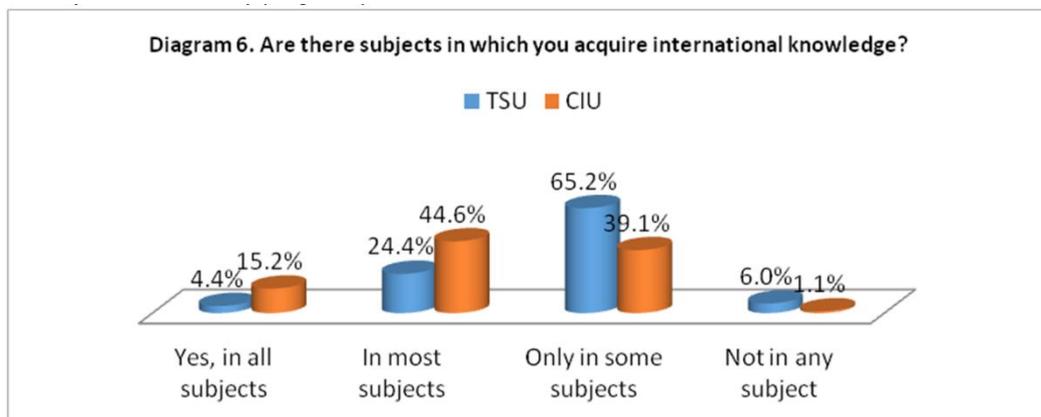
For present-day students it is also prioritised to get practical knowledge, the majority of the surveyed students at private and public universities think they receive such knowledge only partially **(Diagram 7)**.

Diagram 7. Do you think you are getting the knowledge that you can use or are already using in practice?
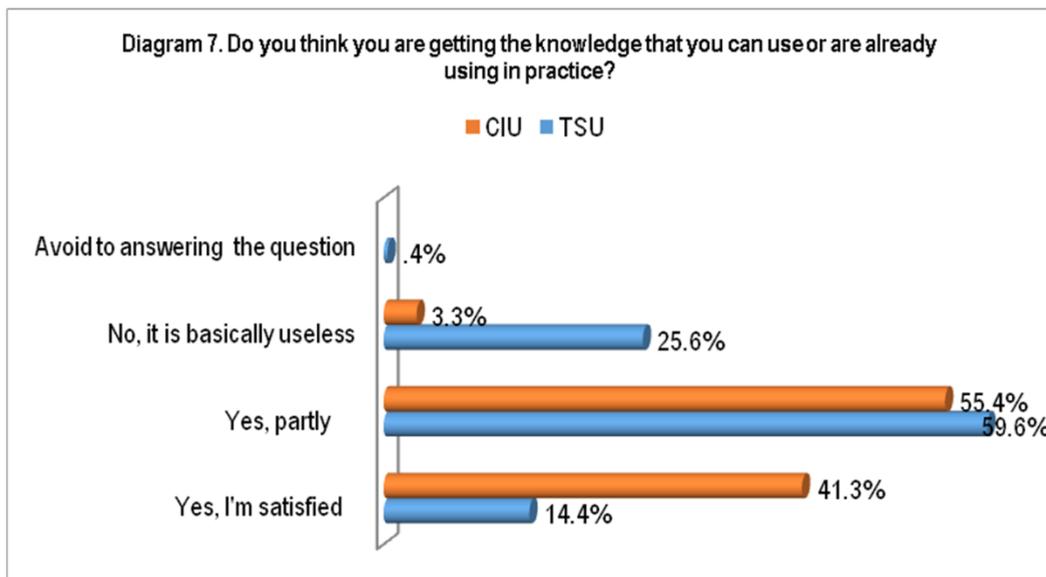
How much do students value their job prospects at the expense of university authority? The interviewed students' positive responses (yes and mostly yes) to this question at private and state universities equaled and amounted to 70% in both cases **(Diagram 8).**

Diagram 8. Do you think you are studying at a university that enjoys authority among employers?
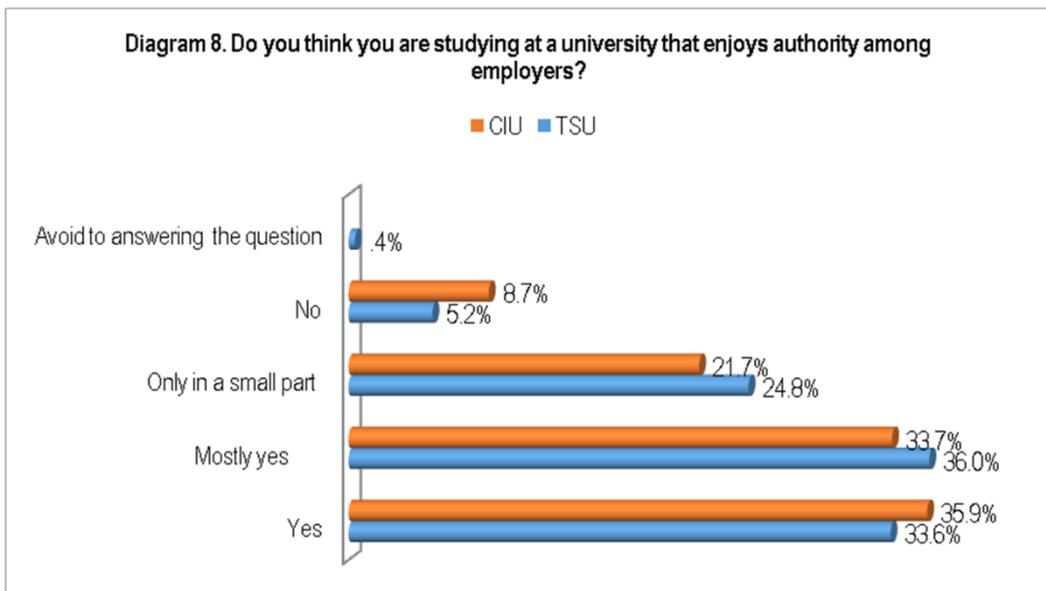
Regarding students' confidence in the qualifications of academic staff - the majority of students (62%) surveyed at a private university are obviously positive, while 26% believe that the majority of lecturers are highly qualified. 25% of the students surveyed at the State University are unequivocally positive about the issue, the majority (51%) consider the majority of their

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lecturers to be highly qualified. The attitude of 22% is relatively negative, considering that lecturers are highly qualified only in rare cases **(Diagram 9).**

Diagram 9. Do you think that lecturers who teach/ taught you are highly qualified?
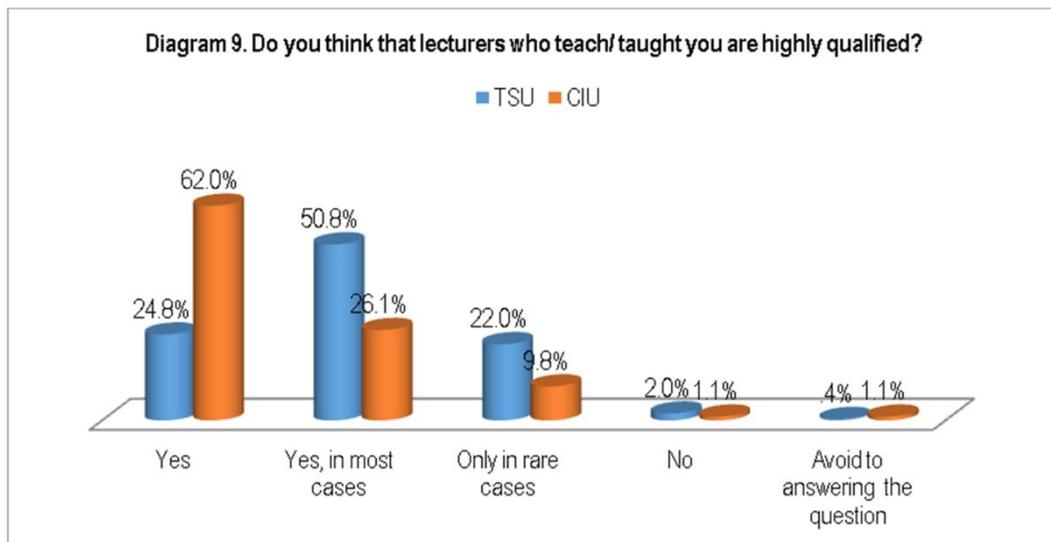
69% of the students surveyed at the State University are apparently dissatisfied with their university infrastructure. While the majority (53%) of the students surveyed at a private university believes that the Caucasus International University infrastructure is on a high level **(Diagram 10).**

Diagram 10. University infrastructure is developed:
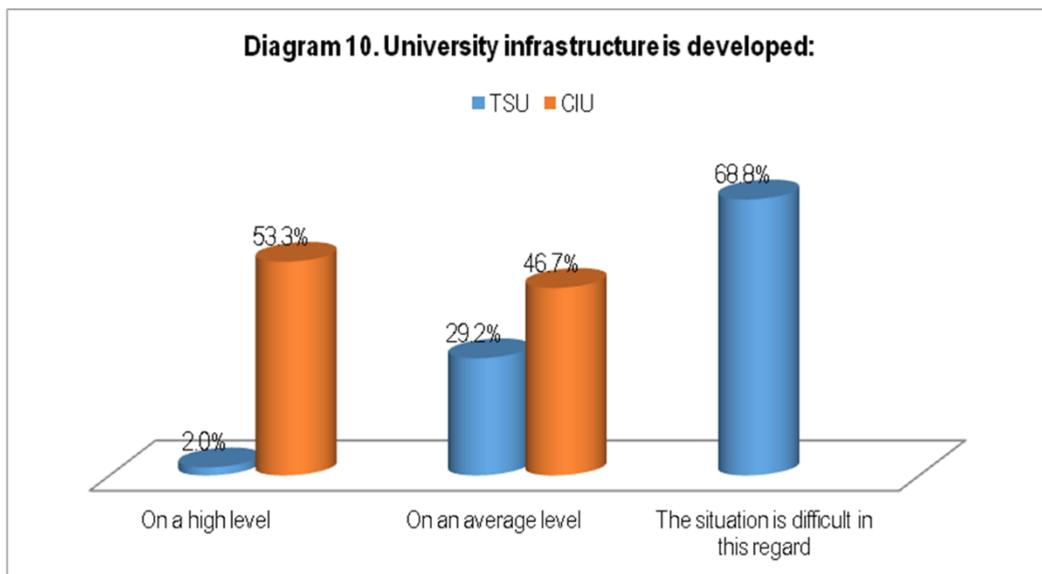
To determine the basics of students' attitudes, we examined how students rated infrastructure elements such as: equipping lecture halls, sports facilities, curriculum software, and so on.

90% of the students surveyed by the State University are dissatisfied with the technical equipment of the lecture halls, they believe that the situation in different lecture halls is unequal, and 80% of the surveyed students of the private university think that the there are equal working conditions at the faculty **(Diagram 11)**.

Diagram11. Are lecture-seminars, lecture halls provided with equal technical equipment?
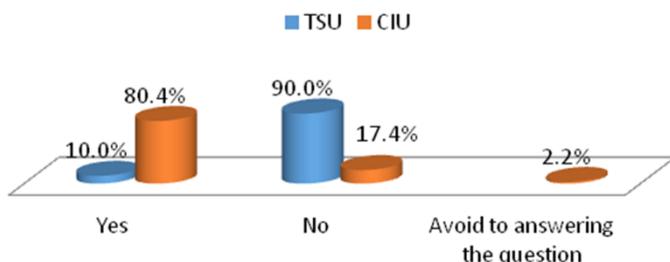
When asked whether there are sports facilities for students, the majority of the respondents (56%) of the State University consider them insufficient. Most of the students (43%) surveyed at private higher education institution expressed dissatisfaction in this regard **(Diagram 12).**

Diagram 12. Are there sports spaces for students at the university?
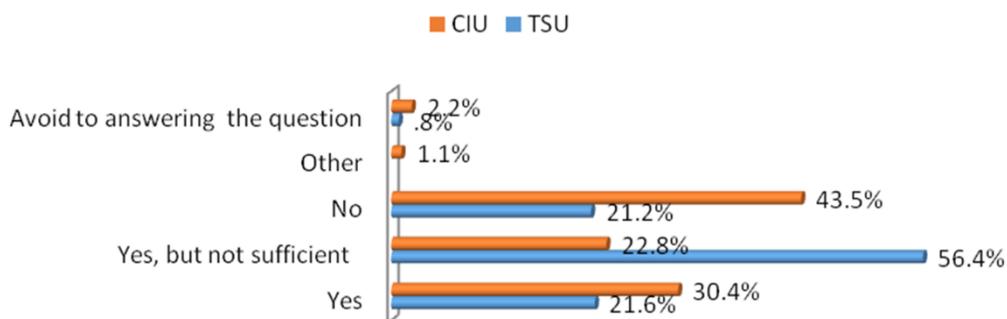
Both in public and private universities students are dissatisfied with entertainment space, with 58% and 40%, respectively **(Diagram 13).**

Diagram 13. Are there entertaining spaces for students at the university?
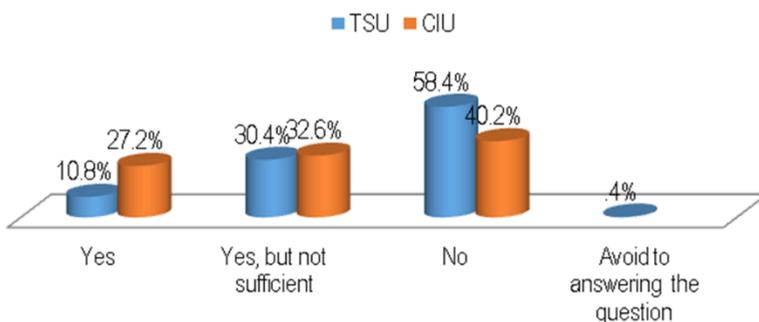
Most students (88%) did not, or rarely have problems with electronic databases at a private university. At the State University, 48% expressed satisfaction **(Diagram 14).**

Diagram 14. Have you had problems with electronic bases?
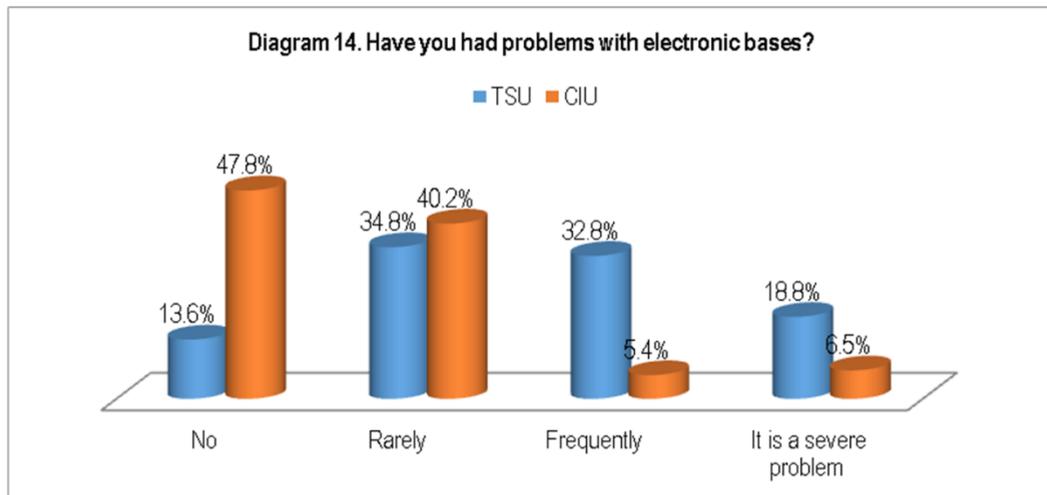
Students perceive it to be problematic when they have to pass more than one midterm or final exam in a day. 45% of such students were from a private university and 36% from a state university **(Diagram 15).**

Diagram 15. Have you taken more than one exam per day?
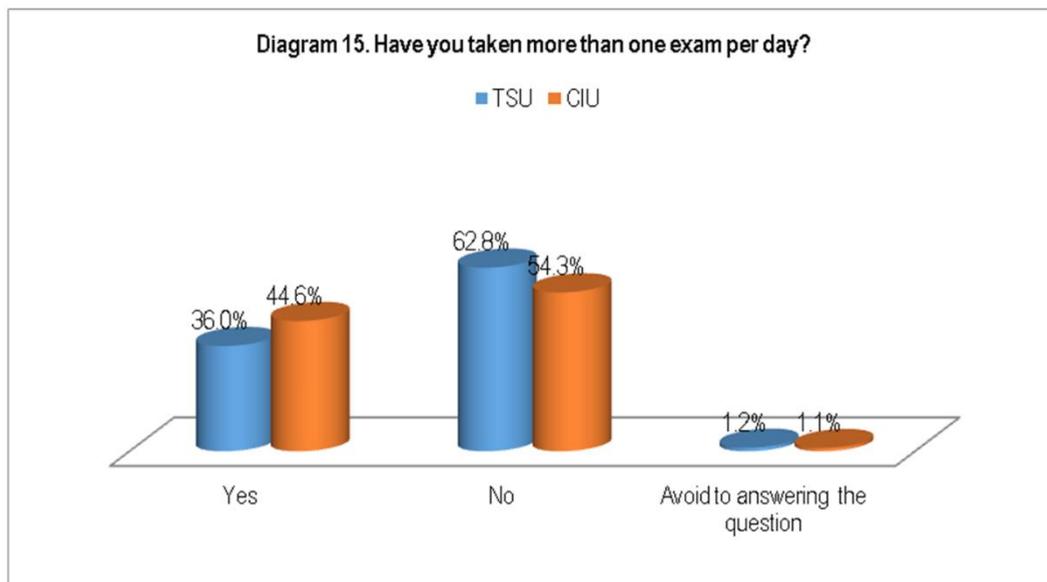
The vast majority (95%) of the students, surveyed at the Caucasus International University positively assesses the management's role in resolving their problems, 5% express their dissatisfaction, 61% of the State University students are positive, and, respectively, 26% and 11% think that bureaucratic barriers are significant and this is a severe problem **(Diagram 16).**

Diagram 16. Bureaucratic barriers to student problem solving in administration:
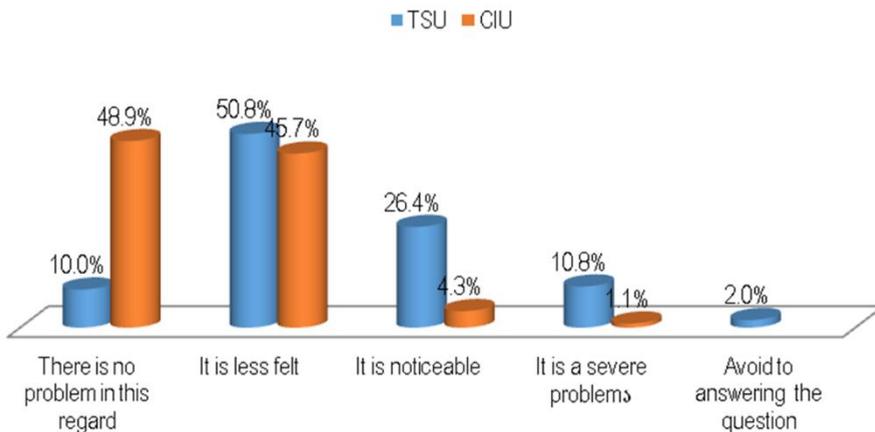
87% of the students surveyed at private universities and 51% of the students interviewed at the State University are satisfied with the support staff of the university administration **(Diagram 17).**

Diagram 17. Your relationship with the University Secretariat
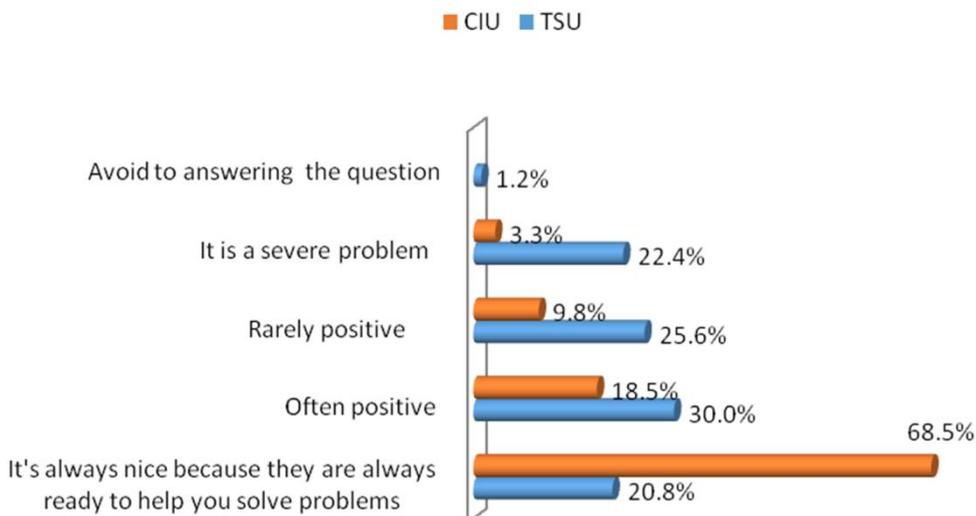
40% of the students surveyed at the State University and 67% at the private university are satisfied with the frequency of events for students **(Diagram 18).**

Diagram 18. Student events at the university

■ CIU ■ TSU

Category	CIU	TSU
Avoid to answering the question	1.1%	.4%
Other	1.1%	1.2%
Are not held	1.1%	8.4%
Rare	30.4%	50.8%
Enough	27.2%	28.4%
Frequent	40.2%	12.0%
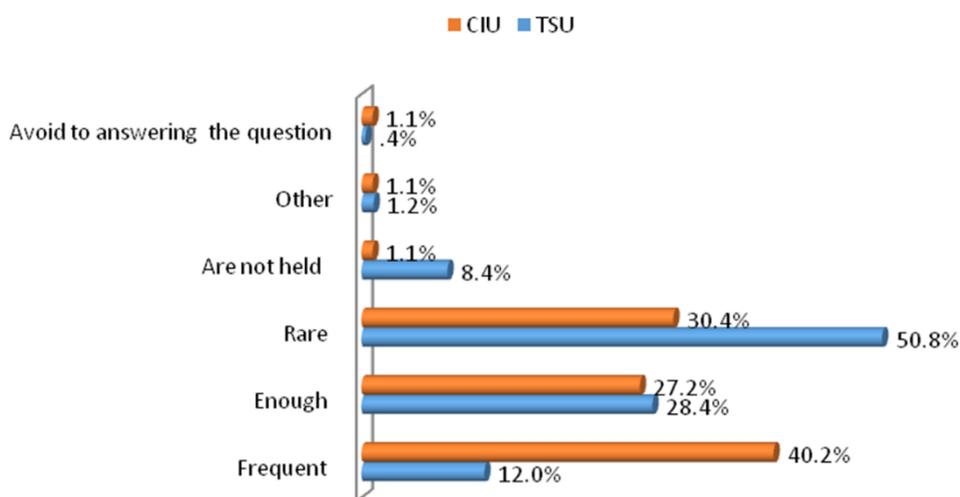
47% of the students surveyed at a private university are satisfied with the university student life, 45% think it is monotonous, 7% think it is tense, 19.2% of the state university students think the student life is tense, 58% think it is monotonous, 28% think it is diverse and interesting **(Diagram 19).**

Diagram 19. Student life at university -

■ CIU ■ TSU

Category	CIU	TSU
99	1.1%	.4%
Other	2.2%	4.4%
Tense	6.5%	19.2%
Monotonous	44.6%	57.6%
Diverse and interesting	46.7%	28.4%
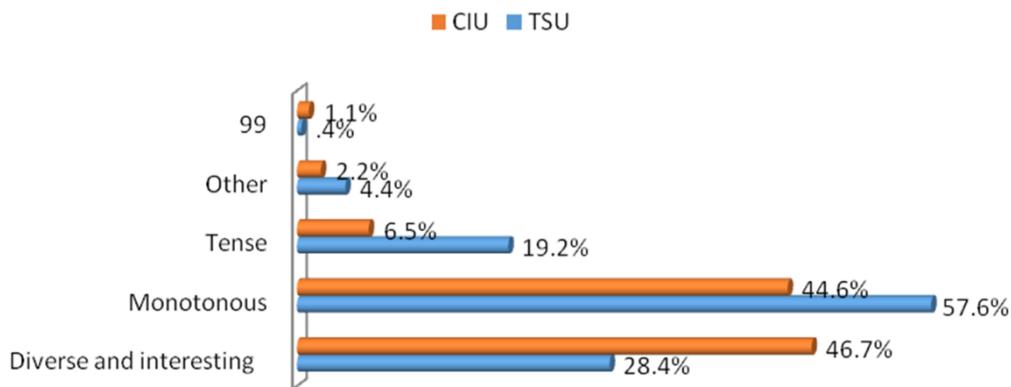
In case of re-election 68% of TSU students would still choose TSU, 27% prefer to study abroad, while 22% from other local universities preferred Free University. 61% of the students from Caucasus International University think their own university is still a priority for them, some other local universities are in the second place (12%), 14% would choose Caucasus University from local universities, the choice was equally distributed between TSU and Free University - 6.5%, the third choice (12%) is to study abroad **(Diagram 20)**.

Diagram20. If you had a chance to choose a university again now, which one would you choose?
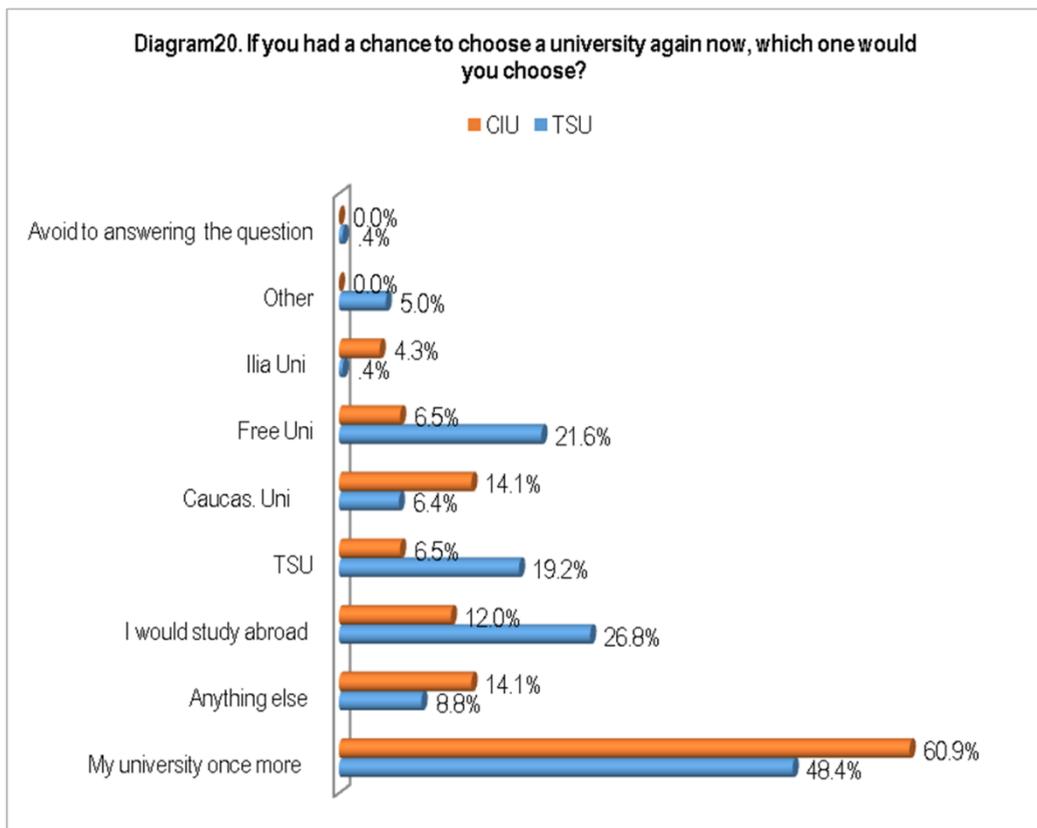
Most students from both universities believe they have made the right choice. 70% are satisfied with the choice of Caucasus International University and 51% with TSU, 20% and 38% sometimes doubt their decision and 10% gave a negative answer in both cases **(Diagram 21).**

Diagram21. Do you think you have made the right professional choice?
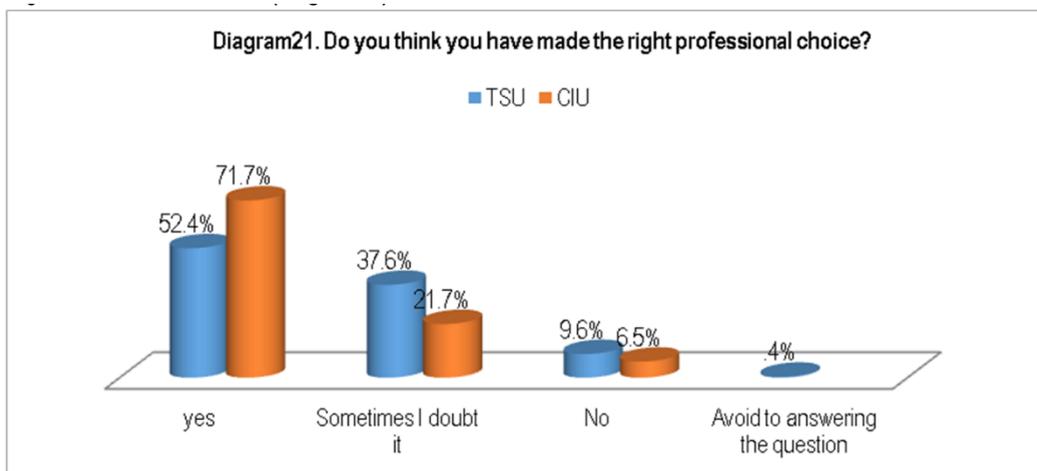
The research has shown that students are largely critical to the State University against the background of the fact that Tbilisi State University is the oldest university in the Caucasus region. There are about 240 educational programs, 16 research institutes, about 85 teaching laboratories; 24 foreign language programs - bachelor's, master's, doctoral and one-level programs, including bachelor's degree programs with international accreditation; TSU has 22,000 students / more than 900 foreign citizens from 50 countries.

In Georgia, there are obvious positive and negative factors which affect the functioning of private and public universities. The State University, with its large, though outdated infrastructure **(Gulua, Ekaterine;, 2019)** , is still unable to reform, taking into account the interests of the market, consumers (students) due to the remnants of the Soviet governance. It is not flexible, it has to maintain many directions, programs, institutions or certain categories of staff based on the interests of purely national or traditional interest groups, which is related to high costs and at the same time it is unable to introduce innovations, upgrade infrastructure and make restructuring.

It is necessary for the university to be given real autonomy in addition to formalities, also introducing a democratizing process in the organization, staff (including younger generations of scholars) should become more free, equipped and empowered to contribute to the development of the university. Transparency of processes, improvement of access to information, introduction of a mutual control mechanism can greatly contribute to the advancement of reforms. In the process of university reforms, it is important to take into account the interests of students, employees and employers. The development of a mutually supportive and healthy generational shift mechanism **(Gulua, Ekaterine, 2013)** is important, as Tbilisi State University has not only a teaching but also a scientific purpose and includes all levels of teaching programs; It is possible to employ young staff at the undergraduate level, and the older ones at doctoral level and at university-affiliated research institutes. The results of the study show that although TSU has some advantages in a number of areas, students do not perceive it properly, so it is important to improve student service systems and also internal PR so that students have more confidence in their choices.

As for private higher education institutions (in particular Caucasus International University), their advantage is greater degree of freedom of decision making and flexibility. Owners' personal interest in the organization success creates more incentives to implement healthy management. Although Caucasus International University is a new higher education institution and occupies a modest place on the local market, including even private ones, the research shows that its students trust and are loyal to their university more than it is at TSU. Because of the small size of the Georgian education market due to the small population, the private higher education institutions are making more efforts to attract both local and foreign students. Unlike public universities, they set their own tuition fees, but in terms of purchasing power, they offer some benefits to local citizens and seek to increase their income by attracting foreign students. Private universities are trying to do more by improving infrastructure, building student spaces to gain more confidence and become competitive in the segment.

These difficulties make them more flexible, user-friendly, they use resources more efficiently and effectively, and, therefore, a number of private higher education institutions compete heavily with large traditional universities with a traditional image. It is also noteworthy that their positions on the market are still weak due to short-term operating, which is also influenced by the frequent political and economic fluctuations in Georgia **(Gulua, Ekaterine, 2012).** Therefore, they are still making a great effort to establish their place on the Georgian market.

According to Barbara Sporn **(Sporn, Barbara ;, 2003)** an orientation from elite to mass higher education, narrow specialization of universities, diversification, union with vocational colleges, the Bologna Declaration and the Unified Standards System promote mobility and internationalization of students and lecturers. The role of the state in the processes of changes and transformation of European universities has changed since the 1990s to make it more effective and efficient.

Finally, a) globalization, internationalization, global competition, b) quality harmonization and opportunity of comparability of programs; C) the creation of entrepreneurial universities due to marketisation d) the change in the role of the state as a whole is driven by the actualization of new management trends, management systems, techniques and structures of universities. The structure, processes of management, leadership and administration are changing. Since the higher education system is idiosyncratic, it has mutually exclusive goals, a non-standard, possibly anarchic environment, a diverse electorate, uncertain technologies, a defining role for people - their professionalism; It is imperative to change the bureaucracy, collegial and political approaches to adhocracy and its appropriate professional management approaches and styles based on strengthening middle management and leadership. The role of age groups at universities is also increasing and is governed more by corporate principles than by collegial bodies.

The aforementioned accents show the character of the activities to be carried out in higher education institutions of Georgia. The issue of reforming public universities is particularly urgent, as they create a major backdrop for the country on a large scale and encourage private universities to become more competitive. Taking into consideration the issues mentioned in this paper, the implementation of the experience of developed countries in the management of both public and private universities in Georgia will play an important role in the formation of a professional, globally competitive workforce and in the development of the country.

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Hostile Takeovers: Desirable or Dangerous? A Survey Study into the Circumstances Under Which Hostile Takeovers in the Netherlands Are (Un)Permissible

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Abstract

A number of recent hostile takeover attempts in The Netherlands have triggered the discussion in the Netherlands on the circumstances under which protection of the target company against a hostile takeover should be justified or not be justified. To answer this question, 21 experts involved in mergers and acquisitions from various angels on the highest (management) level, were selected to participate in a survey investigation combining open questions and giving scores for submitted factors. The outcomes show that the participants advocate non-protection in case of relatively high performance of the bidding company, new value creating opportunities a non-responsive board of the Target with personal interest of the board, and cash payment for the target. They are in favor of protection in case of takeover attempts that incur personal board benefits of bidder or target, intended debt push down financing, and in case of considerable societal risks and consequences.

Keywords: Shareholder value, long term value creation, stakeholders, corporate governance, hostile takeover, protection

1. Introduction

Hostile takeover bids attract considerable attention such as two takeover attempts in the Netherlands in 2017: the takeover bid for AKZO Nobel by PPG and the takeover bid for Unilever by Heinz Kraft. Both hostile bids were opposed by the management of the target company because the bids would not be in the interest of the company or the long-term value of the company. This is in line with a prior case in which an attempt of telecom giant America Movil to acquire the shares of telecom company KPN was halted. Two obstacles that hampered the acquisition process at the time were the national security and public interests of the vital telecom infrastructure that KPN manages. Other companies might incite a similar protective stance arguing that takeover attempts by foreign companies controlled by national governments are aimed at taking over unique knowledge or research and development that are in danger of disappearing from the Netherlands. Opposite noises are also heard. For example, the financing theory states that hostile takeover bids have a disciplining effect on malfunctioning management of the target company. Poorly managed companies will perform less well, resulting in a falling share price, making these companies attractive acquisition candidates. According to this theory, it is in the interest of the shareholders of the target company and ultimately of all stakeholders that a (hostile) takeover emerges in such cases. The three recent acquisition attempts in The Netherlands have triggered the discussion in the Netherlands on the circumstances under which a hostile takeover is desirable or not. On the one hand, the well-functioning of capital markets and the disciplining effect of the market of corporate control are of importance. At the same time, issues such as corporate interests, national security, and preservation of intellectual capital may play a role. It is questioned to what extent short term shareholder value outweighs long term value at the company level and societal level. Based on these evolvements, in this paper the following research question is examined.

What circumstances make a hostile takeover permissible?

To answer this question, 21 participants/respondents were selected to participate in a survey. All participants were involved in mergers and acquisitions from various angles and play important roles in hostile takeover decisions. First, using open

questions, they were asked to provide the characteristics of a hostile takeover as well as to indicate when protection against a hostile takeover attempt is justified and when not. Subsequently, a number of factors were presented to the participants. For each of these factors, they indicated whether it justifies protection against a hostile takeover attempt or not. The selected factors were derived from previous research of Dutch case law evolution on mergers and acquisitions, literature review, and previous in-depth interviews with stakeholders from practice. Besides, these factors were submitted in advance to a panel of experts.

This research contributes to our understanding of how a hostile takeover is perceived in the professional field. It provides insight into the factors that influence the permissibility of a hostile takeover and the protection against it. The research is unique in its kind in that it is not limited to the outcomes of a theoretical discussion, but it also tests these theoretical outcomes in practice. As far as we know, such an investigation has never been conducted; it may contribute to new directions and insights regarding corporate governance and hostile takeovers.

This paper proceeds as follows. First, to provide insight into the Dutch company law perspective, elements of Dutch case law regarding corporate interests and the purpose of the company in a takeover context are discussed (2). Then, the state of the art of literature on the circumstances under which a hostile takeover is permissible will be discussed. From this, the hypotheses are formulated (3). Thereafter, the methodology and the model of the research will be discussed (4). Then, the results will be presented (5). The paper ends with a conclusion (6).

2. Evolution of elements in Dutch case law

The notion that a company is a legal person with a definable purpose is accompanied with the acknowledgment that the company could be seen as an actor with its own interest, to be distinguished from those involved in or who have a stake in the company and its activities. The view that company interest could exist, distinct from the interests of the stakeholders of the company, applies best in the situation when a company maintains a firm. In a series of judgments in the takeover context,[1] the Dutch Supreme Court explicitly acknowledged the distinction between the 'company's interest' and the interests of 'others involved in the company'. The Supreme Court has consistently rendered its decisions based on the directors' obligation to act in the interest of the company and its affiliated firm (article 2:129/239(5) DCC, as codified in 2013), in conjunction with the standards of reasonableness and fairness to take due care of the interests of those involved in the company (article 2:8 DCC).

The growing body of case law in the Netherlands indicates that – although recognizing the open ended nature of the purposes companies may have – in the typical situation where a firm is connected to a company, the purpose of the company is to promote the interests of the firm. Yet, it was not until the *Cancun* judgment in 2014, that the Dutch Supreme Court explicitly assigned legal significance to the interest of the firm by interpreting the scope of the company's interest: 'if a firm is connected to a company, the company's interest is, as a general rule, mainly determined by promoting the sustainable success of this firm'.[1]

After *Cancun*, the amended Dutch Corporate Governance Code 2016 (DCGC 2016) acknowledged that the purpose of the company was *'to create long-term value'*.[2] It is important to note that before the amendments to the Code, from 2003 onwards, the view of the Corporate Governance Monitoring Committee was that '*a company endeavours to create **long-term shareholder value** [emphasize added]'*.[3] Moreover, in the recent high profile takeover contest between Akzo Nobel and PPG, the Dutch Enterprise Court applied the *Cancun* formula and decided that company boards are obliged to direct their actions towards *'the **long-term value creation** of the company and its affiliated firm'* [emphasize added].[4]

The legal translation could be argued as follows: that the company's interest to create value is regarded as a legal norm which is addressed to the company, to the constituents of the company such as the board of directors, the supervisory board and the general meeting of shareholders, and any other stakeholder involved in the company and its affiliated firm.

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[1] Dutch Supreme Court, 2014 NJ 2014/286 (Cancun), paragraph 4.2.1.
[2] See the preamble of de DCGC 2016 and article 1.1.1 (strategy for long-term value creation) of the Code.
[3] See the preamble of the DCGC 2003, under paragraph 3.
[4] Dutch Enterprise Court 29 May 2017 ECLI:NL:GHAMS:2017:1965, paragraph 3.34 (Akzo/Nobel), JOR 2017/261 with annotation from C.D.J. Bulten.

Accordingly, acknowledging the company's interest as a legally enforceable norm is not without consequence, nor does it leave the corporate governance debate unaffected. [1]

The following three principles regarding the dichotomy between shareholders and stakeholders are of importance in the Dutch corporate governance code:

1. The interest of the company in the sustainable success of its affiliated firm transcends any stakeholder and shareholder interests;

2. Executive directors, under the supervision of supervisory directors, have an obligation towards the company to make business decisions (including strategic decisions) to further pursue the sustainable success of the interest of the company and its affiliated firm[2] and when making these business decisions have an obligation towards the company's stakeholders, including shareholders, to take due care and not cause unnecessary or disproportionate harm;[3]

3. The company's shareholders, when acting collectively in the general shareholders meeting in the pursuit of their (collective) interests, are bound via the standards of reasonableness and fairness, to not disproportionately harm the company's interest, under the penalty of deterioration of the shareholders' resolution. A situation where individual shareholders are confronted with a bid and are incentivized to put their private interests first, may legitimately face frustration of the bid by the target board.

3. Substantiation of the factors from theory

According to Pitelis and Teece (2009) the essence of the firm is that the future value creation consequences of corporate actions and decisions cannot be foreseen. Value creation cannot be proven in advance. In the same way: it cannot be proven (in advance) that mergers create (shareholder) value. This means that the arguments exchanged during the hostile takeover process are partly rhetorical – it is a discourse (Négre et al., 2018). Therefore, multi perspectives and research methods are taken into account to distill the relevant factors that the stakeholders could take into account in determining their position in the hostile takeover discourse.

Empirical research shows that mergers on average do not create value. Some studies show that on average 7 out of 10 mergers do not live up their promises (Epstein, 2005); mergers are a mixed blessing; average returns to bidding companies' shareholders are at best slightly positive, and significantly negative in some studies (Morck et al., 1990). King et al. (2004) conclude that M&A activity has a modest negative effect on long-term financial performance of acquiring firms. It is thus extremely important that hostile takeovers are scrutinized thoroughly.

Discussion of research with different perspectives brings different factors into sight which are the basis for the factors surveyed. Research about discriminating factors – explaining success or failures of mergers and acquisitions – show mixed results. Morck et al. (1990) conducted a research into three characteristics of mergers explaining failure: relatedness, buying growth, and past performance of acquirer management. They conclude that these types of acquisitions have systematically lower and predominantly negative announcement period returns to bidding firms. Furthermore, they find out that managerial objectives drive bad acquisitions. King et al. (2004) conducted a meta-analysis of post-acquisition performance. They conclude that the most commonly studied conditions studied in prior M&A research – conglomerate acquisition, related acquisition, method of payment, and prior acquisition performance – do not impact post acquisition performance. "What impacts the financial performance of firms engaging in M&A remains largely unexplained. This problem could be resolved by taking notice of other kinds of research, such as case studies and surveys.

Epstein (2005) asserts that success and failure of M&A has been studied in terms of narrow and uninformative measures – such as profit and or short-term stock price fluctuations. "Research on M&A desperately needs a new perspective and a new framework for analysis". He conducts a field research on the success of a merger and deduces the following six determinants: 1. Strategic vision and fit, 2. Deal structure, 3. Due diligence, 4. Premerger planning, 5. Postmerger integration and 6. External factors. Brouthers et al. (1998) also note that there is a gap between the theoretical communis opinion that mergers are at best break-even situations – and practice where managers use mergers as a major strategic option – and perceive them as successful. This gap may be caused by managers pursuing other goals, or being overly

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[1] For an analysis of Dutch case law from 1971 to 2017, see Pham et al., 2018).

[2] Accordingly, exercising their legal task (article 2:129/239 DCC).

[3] Accordingly, to abide by the standards of reasonableness and fairness (art. 2:8 DCC).

optimistic. Another reason may be that empirical research uses inaccurate data. A better measure of merger success or failure could be the degree to which the mergers achieve these predetermined objectives. Brouthers et al. (1998) conducted a survey among CFO's of Dutch firms who made an acquisition to find out the managerial motives of mergers. They used the following 17 motives used in previous merger studies[1]:

Economic motives

Marketing economies of scale
Increase profitability
Risk-spreading
Cost reduction
Technical economies of scale
Different valuation of target
Defense mechanism
Respond to market failures
Create shareholder value

Personal motives

Increase sales
Managerial challenge
Acquisition of inefficient management
Enhance managerial prestige

Strategic motives

Pursuit or market power
Acquisition of competitor
Acquisition of raw materials
Creation of barriers to entry

Each motive could be rated between not important (1) and extremely important (7). Economic motives had the highest score (2.889), followed by strategic motives (2.754) and personal motives (2.154). This suggests that multiple motives exist. From these factors 5 were rated above average: 1. pursuing market power (5.242), 2. Increase profitability (5.065), 3. Achieving economies of scale (4.395), 4. Create shareholder value (4.371) and 5. Increase sales (4.303). They also measured the key success factors of the acquisition; it seems that the key success factors correspond to the key motives. It is thus no coincidence that CFO's labeled these acquisitions as successful.

Another perspective in finding relevant 'merger-judgment-factors is a more process related perspective. "Hostile takeover bids are unique events in the life of a company – they naturally attract much attention – both form the media and the general public. Hostile takeover bids can be perceived as interorganizational events that threaten organizational identity and integrity." (Négre, 2018, 803, 808). As previously mentioned, statements about future value creation cannot be proven. Usually the arguments exchanged by the Target and The Bidder contain a rhetoric element. "Mergers and acquisitions can be seen to incorporate multiple realities, the potential for multiple, complex and contradictory interpretations." (Vaara and Tienari, 2002)

The disclosures made by both parties constitute a dynamic and mutual influence process. (Nègre, 2018). In fact a discourse arises: in which mergers are justified, legitimated and naturalized (Vaara and Tienari, 2002). The campaign thus has the character of constructing a reality in order to reach a practical and concrete objective: "in communicating reality, you construct reality." (Nègre et al. 2018, 808)[2]. The hostile takeover process - and the arguments exchanged - is thus important and can shed a new perspective on the relevant factors to assess it. Vaara and Tienari (2002) distinguish four discourse types: rationalistic, cultural, societal and individualistic. Societal consequences are the potential consequences and risks for society and the different stakeholders. According to Vaara and Tanieri (2002) the rationalistic discourse usually becomes the dominant discourse; if broader societal concerns are given specific attention they are usually labelled "unfortunate but unavoidable".

As previously mentioned, the factors questioned are based on theory, expert meeting, and interviews (Pham et al., 2018). From the above mentioned studies we distilled the following clusters of relevant factors in assessing if a target firm should (not) be protected in a hostile takeover situation: (1) performance of bidder and (2) target, (3) strategic fit, (4) takeover process, (5) method of payment – deal structure, (6) characteristics of CEO's of bidder and (7) target, and the (8) (societal) risks and (9) consequences of a hostile takeover. These can be traced to the following research findings.

Usually (under)performance of the target is considered to be an important argument of a hostile takeover to replace inefficient management. (Brouther et al., 1998). This is the essence of the disciplining force of the market for corporate

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[1] These factors can overlap, substitute or complement each other. Besides, they could sometimes be classified in a different way. "Increase of sale" could be classified within all three rubrics.

[2] A social constructivist view, referring to "if men define situations as real, they are real in their consequences".

control (Jensen and Ruback, 1983, 47)[1]. To this a symmetrical aspect can be added: the performance of the bidder. Underperformance could be a sign of weak management that makes detrimental acquisition decisions. Besides it could be considered that the bidder is merely buying profit instead of creating it by itself (Morck et al., 1990). The level and shape of the strategic fit of acquirer and target– expressed by variables such as relatedness, conglomerate formation, competitors, complementarity, and synergies - is a frequent used discriminant in M&A research (Brouther et al., 1998, Morck et al., 1990, Epstein, 2005, King et al., 2004). The takeover process contains elements such as negotiations, agreements, disclosures, and due diligence that could influence the merger outcome because of more detailed research into the possible benefits and risks of a merger and a reduction of the conflicts with other stakeholders (Epstein, 2005, Pham et al., 2018). Furthermore, the method of payment could be a discriminating factor: an acquiring firm could use cash instead of shares if CEO's think that the shares are undervalued and do not reflect post-acquisition performance (King et al, 2004). Personal motives of both the bidder and target CEO's – instead of strategic and/or economic reasons – could influence merger performance. The hubris hypothesis states that CEO's of bidding corporations may be overconfident about their own abilities (Roll, 1984). However, this could also be viewed from a different angle: The Target's CEO's could entrench themselves by not considering new opportunities because of fears of losing control and power. Frustrating and blocking a hostile takeover attempt could thus be driven by personal reasons too. We therefore added characteristics of Target's CEO's. Societal risks and consequences are not frequently taken into account in research into mergers and acquisitions and hostile takeovers. The only exception is in public media research: the justification and legitimization of a hostile takeover in trying to influence public opinion. This could thus be a relevant factor in assessing a hostile takeover especially considering the Dutch stakeholder view of corporate governance – and the therein stated purpose of long term value creation - as is previously shown.

From this the following hypothesis are derived: these will be questioned by the mentioned clusters containing a number of collected explanatory variables (factors):

H.1 The judgement of participants of (not) protecting the Target company is influenced by the performance of the Target as well as the performance of the Bidder. (see cluster of factors 1 and 2)

H.2 The judgement of participants of (not) protecting the Target company is influenced by the extent and shape of the strategic fit between the Target and Bidder (see cluster of factors 3)

H.3 The judgement of participants of (not) protecting the Target company is influenced by the hostile takeover process and the agreed contractual conditions. (see cluster of factors 4)

H.4 The judgement of participants of (not) protecting the Target company is influenced by the personal motivation/interest of CEO's of the Target and the Bidder. (see cluster of factors 5 and 6)

H.5 The judgement of participants of (not) protecting the Target company is influenced by the deal structure. (see cluster of factors 7)

H.6 The judgement of participants of (not) protecting the Target company is influenced by the (societal) risk and consequences. (see cluster of factors 8 and 9)

4. Research Method

In the above section, a number of factors and related hypotheses are introduced that may affect the attitude regarding (non) protecting a Target from a hostile takeover attempt by the Bidder. The selected factors are derived from previous research of Dutch case law evolution on mergers and acquisitions, and literature review. Moreover, this paper builds on previous research by the authors in which in-depth interviews were conducted concerning some major takeover conflicts, international developments in corporate governance, recent court decisions, and the adoption of long-term value creation of the company and its connecting firm in the Dutch corporate governance system (Pham et al., 2018).

To carry out empirical testing of the selected factors and their determinants, a survey study is being conducted. Before this survey is conducted among the participants, the questionnaire as well as the factors have first been submitted to a panel,

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[1] They also concluded that "knowledge of the source of takeover gains still eludes us" (Jensen and Ruback, 1983, 47). It seems that this remark still applies.

consisting of experts from practice, business law and science. In a round table discussion, the panel has tested the factors and the survey questions regarding clarity and substantive consistency.

21 experts were selected to participate in the survey from the following angles:

Partcicpants

Participants	%	Number
Judicial officer	23.81	5
Director, executive, exco member	19.05	4
Statutory auditor, non-executive	28.57	6
External supervisor	14.29	3
Institutional investor	14.29	3
Total	100	21

First, using open questions, the participants are asked to provide the characteristics of a hostile takeover as well as to indicate when protection against a hostile takeover attempt is justified and when not. Subsequently, the previously mentioned factors that may affect the preference for (not) protecting the bidder against a hostile takeover from the Target, are presented to the participants. For each of these factors, the participants indicated whether it justifies (non) protection against a hostile takeover attempt.

5. Results of the study

5.1. Open questions

5.1.1. What is meant by a hostile takeover?

Respondents were asked to give a description of hostile takeover. In literature two aspect are frequently mentioned: 1. If the target managers reject the initial bid by the bidding company, and 2. The nature and intensity of target resistance (Nègre, et al., 2018, 803)[1]. The answers were coded to discover a pattern in the perceptions of a hostile takeover situation. We depicted 6 different elements in the descriptions of the participants:

Elements:	Number[2]
A bid or intention that is considered undesirable by the board and/or supervisory board.	9
There is no agreement about the intention to bid	6
If a target has not requested a takeover proposal	4
There was no prior consultation about the bid or intention to bid	3
An attempt to acquire controlling interest in the company	3
If the target board considers the acquisition to be in conflict with the interest of the target company	1

Remarkable, resistance is not explicitly mentioned and considered a crucial element. Besides being undesirable, important elements are disturbed negotiations, transparency and an open dialog. A hostile takeover could be considered as a new option or opportunity, that should be considered rational, but usually emotional, nationalistic, and psychological elements are very important. Judging and assessing this new option with many dimensions is rather complex. As previous is indicated statements and arguments about value creation are partly rhetoric, because they cannot be proven. The term has the

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[1] The motives behind target resistance have been subject to some controversy and are diverse in nature: financial, personal, strategic and social (Nègre et al., 2018, 804).

[2] Numbers add to more than 21 because some participants mentioned more than one element.

connotation that the bidder is to blame, but frequently, the bidder in an earlier stage has tried to open negotiations. In many cases a hostile takeover does not fall from the sky. It looks like it is sudden and unexpected but it is also possible that the Bidder has tried to start the negotiations earlier[1]. The question is therefore who is to blame for the hostility. The Target has obligations too in creating an equal level playing field and generate the relevant information to make a proper assessment.

5.1.2. When is protection against a hostile takeover not justified?

Participants were asked to give a description of the case that protection against a hostile takeover is not justified. The answers are coded to discover a pattern in the responses about the unfairness of protecting a Target against a hostile takeover bid. We distinguished 11 elements in the descriptions:

Elements	Number
When one of the stakeholders, including the board, primarily serves his own interests.	*6*
When it appears that only one person involved has been served in the protection and thus there has been no pluralistic consideration of interests by the board from the stakeholders' viewpoint.	*5*
In the event of underperformance of the business of the target	*4*
In case of protection for an indefinite period	*2*
When protection is not in the interest of shareholders.	*2*
In case of asserted nationalistic, economic interests	*1*
When there is a reasonable offer with opportunities to create value.	*1*
The higher the price offered for the shares in relation to the last market price prior to the bid, the more difficult it is to defend protection.	*1*
Board refuses reasonable consultation.	*1*
If the board cannot explain why a stand-alone scenario is better for those involved with the company.	*1*
If the protection measure is not in accordance with the interests of the target company	*1*

The general impression is that respondents prefer an open balanced judgment/decision that takes into account the interests of all the stakeholders of the company. There is no primary stakeholder (the shareholder and/or the Board) – this reflects the stakeholder approach of the Netherlands. However, a more classic shareholder view can also be distracted from a number of descriptions: shareholders are the only stakeholders explicitly mentioned, and underperformance and a higher price offered in relation to the share price means that respondents are less averse against a hostile takeover. A hostile takeover opens an unexpected and unforeseen opportunity in which the continuity of the (partly) immobile and the embedded business are questioned. Participants prefer an open dialogue in which the diverse options are examined and compared with an open mind were protection is only temporary – only needed to not disturb this balanced process because of a hectic, uncontrollable process under severe time pressure, fears, and rumors. This temporary protection preference also shows up in the next question. Frustrating this takeover process - both from the Bidder and the Target - is not appreciated.

5.1.3. When is protection against a hostile takeover justified?

Participants were also asked in which case they would support protection against a hostile takeover. We distinguished the following 13 elements:

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[1] The Target company can easily frustrate the negotiations by simply refusing to talk and/or to not allow the potential bidder to execute a due diligence.

Elements	Number
When protection is in the interest of the target company, it is greater than shareholder value (such as maintaining employment).	9
If the bid is too low in relation to the interests of stakeholders and/or the present value of the company.	4
When a strategy change is envisaged.	3
If the protection is only temporary.	3
If it concerns national security interests and/or companies that are essential for the Netherlands, such as Banks, Insurers and/or companies that are critical for the infrastructure and data structure.	3
When the authority of the board to determine the strategy is crossed.	1
When constructive consultation becomes possible with the protection measure.	1
When there is no long-term underperformance.	1
If there is a negative track record of the bidder in previous acquisitions.	1
When the independency of the group is potentially lost.	1
When innovation is compromised.	1
In case all stakeholders are unanimous against the takeover.	1
None, the protection structures existing in the Netherlands are neither necessary or useful	1

The list is more diffuse and diverse compared with the "against protection" question. The most frequently mentioned answers represent the importance of the stakeholder view: shareholder value is not the sole yardstick for assessing the bid, the interests of the stakeholders have to be taken into account. There is also some resistance to change and undermining the autonomy of the board. But it is also stressed that protection is acceptable if it is temporary and used for constructive consultation, and there is no long-term underperformance. Also, society is recognized as a stakeholder in case of critical (data) infrastructure.

5.2. The Hypothesis questioned with the factors surveyed

We asked the respondents to rank the level of their preference of protecting a Target company from a hostile takeover on the following scale:

Strongly disagree (1) disagree (2) neutral (3), agree (4), strongly agree (4) to protect. A lower than average score of 3 indicates that the prominent participants (n=21) prefer less protection (thus are in favor of a hostile takeover) , a score above 3 – the point of indifference – indicates a preference to protect the Bidder (thus are against a hostile takeover).

5.2.1. Performance of the Bidder:	av.	(1)	(2)	(3)	(4)	(5)
Bidder's profitability is better than the benchmark	2.10	5	9	7	0	0
Bidder's profitability lags behind the benchmark	3.00	2	3	10	5	1
Development of Bidder's share price on the stock market is better than the benchmark	2.24	3	10	8	0	0

	av.	(1)	(2)	(3)	(4)	(5)
Development of Bidder's share price on the stock market is lagging behind the benchmark	3.10	1	4	9	6	1
Development of Bidder's sustainability indicators is better than the benchmark	2.10	6	8	6	1	0
Development of Bidder's sustainability indicators lags behind the benchmark	3.10	2	3	8	7	1

In case of better performance – in terms of profitability, share price and sustainability – of the Bidder, participants are less averse to a hostile takeover and have a slight preference for non-protection.

	av.	(1)	(2)	(3)	(4)	(5)
5.2.2 Performance of the Target:						
Target's profitability is better than the benchmark	2.86	3	4	7	7	0
Target's profitability lags behind the benchmark	2.48	2	9	8	2	0
Development of Target's share price on the stock market is better than the benchmark	2.67	3	4	11	3	0
Development of Target's share price on the stock market is lagging behind the benchmark	2.71	2	6	10	2	1

The results show that the opinion of the participants on the influence of the performance of the target company on the justification of protection against the hostile takeover is not decisive: there is no clear link between the performance of the target and the preference of the participants of protection against the takeover.

The positions of the participants are a bit asymmetrical: better performance of the Bidder is more rewarded than bad performance of the Target is punished. Poor performance ot the Target in terms of share price (a measure of underperformance) does not influence the preference for protetction. This is not in line with the market for corporate control hypothesis. The (combined) results indicate that hypothesis 1, stating that the judgement of participants of (not) protecting the Target company is influenced by the performance of the Target as well as the performance of the Bidder, seem only partly to be endorsed: in case of relatively high performance of the Bidder, participants are less averse to a hostile takeover and have a slight preference for non-protection. The opinion of the participants on the influence of the performance of the target company on the justification of protection against the hostile takeover is not decisive.

5.2.3. Strategic Fit:	av.	(1)	(2)	(3)	(4)	(5)
Target can offer new opportunities for Bidder	1.90	5	13	3	0	0
Business activities of Bidder and Target are complementary	1.86	6	12	3	0	0
Business activities of Bidder and Target are a substitute	2.52	5	6	5	4	1
Business activities of Bidder and Target are not related	3.00	4	3	4	9	1
Bidder can offer new opportunities for Target	1.90	5	13	3	0	0
The synergies envisaged by Bidder are credible and well substantiated	1.86	6	12	3	0	0
The synergies envisaged by Bidder are mainly in efficiency benefits (scale)	2.57	3	8	6	3	1
The synergies envisaged by Bidder are mainly in the complementarity of the Bidder and Target activities (scope)	2.29	3	10	7	1	0
The synergy envisaged by Bidder with the acquisition is realized by restructuring of Target	2.81	3	6	5	6	1

	av.	(1)	(2)	(3)	(4)	(5)
Bidder and Target are direct competitors	2.81	3	6	5	6	1

Participants are less against a hostile takeover in case of new value creating opportunities for the Bidder as well as for the Target, complementary activities, and credible and well substantiated synergies envisaged by the Bidder. In all other cases, e.g. of non-relatedness, focus on efficiency, and reduction of competition, participants have no explicit opinion.

It follows that hypothesis 2, stating that the judgement of participants of (not) protecting the Target company is influenced by the extent and shape of the strategic fit between the Target and Bidder, is recognized by the participants.

5.2.4. Hostile takeover process:	av.	(1)	(2)	(3)	(4)	(5)
Target maintains the status quo	2.52	2	8	9	2	0
Bidder guarantees the independence of Target for a set term	2.24	2	12	7	0	0
Bidder wants to make changes to the Target board	2.57	2	9	7	2	1
There is no consultation between Target and Bidder	3.62	1	3	5	6	6
Target does not allow a due diligence by the Bidder	2.38	2	10	8	1	0
Bidder offers a favorable social plan	2.43	3	8	8	2	0

The results indicate that participants prefer an open dialog for investigating the new opportunity: if there is no consultation between Target and Bidder during the hostile takeover process, most participants consider protection against the acquisition admissible. Furthermore, a majority of the participants agrees that a guarantee by the Bidder of the Target's independence does not justify protection against the acquisition. In case of emphasizing the continuity – in terms of CEO's, target's independence, status quo and a social plan – participants are less inclined to protect the Bidder.

It turns out that hypothesis 3, stating that the judgement of participants of (not) protecting the Target company is influenced by the hostile takeover process and the agreed contractual conditions is only endorsed by the participants in case of the absence of an open dialogue.

5.2.5. Board of Target:	av.	(1)	(2)	(3)	(4)	(5)
Target's board is strongly connected to the workplace	2.67	3	7	6	4	1
Target's board is strongly connected locally	2.57	3	8	5	5	0
Target's board would rather take over than be taken over	2.43	8	10	3	0	0
Target's board has an interest to resist the takeover	1.76	8	10	3	0	0
Target's management does not respond to the pressure from the capital market	2.19	5	9	5	2	0
Target's board does not respond to public opinion	2.10	6	8	6	1	0

Participants are less inclined to protect a Target in case the Board is non responsive to the capital market and the public. If perceived personal interest of the board – e.g. prestige, power, reputation – prevails, participants are strongly in favor of non-protection.

5.2.6. Board of Bidder:	av.	(1)	(2)	(3)	(4)	(5)
Bidder's board is strongly connected to the workplace	2.30	3	8	10	0	0
Bidder's board is strongly connected locally	2.50	3	6	11	1	0
Bidder's board would rather take over than be taken over	2.70	3	6	8	3	1
Bidder's board has an interest in the takeover	3.40	3	2	4	7	5
Bidder's management does not respond to the pressure from the capital market	3.00	2	4	7	8	0
Bidder's board does not respond to public opinion	3.10	2	4	7	6	2

Participants are somewhat opposed to hostile takeovers incurring Target's personal board benefits. A remarkable outcome is that they do not seem to punish the non-responsiveness of the Bidder's Board to public and/or capital market pressure. This neutral position is different from their opinion to non-responsiveness of the Target's Board.

The results show that Hypothesis 4, stating that the judgement of participants of (not) protecting the Target company is influenced by the personal motivation/interest of CEO's of the Target and the Bidder is partly endorsed by the participants. They are opposed to protection against a hostile takeover in case of a non-responsive Target Board. Furthermore, they are opposed to facilitate personal interests of the both the Bidder's and Target's Board. Non responsive Target's CEO's are punished more severely than Bidder's non-responsiveness.

5.2.7. Deal structure:	av.	(1)	(2)	(3)	(4)	(5)
Bidder mainly wants to finance the takeover bid through a "share-for-share offer"	2.76	2	6	8	5	0
Bidder mainly wants to finance the takeover bid with debts that Target itself will bear (debt push down)	3.76	2	1	4	7	7
Bidder mainly wants to finance the takeover bid through a cash payment	2.29	3	10	7	1	0
Bidder mainly wants to finance the takeover bid by issuing bonds itself	2.52	2	8	9	2	0

Participants oppose to a hostile takeover – thus have a preference for protection – in case of a debt push down – increasing the financial risk of the Target. A cash payment seems to be slightly favored to a share payment. This is in line with the earlier hypothesis that a cash offer signals Bidder's management belief that the shares are undervalued because this value does not reflect post-acquisition performance (King et al., 2004).

The outcomes subscribe hypothesis 5, stating that the judgement of participants of (not) protecting the Target company is influenced by the deal structure. They are opposed to debt push downs and are slightly in favor of acquisitions that are financed in cash.

5.2.8. Societal Risks:	av.	(1)	(2)	(3)	(4)	(5)
Substantial uncertainty about decisions by the Authority of consumers and markets	3.71	1	1	4	12	3
Considerable uncertainty about approval by (central) works council	3.05	1	5	9	4	2
Substantial risk of a loss of investments by Target in its sustainability policy	3.57	1	2	5	10	3

Significant risk of compromising investments by Target in R&D	3.57	1	3	4	9	4
Considerable risk of breaching agreements with suppliers and/or strategic partners of Target	3.57	1	2	3	14	1
Considerable integration costs	2.95	1	6	8	5	1
Significant difference in culture between Target and Bidder	3.67	1	3	3	9	5
Considerable risk of reputation damage and loss of customers of Target	3.71	1	2	3	11	4
Substantial breakup fee in the event of a failure of the hostile takeover	2.71	2	8	6	4	1

This table contains different kind of risks and the corresponding attitude of participants towards (non) protection. Participants are open to new opportunities (see H. 2 above) and take the associated costs and resistance for granted - both aspects show that participants take a neutral position in protecting the corporation. However participants fear the risks involved in questioning the position the corporation performs in the value chain and or society. The corporation is embedded in a business ecology (Moore, 1993, Iansiti and Levien, 2004) – it has created a (sustainable competitive advantage) position by making (partly) irreversible investments. This evolved position is questioned – creating (new) uncertainties. It could also be argued that they resist change themselves.

5.2.9. Societal Consequences:	av.	(1)	(2)	(3)	(4)	(5)
Considerable loss of high-quality knowledge	3.62	1	2	5	9	4
Substantial reduction in employment	3.48	1	2	5	12	1
Substantial loss of training facilities	3.33	1	3	7	8	2
Discontinuity of the independent Target company	2.67	2	9	5	4	1
Loss of iconic company	2.67	3	6	7	5	0
Loss of critical resources, information, products or services that are of national importance	3.90	1	1	3	10	6

This is an extension of the previous factors. Again, participants don't hesitate to give up protection if the hostile takeover is a valuable opportunity, even if this means the loss and discontinuity of an (iconic) company. However, they fear the societal consequences of transferring knowledge and employment abroad – a kind of brain drain. This reflects the feeling that corporations have a kind of hub function in a national economy. Participants strongly resist a hostile takeover in case of loss of control over critical national resources.

Hypothesis 6, stating that the judgement of participants regarding (not) protecting the Target company is influenced by the (societal) risk and consequences, is recognized by the participants. The outcome of the survey implies that in case of general unfavorable societal risks and consequences participants are more inclined to protect the Bidder.

6. Concluding remarks: Overall view and Limitations

There are three limitations of this study/survey. First: the factors are presented separately. In practice however the factors are weighed against each other. Second: some factors are presented as fact, others as opinion. Participants have to consider the reliability of the statements. Three: during the hostile takeover process the critical factors can shift; the importance could depend on the stage in the hostile takeover process.

This research examines the circumstances that justify protection of the target company against a merger or acquisition. From Dutch case law evolution on mergers and acquisitions, literature review, and previous research by the authors, several factors were derived that may be determining for justification or non-justification of protection against a hostile takeover attempt. These factors were clustered in the following nine main themes: (1) performance of bidder and (2) target, (3)

strategic fit, (4) takeover process, (5) method of payment – deal structure, (6) characteristics of CEO's of bidder and (7) target, and the (8) societal risks and (9) societal consequences of the hostile takeover, culminating in 6 hypothesis. The factors are included in a survey investigation that is submitted to 21 experts. The outcomes show that the participants advocate non-protection in case of relatively high performance of the bidding company, new value creating opportunities for the Bidder as well as for the Target, a non-responsive board of the Target with personal interest of the board, and cash payment for the target. They are in favor of protection in case of takeover attempts that incur personal board benefits of Bidder or Target, intended debt push down financing, and in case of takeover attempts that incur considerable social risks and consequences. Participants apply a balanced stakeholder view and they implicitly use a kind of SWOT analysis, sometimes use a checklist (Pham et al., 2018). The results from the survey confirm the assumption that long-term value, and societal considerations are important arguments for the decisions to protect or not protect a target against a hostile takeover. More research into the position, function, and purpose of listed corporations is urgently required.

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„so Far and No Further!" – Thoughts on Legitimacy of the Hungarian Border Fence

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Abstract

In 2015, Hungary was unexpectedly affected by the irregular migration flow, which marked a beginning of a new era in the history of the European migration – in terms of its quality and its size. The European countries have been forced to admit irregular migrants from the developing countries in increasing numbers. Mass migration – not only because of its irregular nature, but also because of its qualitative and quantitative changes – has created a major challenge for the authorities concerning the legal respones. In many countries, including in Hungary, the public opinion related to the irregular migration has forced the legislators to take the necessary measures against it in order to protect the public safety. In Hungary – although the irregular migration is a multifaceted phenomenon, therefore the legal respones affect many parts of the internal legal system – the law enforcement and the criminal law have been focused by the legislator. In the face of the increased migratory pressure - in order to protect the security of Hungary – the Hungarian government has accepted a package of the legal measures. The first step was the construction of the physical border fence at the Serbian-Hungarian and the Croatian-Hungarian border, and as a second stage the Hungarian Parliament adopted the Act CXL of 2015 which created the legal framework on protection of the mentioned border fence (for example creating new statutory definitions). Whereas not only the Hungarian Criminal Code, but also the Act of Criminal Procedure were amended by the mentioned act, it is necessary to deal whether the construction of the border fence can be considered as a legitimate step with special reference to the international and European commitments of Hungary. The mentioned question is considered as a preliminary one, because in default of legitimacy all of the measures adopted by the Hungarian Parliament and the Government would be considered unlawful. The paper deals with the mentioned problem and analyzes the legitimacy of the Hungarian border fence taking into consideration the international and European standards. [1]

Keywords: Hungarian border fence, irregular migration, border barrier, fight against the irregular migration in Hungary, migratory situation in Hungary, FRONTEX, Schengen Borders Code, Treaty on European Union.

1. Introduction

In 2015, Hungary was unexpectedly affected by the irregular migratory flow, which marked a beginning of a new era in the history of the European migration. As a result of emigration, European countries have been forced to admit irregular migrants from the developing world in increasing numbers (TRIANDAFYLLIDOU & MAROUKIS, 2012, p.1). Between 2009 and 2010, about 100,000 illegal immigrants were caught in the act at the borders of the Member States each year (MOREHOUSE & BLOMFIELD, 2011, p. 8.). In 2013, the total number of non-EU nationals intercepted at the border of EU Member States was 92,575 (GAINCHE, 2015, p. 105.). As the migration crisis intensified, in 2014 this number had increased to 276,113 people at the pan-European level. This represented an increase of more than 138% compared to previous years (Europol, 2016, p. 7.).

Contrary to previous trends, between 2014 and 2015, partly from the Balkan states and from the destabilized countries in the Middle East and North Africa, mass emigration began to the countries of the European Union, which meant a big challenge not only for the Member States themselves, but also the European integration. This trend has not changed significantly in recent years. In 2015 and 2016, the number of illegal immigrants entering the European Union rose to unprecedented levels. According to FRONTEX data, in 2015 the EU states recorded nearly 1,800,000 illegal border

crossings at the height of the migration crisis, while in 2016 still extremely high, 511,047 irregular border crossings were detected (Frontex, 2018, p. 8.).

Mass migration, not only because of its irregular nature, but also because of the unprecedented qualitative and quantitative transformation of the response to be given by some Member States, has created a major challenge not only for border control, but also for the internal law enforcement,- and the public health authorities, furthermore, the other internal social organizations. In many Member States, including in Hungary, public opinion related to the irregular migration has forced the legislators to take quick and effective actions against it. In Hungary – although the irregular migration is a multifaceted phenomenon (Hegyaljai, 2016, p. 12.), therefore the legal respones affect many parts of the internal legal system – the law enforcement and the criminal law have been focused by the legislator. However, criminalization is not a widespread response in the European Union. Typically, in Western European states, the illegal border crossing and the illegal residence are not considered as criminal offenses (Guild, 2016, p. 24.). Although, there is a shift towards criminalization (Lévay, 2017, pp. 153-162.) of certain forms of illegal migration, it is not considered as a criminal offense in the domestic law of the most Member States. It is, of course, another question that according to the so-called "marginalization theory", illegal immigrants who are marginalized in the country of destination often drive their fate towards committing crimes (Leekers, 2012, p. 17.), which should be judged in accordance with the substantive criminal law of that state.

It shall be emphasized that as a primary response to the phenomenon of illegal immigration itself, the criminal legal action reacts more likely to that criminal activities based on illegal migration, such as trafficking in human beings, smuggling of human beings and related organized crime (Mitsilegas, 2015, p. 48.). The illegal immigration has been used by the mentioned crimes in order to reinforce its status in the European Union, taking advantage of Europe's openness and its declared fundamental freedoms (Galateanu, 2017, p. 601).

In accordance with the above-mentioned fact, in the political dialogue, illegal immigration is often regarded as a threat to state sovereignty as well as to public security, whereby the states have the right to protect their borders. The emphasis of the mentioned aspects is justified by the need on the one hand to respond to the conduct - videlicet the illegally enters the territory of a foreign state - itself, and on the other hand to the security challenges concerning the illegal stay (Spena, 2017, p. 354).

2. The legal antecedents of the Hungarian border fence

Since the beginning of 2015, when the migratory pressure has intensified in Hungary, the idea of the more effective legal measure against the irregular immigration has become part of the political dialogue in Hungary. If we look only at the number of asylum seekers between 2014 and 2015, it is clear, that by July 2015, this number had risen to 78,000, compared to the about 43,000 asylum applications filed in 2014. By the end of 2015, the number of asylum seekers was close to 180,000 (Póczik, 2018, p. 11). In this mentioned, increased migratory pressure, the Hungarian government has adopted a package of legal measures, mainly for the sake of the security of Hungary. The first step was the establishment of a physical border barrier and creating legal regulations facilitating its construction. As second step the Hungarian Parliament adopted the Act CXL of 2015 which created the legal framework for managing mass immigration by amending a lot of internal acts. Of course, the Hungarian legislator also intended to protect the physical border fence by legal means. As the legislator pointed out in the part of the general legislative justification of the above-mentioned Act in 2015: "the state borders can be protected only by the installation of ever more serious facilities. The function of these facilities is not only to complete the state's self-defense, but also to signal that the state has right to self-defense, and that right must be respected by everyone."

For the above-mentioned reasons, stopping the irregular migratory flow and establishing the internal legal items in order to reach the mentioned aim was declared by the Hungarian Government in 2015. The first step in the realization of this legal policy was the decision of the Government 1401/2015, which set a deadline of 1 July 2015 on the one hand to "prepare for the construction of a 4-meter high border barrier on the Serbian-Hungarian border at about 175 km length" and on the other hand to make the necessary legal measures in order to protect it.

After the mentioned decision – as a second step, before the entry into force of the necessary amendments concerning the Hungarian criminal law and criminal procedure law – the Hungarian legislator had the goal to protect the construction of the border fence. Due to the mentioned political aim the Government adopted the decision 213/2015 in August which punished with fine that acts which violated partly the construction site of the border fence and partly its construction. The mentioned fine – depending on its gravity – was from 30.000,-HUF to 500.000,-HUF.

Following these precedents, the Hungarian Parliament adopted the Act CXL of 2015 on 4 September 2015. This act introduced significant changes in several areas in the Hungarian internal law. The reason for the legislation was multi-directional. On the one hand, logistical and other social tasks related to immigrants crossing the Hungarian border meant a significant economic burden for the country, which had to be remedied. On the other hand, the goal of legal policy was to protect state sovereignty, and to develop a definite border protection policy in order to express the state's self-defense function. It should be noted that – as Tamas Hoffman a senior researcher at the Institute of Law of the Hungarian Academy of Sciences said - the application of a temporary physical border lock is not "devilish" either. In its view, a State is entitled, by virtue of its sovereignty, to defend its own borders in this way, provided that it meets its obligations under international law (Póczik, 2018, p. 15).

The above-mentioned act amended a lot of parts of the Hungarian legal system, not only the criminal law and the criminal procedural law, but also the legal regulation concerning the migration policy and also the Act on State Borders. As the above legislation created a criminal legal protection for the border barrier and introduced special procedural rules in the Hungarian Act on Criminal Procedure as well, it is reasonable to consider whether the construction of the border fence itself can be considered lawful. The paper would like to find the answer to the question whether the building of the physical border lock at the external borders can be considered as lawful measure in accordance with international and EU commitments of Hungary.

3. The Hungarian legal history of the unlawful border crossing

It shall be emphasized that any individual conduct in order to enter the territory of Hungary through the installed border barrier is necessarily unlawful. However, the irregular or unlawful border crossing was not an unknown act in Hungarian legal history. In the Act V. of 1978 which was the first Hungarian Criminal Code – called Code Csemegi - such a provision which punished the mentioned act cannot be found (Hautzinger, 2016, p. 190). However, it is interesting that the Act XL of 1879 in its Article 70 – among the offenses against of public security - regulated the conduct of returning to the territory of Hungary without permission of the authorities during the period of expulsion (Tóth, 2016, p. 225). It can be underlined that in that first period the unlawful entry could not be considered as itself an offense, just if it was committed by an expelled person. After the mentioned act the Act XVIII of 1940 resulted a kind of tightening in the mentioned question. It amended the Act VI. of 1903 on Passport Management by creating a criminal offense referring to that case if the perpetrator crossed the border unlawful by breaching the legal requirements on using of the passport.

However, the Act V of 1961, which repealed the Special Part of the Csemegi Code, significantly amended the criminal policy. According to the mentioned act it shall be punished by imprisonment of between six months to five years on the basis of Articel 203 Par. (1) if the perpetrator entered Hungary without permission or unlawful, or by using such a passport which obtained unlawfully.

The Act IV of 1978 on the third Hungarian Criminal Code – from its entering into force – qualified the unlawful crossing border as a criminal offence with the above-mentioned content till 1 January 1990. From this time the elements of mentioned crime supplemented by the case of armed crime as a special method of committing the crime.

Nowadays, the unlawful crossing border is also a sanctioned conduct however, not by the Hungarian Criminal Code but by the Articel 204 Par. (1) of the Act II of 2012 on Administrative Penal Code – as the Code states: any person who crosses or attempts to cross without permission or unlawful the Hungarian state border perpetrates the illegal crossing of the state border. Therefore, the first question is, whether it is possible to take action, even by means of criminal law, against a migrant arriving at the country's borders who wants to enter the territory of Hungary unlawful through the border barrier, and the second is whether it is possible to defend Hungary itself against irregular migration at the country's external borders by construction of the border barrier?

4. Interpretation of the Hungarian border barrier and our conclusions

The state's right to self-defense is based on its sovereignty. States, if their international commitments do not limit it, can decide on the basis of their right to self-defense, how to protect their sovereign territory from persons who seek to enter it illegally. Therefore, a matter of fact that the protection of state borders is a right based on the sovereignty of the state, but also an obligation concerning its citizens. Articles 3-4 of the Treaty on European Union and the Treaty on Functioning of the European Union (hereinafter: the Treaty) are clear that the question analyzed above cannot be considered either the exclusive competence of the Union – these areas are: customs union; the establishing of the competition rules necessary for the functioning of the internal market; monetary policy for the Member States whose currency is the euro; the

conservation of marine biological resources under the common fisheries policy and the common commercial policy - or shared competence with the Member States. However, it is important to underline that the Treaty also declares the prevention of and the fight against irregular migration as a clear objective of the EU in its Article 79. Par (1): „The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings"

However, in our view, the Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders (hereinafter: Schengen Borders Code) based on Article 77 Par. (1) Sec. (c) and Par. (2) Sec. (b) and (e) of the Treaty is also important. The Schengen Borders Code already states in Par. (6) of its Preamble that border control by the Member States at the external borders must contribute both to combating irregular immigration and trafficking in human beings and also to the internal security and public policy and public health of each Member State. Article 5 Par. (3) of the Schengen Borders Code deals with the protection of the external borders as an important task at Member State level, in accordance with the fundamental objectives set out in the Preamble. Therefore, the Member States should introduce in their national law sufficiently effective, proportionate and dissuasive sanctions for unauthorized crossing of external border at places other than border crossing points or at times other than the fixed opening hours. However, when establishing sanctions, Member States should pay attention to the exceptions based on Article 5 Par. (2) of the Schengen Borders Code and to the other international obligations. The mentioned exceptions are – for example - the followings: individuals or groups of persons in the event of an unforeseen emergency situation; individuals or groups of persons, where there is a requirement of a special nature for the occasional crossing of external borders outside border crossing points or outside fixed opening hours, provided that they are in possession of the permits required by national law and that there is no conflict with the interests of public policy and the internal security of the Member States.

Examining the exceptions, it can be emphasized that the members of the irregular migratory wave who intend to enter the country in a way that adversely affects the installed border barrier cannot be considered as an exemption declared by the Shengen Borders Code. Therefore in the cases the Member States provide for sanctions against such illegal entry.

It is necessary to declare that the above-quoted provisions of the Schengen Borders Code, and its regulations concerning the official checking on external borders do not prohibit for the Member States the use of an installed technical tool for border protection. This is also reinforced by the definition of the Schengen Borders Code on border surveillance and its more detailed definition in Article 13 Par. (1). According to the Shengen Borders Code the border surveillance also includes the prevention from circumventing border control. The Article 13 Par. (1) states that the purpose of border surveillance is (a) to prevent unauthorized persons from crossing the border, (b) to take the necessary measures against persons who wish to cross the border unlawful and to prevent the cross-border crimes. In order to achieve effective border surveillance, all of usable tools could not be regulated, but it would not make sense to regulate. Therefore, Article 15 of the Schengen Borders Code merely requires that the tools used shall ensure an efficient, high and uniform level of border control.

In other words, with regard to the protection of the external borders, the relevant provisions of the Schengen Borders Code require that: (1) Member States protect the external borders effectively and efficiently; (2) border surveillance activities shall be organized in such a way which can prevent illegal border crossings; (3) the Member States, when organize their border surveillance activities, shall use that means which can meet the requirements of the Schengen Borders Code at a high level; (4) the Member States shall regard to exceptions provided by the Code. Based on this cumulative set of requirements, according to our opinion the technical border barrier installed at the external borders of Hungary is not objectionable. Here it shall be highlighted that Regulation (EU) 2016/1624 of the European Parliament and of the Council on FRONTEX states in its Article 5 that FRONTEX shall cooperate with the national authorities for the purpose of implementing integrated border management, however, according to the last sentence of Article 5 Par. (1): „Member States shall retain primary responsibility for the management of their sections of the external borders."

At the same time, there have been also numerous humanitarian legal criticism - based on that thought that the member of the migratory flow can be considered as refugees - referring to on the one hand the border lock and to the other hand the Hungarian criminal law which provided legal protection for it. In order to examine this humanitarian legal arguments, it is necessary to deal with the provisions of the International Convention relating to the status of refugees adopted on 28 July 1951 and its Additional Protocol of 31 January 1967 (hereinafter: the Geneva Convention which was announced in Hungary by the Law decree 15 of 1989) the relevant regulations of the Treaty and the EU Charter of Fundamental Rights.

According to the Article 31 Par. (1) of the Geneva Convention, Hungary is under an obligation not to punish refugees who have come directly from a country where their life or liberty was endangered, because of unauthorized entry, provided that they report promptly to the authorities and justify their unauthorized entry. The European legal framework cited also regards the Geneva Convention as governing. The Article 78 Par. (1) of the Treaty orders the establishment of a common asylum policy (Witold, et.al., 2018, pp. 457-494) in the European Union in accordance with the provisions of the Geneva Convention. The Article 18 of the European Charter of Fundamental Rights, concerning the right to asylum, also declares that this right shall be guranateed with due respect for the rules of Geneva Convention and for the Treaty. Therefore, the question to be answered is whether the construction of a border barrier can be considered as a violation of the provisions of the Geneva Convention or not. According to the above-mentioned provision of the Geneva Convention, the international legal rule does not in itself preclude Hungary's right to create criminal sanctions in order to prevent irregular entry into Hungary. Namely, the mentioned provision attributes fundamental importance to the principle of directness.

According to the Geneva Convention, Hungary undertook "only" not to criminalize illegal border crossing, which takes place directly from the territory of a state, where the life or freedom of the person or persons, who later is granted refugee status, was endangered at the require level declared by the Geneva Convention. Namely, due to the geographic characteristics of Hungary, and based on the nationality composition of the immigrants arriving and coming to Hungary, the violation of the principle of directness does not even arise, therefore, the establishment of the border barrier and the legislator's aim to ensure entering Hungary's territory legally, in a controlled manner, is not objectionable. The border barrier cannot be interpreted as an obstacle referring to the principle of directness regulated by the Geneva Convention. Furthermore, it is another question that the intention of an illegal immigrant who tries to enter the country's border through a border fence cannot be aimed at cooperation with the authorities. Therefore the condition - concerning the obligation to immediately report to the authorities - of the impunity guaranteed by the Geneva Convention cannot apply.

The unlawful crossing of the border fence in itself justifies the absence of the conditions required by the Geneva Convention. Thus, the Hungarian legislator has adopted important measures for not only the protection of external borders at European level, but also for the practical application of the Geneva Convention. The compatibility of the Hungarian legal solution with the European commitments is also confirmed by the above-mentioned Schengen Borders Code, which explicitly provides in its Article 5 Par. (3) for national legislation to introduce penalties, in accordance with their national law, for the unlawful crossing of external borders. The Schengen Borders Code also requires that these sanctions shall be proportionate, effective and dissuasive. In this context, it is important to point out that Article 3 Par. (2) of Directive 2008/115 of the European Parliament and of the Council also describes residence as an illegal stay as a result of an illegal border crossing contrary to Article 5 of the Schengen Borders Code.

The Hungarian literature has also often argued that border barrier, and the legal regulations based on it, can be considered problematic items in the light of the Rome Convention for the Protection of Human Rights and Fundamental Freedoms. The focus of this argument is one of the provisions concerning the expulsion. According to the Articel 60 Par. (2a) of the Hungarian Criminal Code, that person who is sentenced by imprisonment because of an crime against the border barrier shall expelled from the territory of Hungary. It shall be emphasized that Article 1 of the 7. Additional Protocol to the European Convention on Human Rights (hereinafter: the Rome Convention) deals with the guarantees for the expulsion of foreigners. At the same time, it is important to emphasize that the persons protected by the Additional Protocol are lawfully resident in the territory of a state acceding to the Rome Convention. For such persons, the system of expulsion rules is not based on automatism, and guarantees consistent with the Rome Convention have been included by the legislator in the Hungarian Criminal Code. However, that foreigners involved in a crime against the border barrier typically do not have a residence permisson in Hungary, and has no intent to cross the border legally, therefore, the construction of the border fence and creating the crimes against the border barrier by the Hungarian legislator in oder to protect on the one hand the fence installed, and on the other hand the European external borders and the Hungarian public security, cannot be considered as problematic measures.

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Mediation in Juvenile Criminal Offenses - Albanian Case

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Abstract

In the treatment of juvenile ofenders in modern systems, priority is being given to procedures aimed at reconciliation and mediation, damage repair and the implementation of alternative measures to restrict freedom. The entirety of such proceedings fall within the concept of restorative justice. Restorative justice is of particular importance in the treatment of juveniles by the criminal justice system, as its main purpose is not to punish the perpetrator but to find methods that promote reintegration into society. One of the mechanisms that underpins restorative justice for juveniles that guarantees the success of education and reintegration in society is mediation in criminal conflicts. The mediation aims to engage the perpetrator in repairing the damage caused by the criminal offense as well as to restore reconciliation relations between the victim and the perpetrator. In this way, mediation procedures are of particular importance in the context of criminal law as they promote the values of dialogue and reconciliation in the way of conflict resolution and provide alternative solutions to criminal sanctions. In criminal cases involving juvenile offenders, the application of mediation procedures brings a number of positive aspects as it serves the immediate rehabilitation and reintegration of the juvenile offender as the primary aim of juvenile justice. Implementation of the mediation alternative leads to a better understanding of legislation in this area as well as an increased awareness of enabling application as one of the forms of intervention against juvenile delinquency. Restorative justice is already part of the juvenile criminal legislation following the entry into force of the Juvenile Criminal Code, which brings a new perspective to the implementation of restorative procedures in accordance with the principle of protecting the best interest of the minor. The paper focuses on the role and importance of mediation procedures and their sanctioning in Albanian legislation. The paper will analyze albanian mediation legislation as a positive achievement in the context of promoting the process of restorative justice in juvenile matters. Conclusions will be drawn and recommendations will be identified regarding deficiencies in legal regulations as well as the practical implementation of mediation procedures for juveniles.

Keywords: Juvenile Criminal Code, restorative justice, mediation, juvenile offender, prosecution avoidance

Introduction

In cases of juvenile offenders, criminal punishment should be the last resort leaving space for other solutions where restorative justice also plays an important role. Restorative justice reflects a humane and democratic attitude in dealing with crime, in a way that benefits victims, offenders, the community and society at large, conceptualizing it as a win-win process for all involved actors[1]. Restorative justice requires the active participation of the victim and the perpetrator, as opposed to the criminal procedure where the judge makes the decision. It is oriented towards repair compensation, rather than punishment[2].

Mediation is an important aspect of restorative justice. Mediation is based on an agreement between the offender and the injured party and ensures the settlement of the conflict through reconciliation, thereby avoiding litigation. In this way, juvenile offenders are provided with more effective opportunities to remedy the consequences of the action taken and to integrate into the community and to restore violated rights to the victim by repairing the damage caused by the offense.

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[1] Foundation "Conflict Resolution and Dispute Settlement", (2007), Summary of Conference Proceedings, "Implementing *Restorative Justice and Mediation in the European Perspective*", Tirana 23-24 May, p. 12.

[2] Save the Children, (2015), Handbook, *Mediation Service and Restorative Justice for Juveniles in Conflict with the Law*, Tirana , p. 14.

Researchers define it as: "a confidential, law-abiding litigation where the parties voluntarily participate, aimed at resolving disputes arising from the commission of a criminal offense, using the services of an independent and impartial third party"[1].

t is thought that the mediation process as an element of restorative justice was developed around the 70's, first in the US and Canada and then in the European countries[2]. Nowadays mediation is taking on particular importance in matters involving minors. The application of mediation procedures allows juveniles to avoid criminal proceedings such as the application of criminal sanctions in accordance with the requirements of international standards.

At the same time, mediation procedures and contact with the victim raise the juvenile's awareness of the consequences of his or her actions and future failure to serve as a basic element of education. Mediation also serves to restore the rights of the victim as the victim receives proper sodisfaction through forms such as penance or compensation for the damage caused.

In this way, the application of mediation for juvenile offenders, in contrast to criminal sanctions, is also of interest to society as the primary interest of society is the education of juveniles and the avoidance of any possibility of continuing criminal activity. The practice of serving sentences for juveniles within the existing infrastructure, in the absence of specialized institutions, has already shown that serving the sentence has not served their education properly. In some cases the period spent in penitentiary institutions has had negative effects in terms of returning to criminal activity. Likewise, the restoration of the relationship between the offender and the victim serves the well-being and possibility of peaceful co-existence of all community members. To this end, priority should be given to the mediation process as a means of resolving criminal conflicts for juveniles, thus avoiding the negative effects of facing criminal proceedings.

1. The historical context

Resolution of mediation disputes has existed as one of the forms of conflict resolution even in the Albanian historical context. Initially mediation procedures were regulated by customary law rules. The canons envisaged detailed rules regarding reconciliation procedures, ceremonies, or even reconciliation symbols that varied from province to province[3]. In Albanian customary law, canonical norms have been used mainly in reconciliation of blood feuds in order to limit blood feuds and hostilities. During the period of Skanderbeg's state and the Ottoman occupation a great development took the institute of covenants that served the process of reconciliation[4]. During the fascist occupation, the basis for settling disputes served acts issued by organisms created during the anti-fascist national-liberation war.

After the liberation of the country, the role of mediator was played by blood reconciliation committees and then by social courts as well as village, city and neighborhood courts[5]. These courts were empowered to make conciliation efforts in criminal matters pursued at the injured party's request. Procedures for resolving the case with reconciliation were also provided for by the criminal procedural legislation[6]. Reconciliation could lead to the prosecution not being initiated or dismissed, at the stage of investigation or trial, as a consequence of the waiver of the accusative victim's appeal[7]. The courts also had the right to dismiss criminal cases that were not pursued by the injured party's appeal in cases where the guilty pleaded guilty and the educational purpose of the sentence was fulfilled[8].

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[1] Conflict Resolution and Dispute Settlement Foundation, (2007), *Restorative Justice and Mediation in Criminal Dispute Resolution, Handbook for Judges and Prosecutors*, UNICEF, Tirana, p. 6.

[2] Gjoka. R, (2007), *Restorative justice and mediation in criminal matters*, published by the Foundation for Conflict Resolution and Dispute Settlement, West Print, Tirana, p. 11.

[3] In the *Canon of Lek Dukagjini* one of the symbols of reconciliation and forgiveness of blood was the brooding provided in its paragraph 989-990. Another symbol was that of the blood of bread, namely the lunch after reconciliation, and of the cross at the door as a sign of forgiven blood, as provided in paragraph 983.

[4] Elezi. I, (2005), *Mediation for Reconciliation in Criminal Conflicts*, published by the Dispute Resolution Conflict Reconciliation Foundation, pp. 32-34.

[5] Elezi. I, (2005), *Tradition and practice in applying conciliation mediation in the criminal field*, reference given at the National Conference on Mediation, published by the Foundation "Conflict Resolution and Dispute Settlement", Tirana 27-28 April, p. 34.

[6] Criminal Procedural Code of 1979 Art. 125.

[7] According to Article 98/2 of the Criminal Procedure Code of 1953 as well as Article 71 /5 of the 1979 Criminal Procedure Code, one of the reasons for the failure to institute criminal proceedings was the case where the injured party withdrew his claim.

[8] This competence was provided for in Article 73/1 of the 1979 Criminal Procedure Code which provided that:
"The court, the single judge or the investigator shall, in exceptional cases, have the right not to commence a criminal case, or during the investigation and trial in the first instance to dismiss it, when they consider that the danger of the offense committed and of the person is

In 1990 by law no. 7383, dated 08.05.1990, the social courts were established which had the object of their activity as well as the settlement of disputes between the citizens for the criminal offenses prosecuted at the request of the injured party. Researchers think that these courts took on the character of social organisms that underlie the idea of reconciliation[1].

With the adoption of the Criminal Code (CC) and the Code of Criminal Procedure (CPC), the institute of mediation was not explicitly provided for in the criminal and procedural legislation of the Republic of Albania. However, Article 48 of the CC adopted by law no. 7895, dated 27.01.1995 provides for mitigating circumstances as well as aspects related to the reconciliation and restoration of relations between the offender and the victim or his family, such as:

a) the person shows deep repentance;

b) replaces the damage caused by the criminal offense or actively helps to eliminate or reduce its consequences;

c) the relationship between the perpetrator and the victim is normalized.

2. Albanian legislation on mediation

Mediation procedures have found expression in Albanian legislation, initially with the adoption of Law no. 8465, dated 11.03.1999 "On mediation for the settlement of disputes" and subsequently with Law no. 9090, dated 26.06.2003 "On mediation in the settlement of disputes" which repealed the former. and further by Law no. 10385, dated 24.02.2011 "On mediation in the settlement of disputes" which is currently in force. The adoption of this legislation is of great importance as it institutionalizes mediation as an alternative to the resolution of criminal cases by creating real opportunities for its implementation in juvenile matters.

The law contains procedural principles and rules on the basis of which mediation will take place, outlining the rules related to the procedure of its development and the conditions for appointing a mediator. The law does not provide for special procedures for the development of juvenile mediation, but there is no impediment to existing procedures also being applied to mediation of juvenile offenders.

In this law, mediation is defined as "extrajudicial activity, in which the parties seek the settlement of a dispute by a neutral third party (mediator), in order to reach an acceptable settlement of the dispute and which is not contrary to the law. "[2].

A very important aspect of this law is the provision of mediation also for criminal conflicts for a category of criminal offenses with low social risk[3]. The category of offenses for which mediation may be applied are those provided for in Articles 59 and 284 of the CPC. More specifically, mediation in the criminal field applies in the following cases:

Cases that are examined by the court at the request of the accusing injured party pursuant to Article 59 CPC.

In these cases the injured accuses has the right to file a claim with the court and to attend the trial as a party to prove the charge and to claim damages. Instead of litigation, the court may propose that the parties resolve the conflict through mediation. In the context of Article 59 of the CPC, mediation may apply to this category of offenses:

Other intentional injuries (Article 90), gross negligent injury (Article 91), minor negligent injury (Article 92), house rape (Article 112, first paragraph), insult (Article 119), insult motives of racism or xenophobia through a computer system (Article 119 / b), defamation (Article 120), unfair interference with privacy (Article 121), disclosure of personal secrets (Article 122), non-providing livelihoods (Article 125), unfair treatment of the child (Article 127), and violation of the inviolability of the home (Article 254).

All the offenses set forth in Article 284 CCP for which the prosecution can be initiated by the prosecution only with the appeal of the injured party who may withdraw it at any stage of the proceedings.

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minor. and when he shows deep repentance. In these cases, the non-initiation or termination of the criminal case may also be initiated at the request of the state authorities, social organizations and labor associations. "

[1]Elezi. I, (2005), *Mediation for Reconciliation in Criminal Conflicts*, published by the Foundation "Conflict Resolution and Dispute Settlement", Tirana, pg 2.

[2] Law no. 10385, dated 24.02.2011 "*On mediation in the settlement of disputes*", Article 1.

[3] Idem, article 3.

Prosecution authorities, the judicial police and the prosecution can play a positive role in this regard, which in such cases can inform the injured party of his right to settle the case through mediation. Referring to Article 284 of the CCP these cases relate to criminal offenses such as:

Intimidation (Article 84), light intentional injury (Article 89), sexual intercourse with increased violence (Article102), sexual or homosexual abuse (Article 105), sexual or homosexual intercourse with family members or custodian (Article 106), coercion or obstruction of cohabitation or dissolution of marriage (Article 130), publication of another's work under his own name (Article 148), unlawful reproduction of another's work (Article 149), assault on members the family of the person performing a state duty (Article 243), violation of the right of residence (Article 254), obligation to participate or not to strike (Article 264), malicious use of telephone calls (Article 275), violation of traffic rules (Article 210 / first paragraph) and insult of a judge (Article 318).

The law marks an important step towards alternative resolution of criminal disputes as it enables the offenses provided for in Articles 59 and 284 of the CCP to be resolved extrajudicially. The novelty of the new law relates to the obligation of the court in the case of disputes in the criminal field as above to invite the parties to resort to mediation procedure for their settlement[1]. This rule is in line with the provisions of Article 338 of the CPC which establishes the same obligation of the court to propose to the parties to settle the case concurrently in the case of offenses prosecuted at the request of the injured party.

Now, for the offenses provided for in Articles 59 and 284 committed by juveniles, the parties must first be subject to mediation and only if it fails should refer the matter to the justice authorities. The law in question is very detailed with regard to the principles on which the mediation will be based, the procedure for its development and the appointment of experts and the legal significance of the mediation agreement. Among the most important principles enshrined in the law are the voluntary participation, the preservation of confidentiality and the respect for the equality of parties in the mediation procedure[2]. The law also sanctions the right to participate in the mediation procedure. It guarantees the parties the right to nominate a mediator or mediators as well as to determine the rules and procedure of mediation. This important principle enshrined in Article 3 of the law serves the effectiveness of the development of the mediation procedure as well as the positive consequences that are finalized in its agreement.

A guarantee of the success of the proceedings is the legal value of the agreement reached by the parties as well as the consequences of this agreement if the parties do not object. Resolution of the case through mediation and acceptance of the agreement by the parties leads to the non initiation of criminal proceedings or termination of the criminal case[3]. In criminal cases where juveniles are involved , if the case is resolved through mediation, the prosecutor or judge decides to dismiss the case[4].

Such an aspect is also sanctioned in the CPC which provides for the court or prosecutor's office to refrain from instituting criminal proceedings or ordering the dismissal of a criminal case if the matter has been settled through mediation. According to Article 290 / c of the CPC, one of the circumstances which does not allow the initiation of proceedings is also when the injured party's appeal is absent or when he withdraws the appeal.

3. Mediation in the Juvenile Justice Code

Although mediation legislation has been in force since 1999, the concept of restorative justice was sanctioned by the entry into force of Law 37/2017 "Juvenile Justice Code" (Code). Restorative justice is mentioned in the Code, originally in Article 44, which provides for the obligation of the competent authority to inform a minor in conflict with the law, victim, legal or procedural representative of restorative justice programs.

With the provision in the Code, restorative justice is now an integral part of the juvenile criminal justice system in accordance with the best interests of the juvenile. The manner of sanctioning is such that it considers not only the treatment of juveniles in conflict with the law, but also considers the interests of juvenile victims through their involvement in conflict resolution and the consequences of the offense.

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[1] Idem, article 2/5.

[2] Idem, article 3.

[3] Idem ,article 23/2.

[4] Idem, article 23/2/1.

Further, aspects related to restorative justice and mediation programs are regulated in the Code in Articles 63 and 64 where they are considered as alternative measures of avoidance of prosecution The importance of these programs relates to the fact that their successful implementation excludes juveniles in conflict with the law from formal investigation and adjudication procedures. This adjustment is in line with Council of Europe recommendations that promote out-of-court conflict resolution and international standards[1].

Restorative justice and mediation programs can be implemented at any time, from the time a juvenile is detained, to the pre-trial investigation as well as the trial, provided that no final court decision is made. Although initiated on the proposal of the prosecutor or the judge, they take place outside the premises of the prosecution or court in accordance with an approach of frendly juvenile justice.

A restorative justice or mediation program can be applied to a juvenile ofender if two conditions are met:

- The minor, defense counsel and / or legal representative must freely give free consent to such a decision;

- Any agreement to remedy the consequences of the offense committed by the minor is reasonable or appropriate[2].

The foregoing concludes that restorative justice procedures are voluntary procedures, meaning that they can be implemented only after the consent of the minor, his or her defense counsel or legal representative. The appearance of a free valve is a necessary condition for the whole process to operate, excluding any pressure, coercion or willful violation. The expression "must be reasonable" means that "if making this mediation decision or any other restorative justice program better protects the parties, takes care of preserving the juvenile's dignity, prevents his or her physical, mental and emotional harm, then the court or prosecution has the right to decide it"[3]. The term also implies a decision making in accordance with the needs and the principle of the best interest of the minor.

The Code states that the implementation of a restorative justice program may be conditioned by the application of certain obligations to a minor in conflict with the law such as[4]:

he or she understands the responsibility for the offense and its consequences;

compensate for the harm caused to the victim, the community and / or society;

apologize to the victim; and

take action acceptable to the victim and / or the community.

Acknowledgment of responsibility for the offense is also closely linked to awareness of the consequences of the offense and the willingness to settle it. This means pleading guilty, taking responsibility and willingness to compensate for the damage caused. Apologizing is also part of the process of taking responsibility for the offense and correcting the consequences. Apologizing has a positive impact on the moral distress of the victims and has a positive impact on the successful development of mediation procedures.

Minors may also be required to apologize to the victim and to take other actions acceptable to the victim and / or the community. The nature of the actions required is not specified in the Code as it depends on the type of program to be implemented.

The types of restorative justice programs that the Code provides may include participation in a program of avoidance and mediation, work in the public interest, and / or any other program that leads to the rehabilitation of the consequences of an offense committed by a minor.[5]

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[1] See Recommendation no. (81) 7 of the Council of Europe "*On measures to facilitate access to justice*", Recommendation no. (99) 19 "*On mediation in criminal matters*" etc.

[2] Code, Article 63/2 / (a) and 63/2 / (b).

[3] School of Magistrates, (2019), *Electronic Commentary*, p. 127, (http://komentarielektronik.magjistratura.edu.al/), consulted March 16, 2019.

[4] Code, Article 63/4.

[5] Idem, article 63/5.

The decision to implement the restorative justice program, as well as the case for mediation, is a matter for the prosecution body. At the investigative stage, the competent body is the prosecutor, while at the judicial stage is the judge of the case.

Concerning the procedures of mediation development, the Code refers to the special law on mediation. Beyond the provisions of the special law, Article 64 of the Code lays down certain specific conditions that refer to the mediation process with juvenile subjects as:

Mediation can only take place if there is free consent of the parties to the mediator, the accused juvenile and the injured party.

Mediation can only take place with the personal participation of the above parties.

We think that in the circle of persons whose presence is mandatory the psychologist and legal representative of the minor should also be included. This is also due to the fact that in juvenile justice procedures involving a minor in conflict with the law the participation of a psychologist and at the request of a minor is also mandatory for a trusted person[1]. The same principle has been sanctioned by international legal acts[2].

The Code has specified some specific aspects of the juvenile mediation procedure. such as family mediation or group mediation. In this form of mediation, in addition to the juveniles in conflict with the law, the victim and the mediator participate on a case-by-case basis as well as family and relatives, representatives of public agencies in the protection of children's rights. The purpose of family and group mediation is to prevent the escalation of future conflict in order to avoid retaliation by the victim's family members against the accused or his relatives[3].

The competent bodies, the prosecutor or judge to assess whether mediation is the most appropriate alternative, consider such elements as: the nature of the offense, the circumstances in which the offense was committed, the juvenile's history, the likelihood of a return to normal relations between juveniles and the injured party, the possibility of reducing the harm of the injured party, the possibility of rehabilitation of the minor and its reintegration into society[4]. If the parties agree to the mediation procedure, this procedure is most in accordance with the rules and law of mediation, where the parties together with the mediator are the main actors.

In principle, the participation of the Prosecutor and the judge is not mandatory. furthermore, these proceedings take place outside the Prosecution and Court. The Code provides for the possibility that the Prosecutor may participate in this process if he or she so evaluates[5]. This implies that the participation of the Prosecutor in the process does not depend on the consent of the parties but on the assessment of the Prosecutor himself. In the legal literature, this element is regarded as the premise for a fruitful exchange and a constructive outcome.[6]

In accordance with international standards[7], mediation can be applied as a measure of prosecution avoidance, ie as a measure that excludes the juvenile from criminal proceedings, thus serving its rapid social reintegration. Implementation as a measure of prosecution avoidance implies that successfully terminating within the legal term of the mediation agreement results in the termination of criminal proceedings against a minor in conflict with the law. or judgment of the case[8].

Mediation procedures can also be implemented as an opportunity to improve the relationship between the juvenile offender and the victim of the offense.

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[1] The Code of Criminal Procedure provides for the presence of a psychologist in the entirety of procedural actions committed against minors, such as the recognition of persons (Article 171/3), the questioning of a minor witness (Article 361 / a, paragraph 2) etc.

[2] Council of Europe Recommendation (99) 19 "*On mediation in criminal matters*" concerning mediation in criminal matters requires that minors be entitled to parental assistance. The same document states that in cases of mediation with minors, all special rules that govern participation in court proceedings should be applied.

[3] School of Magistrates, Electronic Commentary.cited, pg. 125.

[4] Code, Article 64/6.

[5] Idem, Article 64/4.

[6] School of Magistrates, *Electronic Commentary*, cited, pg.125.

[7] Recommendation no. 87 (20) of the Committee of Ministers "*Concerning the social response to juvenile delinquency*", recommends to the Member States encouraging the development of mediation procedures at the prosecutor's or police level in order to prevent juveniles from entering the criminal justice system and suffering from the consequences arising therefrom .

[8] The Code has set a deadline of 45 days as the maximum deadline for conducting a mediation procedure. See, Code, article 64/7.

Conclusions and recommendations

Albania has made efforts to align legislation with international acts that place importance on restorative justice and mediation in criminal matters. The adoption of mediation legislation is a positive achievement in the context of promoting the restorative justice process. and avoiding the negative effects of a criminal process on juvenile offenders.

The first step in this direction was the adoption of the special law on mediation and, further, the adoption of the Juvenile Criminal Justice Code, where the notion of restorative justice was first sanctioned. The Code provides for a number of special arrangements for juvenile mediation procedures. Through this legal basis already restorative justice and mediation programs serve as alternatives to evading prosecution.

This enables the exclusion of juveniles from criminal proceedings as one of the principles deriving from international standards of juvenile criminal justice. Anticipating restorative justice and mediation programs in the Juvenile Criminal Justice Code is the right step in providing the necessary opportunities for juvenile offender rehabilitation, but also respecting the rights of juvenile victims.

However, both regarding the current legal regulation and the practical implementation of mediation procedures for juveniles it is worth highlighting some issues and addressing some of the following recommendations:

Mediation legislation, despite positive changes, has not yet provided adequate space for mediating cases with juvenile subjects.

Although mediation has been legally sanctioned since 1999, mediation procedures have not been properly used in resolving criminal disputes involving juveniles.

The current law on mediation does not provide for detailed regulations on the development of the mediation procedure for juveniles, referring to Juvenile Criminal Code.

The Code does not provide details about programs that can be pursued in the context of restorative justice and mediation, and Albanian case law is still limited in this regard.

Mediation programs still have a limited scope only for the category of offenses prosecuted at the request of the accusing injured party or for which prosecution begins with the injured party's complaint.

The above mentioned legal framework for mediation needs further improvements which will increase the degree of its implementation and compliance with the requirements of international legal acts. To increase the degree of enforceability, the mediation process should not be limited to the cases provided for by law, but may also extend to other offenses of low social risk. Legal amendments should allow for the addition of criminal offenses for which mediation for juveniles can be conducted, including criminal offenses, or other offenses of minor importance other than those provided for in Articles 59 and 284 of the Code of Criminal Procedure.

An alternative may be the application of mediation as an alternative to prosecution for offenses punishable by up to 5 years of imprisonment or a fine. This would harmonize mediation legislation with the Code's provisions where avoidance measures apply to offenses with such penalty margins.

At the same time, harmonization of the Code with the law on mediation and the rest of the legislation, in particular the Code of Criminal Procedure, is necessary.

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Calcium, Phosphorus and PTH in Patients with End Stage of Chronic Kidney Disease, Undergoing Hemodialysis

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Abstract

Renal hyperparathyroidism (rHPT) is a common complication of chronic kidney disease characterized by elevated parathyroid hormone levels secondary to derangements in the homeostasis of calcium, phosphate, and vitamin D. Patients with rHPT experience increased rates of cardiovascular problems and bone disease. The Kidney Disease: Improving Global Outcomes guidelines recommend that screening and management of rHPT be initiated for all patients with chronic kidney disease stage 3 (estimated glomerular filtration rate, < 60 mL/min/1.73 m2). Since the 1990s, improving medical management with vitamin D analogs, phosphate binders, and calcimimetic drugs has expanded the treatment options for patients with rHPT, but some patients still require a parathyroidectomy to mitigate the sequelae of this challenging disease.

Keywords: Calcium, Phosphorus and PTH in Patients with End Stage of Chronic Kidney Disease, Undergoing Hemodialysis

Introduction

Renal hyperparathyroidism (rHPT) is a common complication of CKD characterized by derangements in the homeostasis of calcium, phosphorus, and vitamin D.

rHPT is classically broken into 2 types on the basis of the patient's serum calcium level. Secondary hyperparathyroidism (2° HPT) is the elevation of parathyroid hormone (PTH) in response to hypocalcemia induced by phosphate retention and reduced calcitriol synthesis as a consequence of reduced renal function[1]. In 2° HPT, all the parathyroid glands become enlarged owing to parathyroid hyperplasia. Because 2° HPT is a compensatory mechanism of the parathyroid glands, it commonly resolves with normalization of calcium and phosphorus homeostasis (eg, renal transplantation). Tertiary hyperparathyroidism (3° HPT) is seen when a patient with longstanding 2° HPT develops autonomous PTH secretion, often associated with hypercalcemia. This is observed in up to 30% of patients with ESRD, who then undergo renal transplant[2].11 3° HPT is classically thought to have come from parathyroid hyperplasia, but some studies have suggested that up to 20% of patients may have single or double adenomas[3]

Since the 1990s, improving medical management with vitamin D analogs, phosphate binders, and calcimimetic drugs has expanded the treatment options for patients with rHPT, but parathyroidectomy remains necessary for many patients.

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Normal Calcium and Phosphorus Homeostasis

Calcium and phosphorus homeostasis is maintained through a complex relationship between the bones, intestine, kidneys, and parathyroid glands. PTH is probably the most important regulator of calcium metabolism and functions primarily via 3 mechanisms:

1. PTH is thought to stimulate PTH receptors mainly on osteoblasts, which then, through multiple cell-to-cell mechanisms, stimulate osteoclast formation and bone resorption, leading to increased serum calcium and phosphorus levels.

2. PTH activates 1-α-hydroxylase in the kidney, which catalyzes the conversion of nonactive 25-hydroxy (25-OH) vitamin D to activated 1,25 dihydroxy (1,25-OH) vitamin D. This leads to increased absorption of calcium and phosphorus in the gut.

3. PTH increases reabsorption of calcium and decreases reabsorption of phosphorus in the kidney.

Recently, there has been much interest in the role of fibroblast growth factor 23 (FGF-23), a protein secreted by bone in response to hyperphosphatemia, which functions primarily in maintaining phosphorus homeostasis. FGF-23 stimulates phosphorus excretion in the kidney mainly through reduced action of sodium-phosphate co-transporter in the proximal tubule. It also decreases 1-α-hydroxylase activity, leading to reduced 1,25-OH vitamin D levels.14,15 In CKD, FGF-23 levels progressively rise and are initially thought to be beneficial, given the phosphaturic effects. However, increasing FGF levels are also associated with increased cardiovascular mortality in patients with CKD[1].

Pathogenesis

The pathogenesis of rHPT is complex and incompletely understood (Figure 1).

An increase in PTH levels typically develops when the glomerular filtration rate (GFR) drops below 60 mL/min/1.73 m2. Abnormalities in serum levels of phosphorus and calcium tend to occur much later in the course of CKD (typically when the GFR drops below 40 mL/min/1.73 m2)[2].17 Initially, the elevated PTH levels serve to increase renal phosphorus excretion. However, as the GFR declines further, serum phosphorus levels start to rise and induce hypocalcemia by binding bioavailable calcium as $CaHPO_4$, which indirectly leads to a further rise in PTH production. CKD also leads to decreased activity of 1-α-hydroxylase, thereby decreasing 1,25- OH vitamin D. A lack of 1,25-OH vitamin D inhibits gastrointestinal absorption of calcium and also directly stimulates the parathyroid glands[3],[4].

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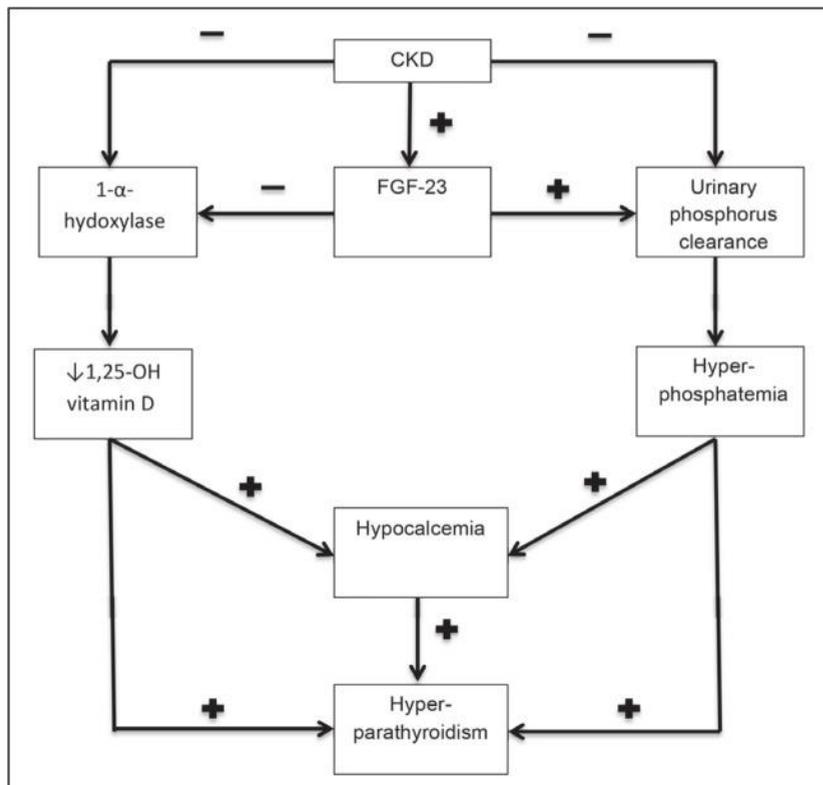
In CKD, chronic stimulation of the parathyroid glands triggers diffuse polyclonal hyperplasia. As the chronic stimulation of CKD continues, the parathyroids begin to develop monoclonal nodules within a background of parathyroid hyperplasia. These nodules demonstrate increased resistance to vitamin D and calcimimetic medications and may be the etiology of the loss of negative feedback seen in 3° HPT[1],[2].

Clinical Manifestations

Renal osteodystrophy refers to a group of bone disorders caused by dysregulation of mineral metabolism in CKD, including osteomalacia, adynamic bone disease, and osteitis fibrosa cystica. Osteomalacia is a state of low bone turnover leading to poor mineralization. Adynamic bone disease is also a low-turnover pathology with normal mineralization that probably results from a low PTH state. The incidence of adynamic bone disease increasing is likely secondary to PTH oversuppression from vitamin D agents, calcimimetics, and phosphate binders[3],[4]. Osteitis fibrosis cystica is a high-turnover bone disease that stems from elevated PTH concentrations stimulating osteoclast activity, bone breakdown, and resorption. This can lead to subsequent bone pain and fractures[5]. With longstanding bone resorption, patients may develop localized

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regions of bone loss that are then replaced by fibrous tissue, resulting in a brown tumor. These "tumors" appear as well-defined, lytic lesions on radiograph and may be mistaken for metastasis (Figure 2).

Figure 2.

Radiograph of the hands of a 55-year-old patient with renal osteodystrophy and brown tumors of the fourth metacarpal and third phalanx of the left hand (arrows).

The derangements in calcium and phosphate that result from rHPT may accelerate vascular calcification, including coronary artery calcification. Calcification of the cardiovascular tissue can affect the myocardium, atrial-ventricular conduction, and valvular function[12]. Furthermore, coronary calcification may put patients at an increased risk of cardiovascular events and death[3]. It is difficult to distinguish the unique detrimental effects of rHPT from those of hyperphosphatemia, which is also associated with cardiovascular disease in patients with CKD. Some studies have suggested that FGF-23 may induce arterial smooth muscle myocytes to change into osteoblast-like cells that lead to vascular calcification[4]. Moderate to severe hyperparathyroidism (PTH concentrations ≥ 600 pg/mL) may increase risk of cardiovascular death,[7] though the causality of this association is debatable.

There is an association between CKD and medial calcification in the arterioles of the skin and soft tissue leading to vascular compromise and ulceration. This constellation of complications was formerly called calciphylaxis but is now termed calcific uremic arteriolopathy, and it is associated with an eight-fold increase in mortality rate. Tumoral calcinosis is an uncommon complication of longstanding rHPT and is classically associated with high serum levels of calcium and phosphorus. In tumoral calcinosis, the patient can develop soft-tissue calcium deposits that can appear to be soft-tissue malignant tumors on imaging studies

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Evaluation of Phospho-Calcic Metabolism

1. Levels of intact calcium, phosphorus and parathyroid hormone (PTH) should be dosed in all patients with CKD and FG <60 mL / min / 1.73 m2. The frequency of these doses should be based on the stage of chronic renal disease. (Table 1).

Stage of CKD	GFR (ml/min/1.73m2)	Measurements of PTH	Measurements od calcium/phosphorus
3	30-59	Every 12 months	Every 12 months
4	15-29	Every 3 months	Every 3 months
5	<15 ose dialize	Every month	Every month

2. These doses should be performed more frequently if the patient is being treated with concomitant therapy for disorders of plasma calcium, phosphorus or PTH levels.

3. Plasma PTH dosage may be repeated over a longer period of time in those patients with PTH values within the lower limit of target values.

4. The limits of the target values of plasma levels of intact PTH at different stages of CKD are given in Tab.2. Limits of target values of plasma intact PTH according to CKD stages

CKD stages (pmol/L])	GFR (ml/min/1.73m2)	Intact pth RANGE (pg/ml)
3	30-59	35-70 [3.85-7.7pmol/L] opinion
4	15-29	70-110 [7.7-12.1pmol/L]
5	<15 or hemodialysis	150-300 [16.5-33.0pmol/L] evidense

Evaluation of Phosphoric Plasmatic Levels[1].

1. In patients with CKD (St. 3 and st.4) plasma phosphorus level should be maintained at or below 2.7 mg.dL (0.87 mmol / L) and not more than 4.6 mg / dL (1.48 mmol / L)

2. In patients with CKD st.5 and in those treated with hemodialysis or peritoneal dialysis, the plasma phosphorus level should be maintained between 3.5-5.5 mg / dL (1.13-1.78 mmol/ L).

Hyperphosphatemia leads to secondary hyperparathyroidism and elevated levels of PTH through:

a) lowering the levels of ionized calcium;
b) intervention in the production of vit.D;
c) directly affecting the secretion of PTH[2].

This process leads to high-turnover bone disease.

Prolonged hyperphosphatemia causes vascular and soft tissue calcifications resulting at least in part from an increase in calcium x phosphorus product[3] and is associated with an increase in morbidity and mortality[4]. In the case of vascular calcifications, hyperphosphatemia has a direct calcifying effect on the cells of the vascular smooth muscle. Calcification of

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coronary arteries, cardiac valves and pulmonary tissue causes cardiac disease, the leading cause of death in patients with CKD. It is therefore very important to prevent hyperphosphatemia and to maintain phosphorus levels within normal limits.

Among the factors contributing to secondary hyperparathyroidism in patients with CKD are phosphorus retention and / or elevated plasma phosphorus levels.

To prevent morbidity and mortality, it is recommended that plasma phosphorus levels should be maintained between 2.7-4.6 mg / dl (0.87-1.49 mmol / L) in patients with CKD st.3 and 4, and between 3.5-5.5 mg / dl (1.13 -1.78 mmol / L) in patients with CKD st.5

Plasma Calcium and Calcium-Fosfor Product[1]

In patients with CKD stage 3 and 4:

Plasma levels of corrected total calcium should be kept within the values of the laboratory rate used In patients with CKD stage 5:

Plasma levels of corrected total calcium should be kept within the laboratory norm values used, preferably within the minimum limit (8.4-9.5 mg / dL [2.10-2.37 mmol /L]).

In cases where the plasma level of corrected total calcium exceeds 10.2 mg / dL (2.54 mmol / L), the medications that cause the increase in calcium should be modified as follows.

a. Patients receiving calcium-based phosphorus binders, the dose should be reduced, or switched to a calcium-based, non-calcium-based phosphorus binder aluminum, not magnesium based.

b. In patients receiving active vitamin D, we should reduce its dose, or discontinue therapy until plasma levels of total calcium are corrected within the target range (8.4-9.5 mg / dL [2.10-2.37 mmol / L]).

c. If hypercalcemia (plasma levels of total corrected calcium> 10.2 mg / dL [2.54 mmol / L]) persists despite modification of vitamin D therapy and / or disruption of calcium-based phosphorus binders, low-concentration dialysis may be used. of calcium in dialysate fluid (1.5-2 mEq / L) for 3-4 weeks.

In patients with CKD st. 3-5:

1. The total dose of calcium taken (including that obtained with the diet and that obtained with calcium-based phosphorus binders) shall not exceed 2000 mg / day.

2. The calcium-phosphorus product must be kept <55 mg2 / dL2. This is best achieved by controlling the plasma levels of phosphorus within the range of target values.

3. Patients whose plasma total calcium levels are below the minimum values of the laboratory values used (< 8.4 mg / dL [2.10 mmol / L]) should receive plasma calcium therapy if:

a. Have clinical symptoms of hypocalcemia such as paresthesia, Chvostek-Trousseau syndrome, bronchospasm, laryngospasm, tetany, and / or convulsive crisis;

b. The plasma level of intact PTH is below the target values for the CKD stage

4. Treatment for hypocalcemia should include calcium salts such as calcium carbonate and / or vitamin D oral.

The total dose of calcium taken in patients with CKD should not exceed 2000 mg / day. In these patients the fraction of calcium absorbed in the duodenum and jejunum is reduced because this process depends on the year. D, and in CKD this vitamin is lowered. However, passive calcium uptake, which depends on the gradient, may increase if we increase the dose of calcium obtained.

Patients with CKD who have been treated with vit D or calcium supplements tend to develop hypercalcemia, especially in those with adenamic bone disease.

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[1] Guidelines for mineralococcal abnormalities in CKD, Albanian group authors

Hypercalcemia, together with hyperphosphatemia, or each individually may be responsible for increased Ca-P product. Since plasma phosphorus levels in patients with CKD are usually increased by a larger factor (from 3.5mg / dl [1.13mmol / L] to 7mg / dl [2.26mmol / L] giving a factor of 2), compared to calcium (from 9.5 mg / dl [2.37 mmol / L] to 11 mg / dl [2.74 mmol / L], giving a factor of 1.2), the relative importance of plasma phosphorus levels in the delivery of a high Ca x P product, is given as mg2 / dL2, it is greater than plasma calcium levels. Also, plasma calcium levels can be critical[1] if plasma phosphorus levels are too high, as is the case of patients with CKD st.5.

In the presence of a high Ca x P product in the blood, soft tissue calcifications are common but the latter are not always associated with high Ca x P, since many factors are involved in the genesis of these calcifications.

It is important that patients with CKD have normal values of corrected total calcium, as it is known that chronic hypocalcemia causes secondary hyperparathyroidism, has adverse effects on bone mineralization and may be associated with increased mortality.

Caution should also be exercised in the dose of calcium taken because it can be switched to hypercalcaemia. Spontaneous hypercalcemia can occur in patients with CKD.

The total calcium level should be adjusted based on the level of albumin through the formula:

Corrected calcium (mg / dl) = total calcium (mg / dl) + 0.0704 x [34-plasma albumin (g / L)]

A simpler formula is used for routine clinical interpretation of plasma calcium:

Corrected total calcium (mg / dl) = total calcium (mg / dl) + 0.8 x [4-plasma albumin (g / dl)]

Patients with FG <60 ml / min / 1.73m2 (CKD st.3) usually, but not always, have significant decreases in plasma levels of total and free calcium. Plasma calcium levels decline further with impaired renal function.

In advanced CKD, the total calcium fraction associated with complex compounds increases; therefore the free calcium fraction decreases, despite the level of total calcium being normal. Acidosis on the other hand can increase the level of free calcium. When hemodialysis begins, plasma calcium levels normalize. It should be borne in mind that dialysis does not play a role in improving calcium absorption.

It is recommended that the daily dose of calcium intake in CKD st.3 be 1.5-2 g / day and in st. 4 and 5 (patients not on dialysis), to be 1.5-1.8 g / day.

Calcium supplements should be started in patients with CKD st.2 when PTH begins to increase, FG <60 ml / min / 1.73 m2

An association between high Ca x P product and death risk was observed, so for every 10-fold increase, an 11% increase in relative risk of death was observed.

If the product Ca x P exceeds 55, then the risk of developing calculations increases and survival decreases. Therefore the target level of the product Ca x P should be <55.

Low Phosphorus Diet

A low phosphorus diet is recommended for patients with CKD and 2° HPT with hyperphosphatemia[2]. Dietary restriction of phosphorus in patients without elevated levels of phosphorus, but with elevated PTH levels only, is controversial. Unfortunately, this is very difficult given the high prevalence of phosphorus in Western diets. Dietary phosphorus comes from 2 sources: 1) protein-rich food groups such as meat and milk; and 2) phosphorus additives, which are used to process meats and cheeses. Phosphorus used as an additive is often only implied in the ingredients list, and not individually reported

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on the food label. Therefore, the true amount of phosphorus contained in a product may be underestimated.14 Patient education regarding this distinction may help them avoid phosphorous-rich foods.

Phosphate Binders

Because of the difficulty in maintaining a low phosphorus diet, phosphate binders are usually an essential part of medical therapy for patients with CKD. Phosphate binders have been shown to decrease serum phosphorous and PTH levels.

Several phosphate binders are available, including aluminum hydroxide, calcium salts, sevelamer hydrochloride, sevelamer carbonate, and lanthanum carbonate. In general, aluminum hydroxide should be limited to a short period because of the risk of aluminum toxicity. Newer agents such as lanthanum have unknown long-term effects of bone deposition. Iron-based binders such as sucroferric oxyhydroxide are also available to lower serum phosphorous. The Kidney Disease Outcomes Quality Initiative recommends for patients with CKD stages 3 and 4, that phosphate binders be used if phosphorus levels cannot be controlled within the target range despite dietary phosphorus restriction. In patients who remain hyperphosphatemic despite initiation of a single phosphate binder, combination therapy can be used[1]. It is interesting to note that lanthanum, being a heavy metal, commonly shows up as radiopaque in noncontrast radiologic studies of the gastrointestinal tract.30

Vitamin D Analogs

As described above, 1,25-OH vitamin D deficiency is a major mechanism of rHPT, and vitamin D replacement has been shown to effectively suppress PTH secretion[2].Several forms of vitamin D are available, including ergocalciferol (which requires activation in the kidney to 1,25-OH vitamin D), as well as activated forms such as calcitriol, paricalcitol, and doxercalciferol. Although observational studies have suggested improved survival in patients treated with vitamin D analogs, a 2007 meta-analysis showed no difference in mortality, bone pain, vascular disease, or rate of parathyroidectomy when comparing patients on vitamin D analogs versus those not taking vitamin D.

The Kidney Disease: Improving Global Outcomes work group recommends that in patients with CKD stages 3 to 5 (not on dialysis), attempts to control hyperphosphatemia, hypocalcemia, and vitamin D deficiency be made first. If PTH remains elevated or is progressively rising, treatment with calcitriol or vitamin D analogs is suggested. Close attention must be paid to serum levels of calcium and phosphorus, which if greater than 10.2 mg/dL and 4.6 mg/dL, respectively, may warrant modification in therapy. In patients with CKD stage 5 on dialysis, active vitamin D sterols (such as calcitriol, paricalcitol, or doxercalciferol) are used to control hyperparathyroidism.

Calcimimetics

Cinacalcet HCL is a calcimimetic agent that exhibits allosteric modulation of the calcium receptor on the parathyroid gland, increasing sensitivity to extracellular calcium and thereby suppressing PTH secretion.36 The effectiveness of cinacalcet in lowering PTH concentrations in ESRD patients has been demonstrated in multiple studies. Combined analysis of these studies showed that cinacalcet decreases rates of parathyroidectomy, fractures, and cardiovascular hospitalization. Patients receiving cinacalcet treatment rather than placebo also have improvements in self-reported physical function and less bodily pain.[3]

In 2012, the Evaluation of Cinacalcet Hydrochloride Therapy to Lower Cardiovascular Events Trial randomized patients with ESRD and moderate to severe rHPT to cinacalcet or placebo and found that cinacalcet did not significantly reduce overall or cardiovascular mortality[4]. A recent Cochrane review corroborated these findings but did find that patients taking cinacalcet had a significant increase in the rate of nausea, vomiting, and hypocalcemia, suggesting that the potential risks associated with cinacalcet use in ESRD patients may outweigh the benefits. These clinical uncertainties further bring into question the costs of cinacalcet treatment. Currently the US spends $260 million annually on cinacalcet, accounting for the

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largest single drug cost in dialysis patients. Despite maximal medical interventions, surgical parathyroidectomy is still required for many patients.41

Indications for Surgical Treatment

As stated in the *Clinical Practice Guidelines for Bone Metabolism and Disease in Chronic Kidney Disease,* published in 2003 by the Kidney Disease Outcomes Quality Initiative, the indications for parathyroidectomy are not well defined. High-quality studies are currently lacking to evaluate which patients might benefit from parathyroidectomy. In lieu of such data, the National Kidney Foundation recommends that the criteria in the Sidebar: Indications for Consideration for Parathyroidectomy be used to merit referral to an experienced surgeon for evaluation[1].

Indications for Consideration for Parathyroidectomy
Medical management of rHPT > 6 months with
Hypercalcemia or hyperphosphatemia
PTH > 800 pg/mL
Calciphylaxis with documented elevated PTH levels
Osteoporosis (T-score > 2.5 SD below mean), pathologic bone fracture
Symptoms/signs
Pruritus
Bone pain
Severe vascular calcifications
Myopathy

PTH = parathyroid hormone; rHPT = renal hyperparathyroidism, SD = standard deviation

Statistical data

Total number of patient in May 2018	**57**
Patient suffering from hypocalcemia	37
Patient suffering from hyperphosphatemia	17
Patient with hyperparathyroidism	27

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Graphic representation of patients with hypocalcemia problems in May 2018

	Total number of patient in May 2018	Patient with hypocalcemia
Series1	57	17

Graphic representation of patients who have problems with hyperphosphatemia in May 2018

	Total number of patient in May 2018	Patient with hyperphosphatemia
Series1	57	17

Graphic representation of patients with hyperparathyroidism problems in May 2018
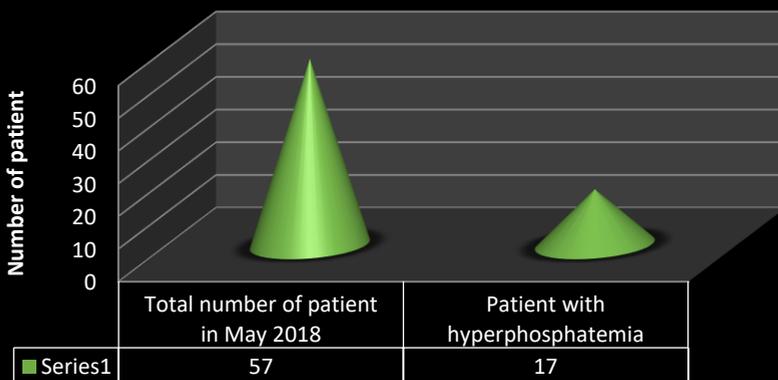
	Total number of patient in May 2018	Patient with hyperparathyroidism
Series1	57	27
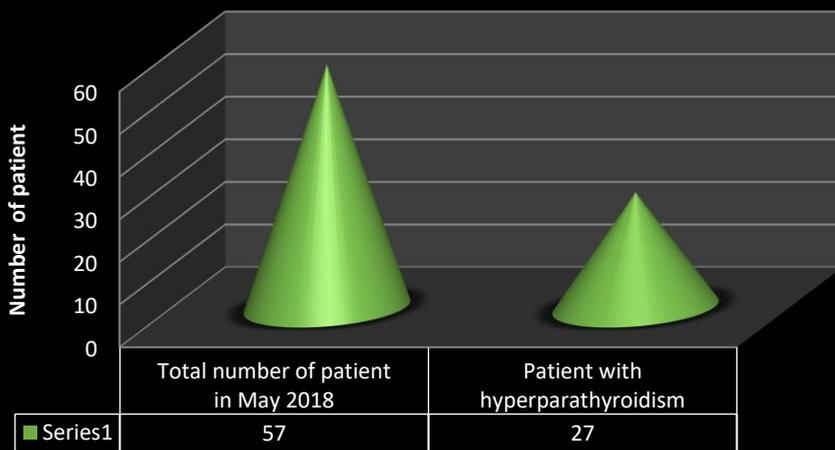
Total number of patient in November 2018	55
Patient with hypocalcemia	45
Patient with hyperphosphatemia	31
Patient with hyperparathyroidism	25

Graphic representation of patients with hypocalcemia problems in November 2018
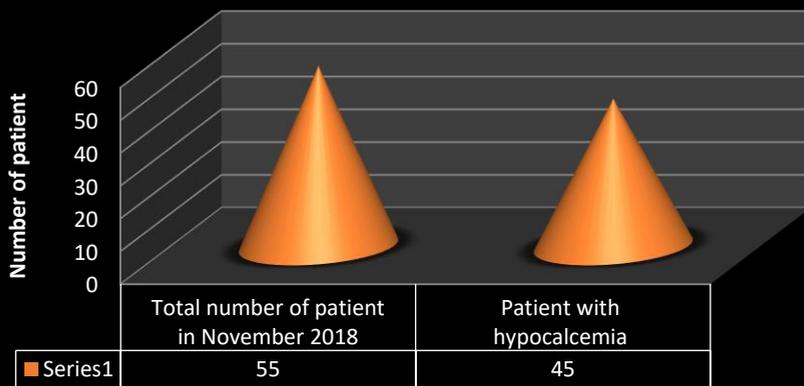
	Total number of patient in November 2018	Patient with hypocalcemia
Series1	55	45

Graphic representation of patients who have problems with hyperphosphatemia in November 2018

	Total number of patient in November 2018	Patient with hyperphosphatemia
■ Series1	55	31

Graphic representation of patients with hyperparathyroidism problems in November 2018
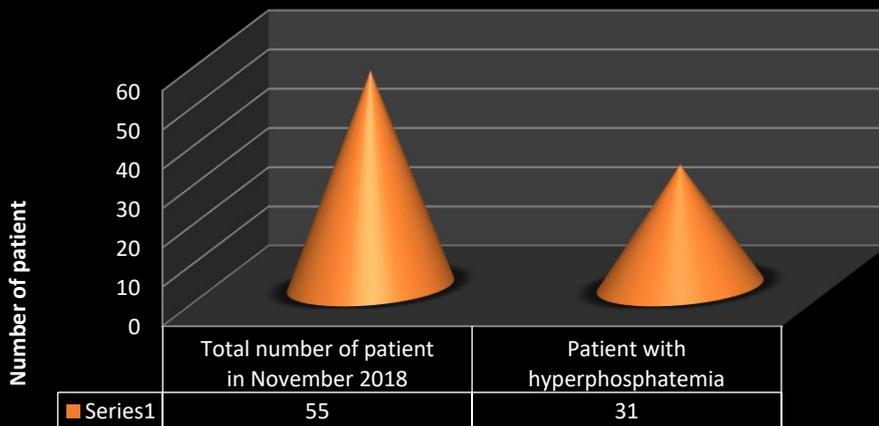
	Total number of patient in November 2018	Patient with hyperparathyroidism
■ Series1	55	25
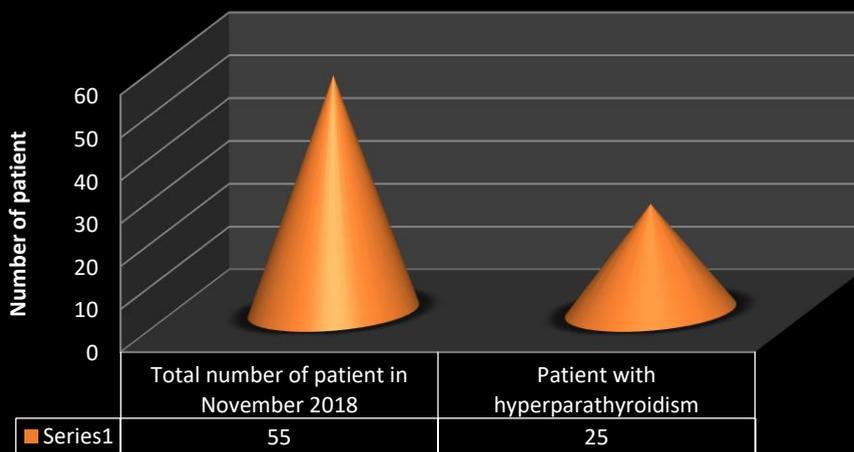
Total number of patient in May 2018	57
Patients suffering from hyperparathyroidism, hypocalcemia and hyperphosphatemia in May 2018	9

Graphic presentation of patients suffering from hyperparathyroidism, hypocalcemia and hyperphosphatemia in May 2018

	Total number of patient in November 2018	Patients suffering from hyperparathyroidism, hypocalcemia and hyperphosphatemia in May 2018
■ Series1	57	9
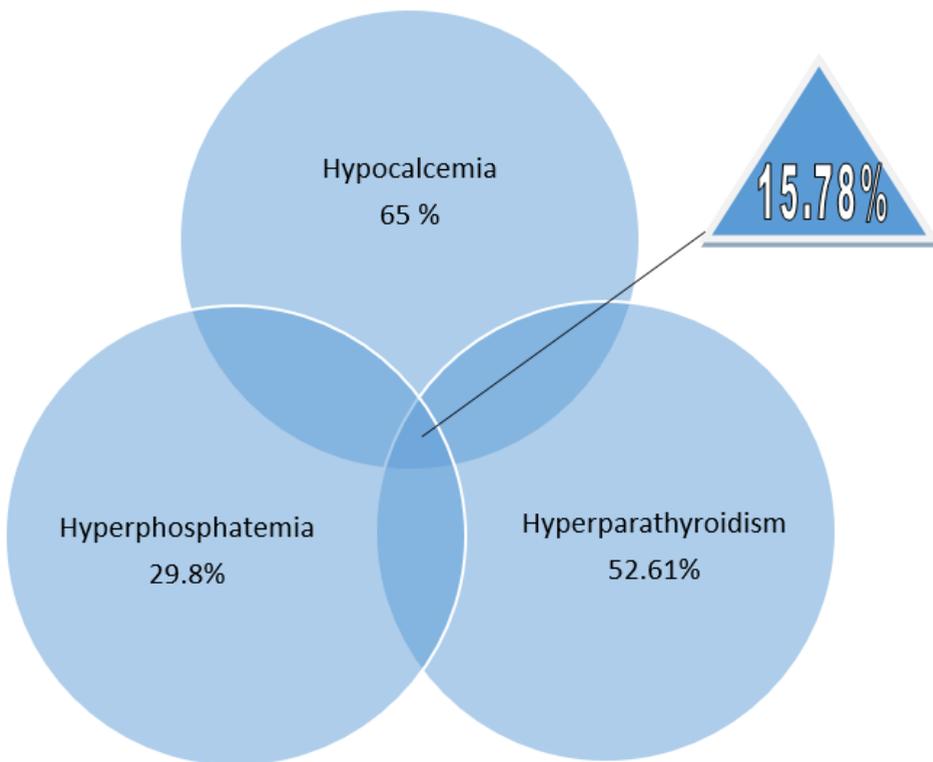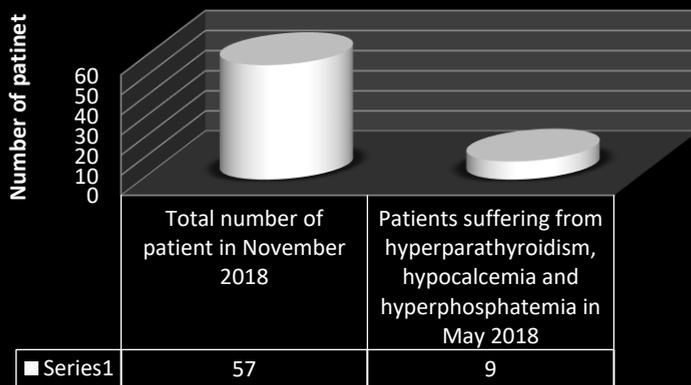
Diagram 1

Presents the percentage of patients suffering from renal hyperparathyroidism, hypocalcemia and hyperphosphatemia for the first 6 months of 2018

Total number of patient in November 2018	**55**
Patients suffering from hyperparathyroidism, hypocalcemia and hyperphosphatemia in November 2018	18
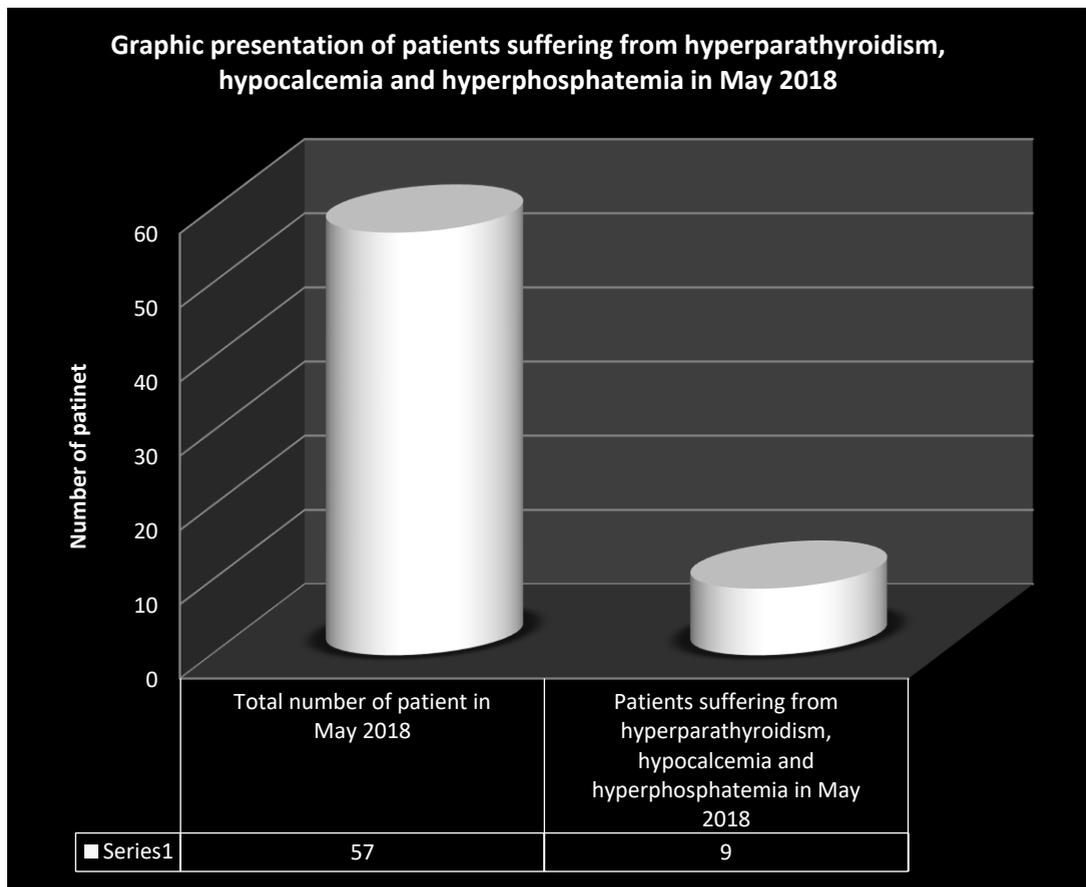
Graphic presentation of patients suffering from hyperparathyroidism, hypocalcemia and hyperphosphatemia in May 2018

Graphic presentation of patients suffering from hyperparathyroidism, hypocalcemia and hyperphosphatemia in November 2018

	Total number of patient in November 2018	Patients suffering from hyperparathyroidism, hypocalcemia and hyperphosphatemia in November 2018
■ Series1	55	18

Hypocalcemia
81.81 %

32.72%

Hyperphosphatemia
56.36%

Hyperparathyroidism
54.54%

Diagram 2

Presents the percentage of patients suffering from renal hyperparathyroidism, hypocalcemia and hyperphosphatemia for the second half of 2018

Conclusions

It is difficult and multidisciplinary to treat these patients and prevent complications.

The best way to treat this is to begin with the awareness of the patient who, in the early stages of chronic renal disease, should maintain a strict dietary schedule and strictly follow the recommendations given by the physician.
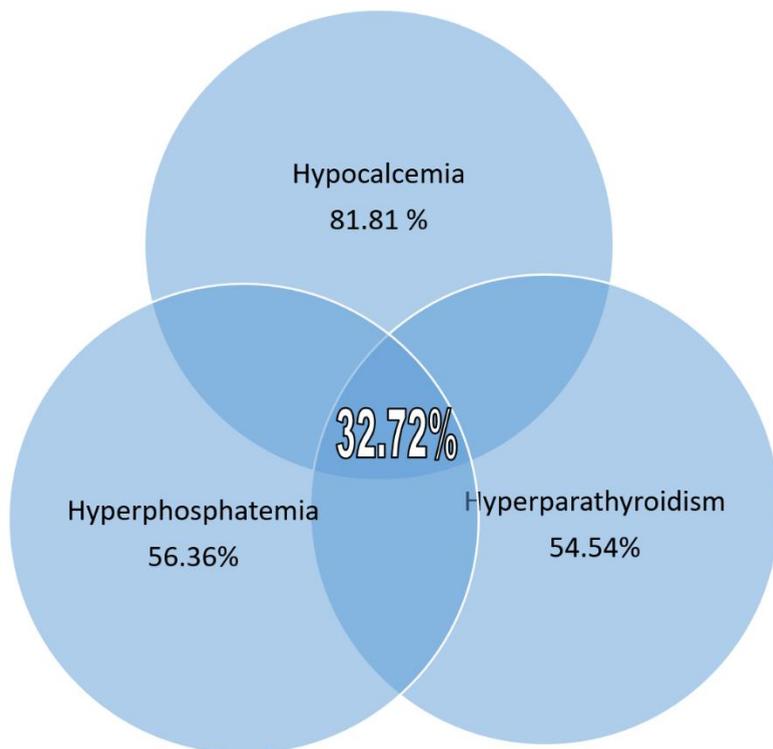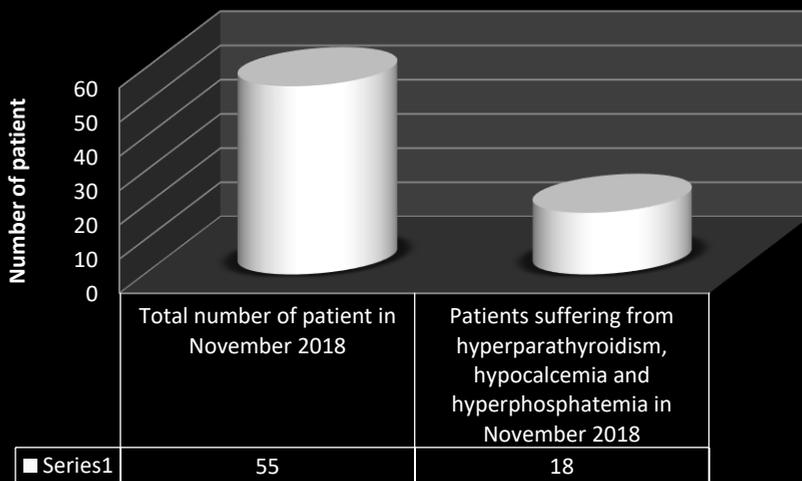
Prevention of these complications should also be done by the physician who should closely follow the patient by recommending examinations according to world guidelines, the results of the examinations should be accompanied by appropriate therapy.

It is worth noting that the therapy for these patients is costly and unfortunately the patients in our country are not reimbursed for all the necessary medications, as a consequence the patients fail to be properly treated leading to an acceleration of renal hyperparathyroidism.

Our study shows that the majority of patients, respectively, 54.38% have hyperparathyroidism above target values for the first 6 months of 2018 and 54.54% have hyperparathyroidism values higher than the target values for the second half of 2018 .

With hypocalcemia there are about 63.15% of patients in the first 6 months of 2018 and about 81.8% in the second half of 2018.

With hyperphosphatemia are about 29.82% of patients for the first 6 months and 56.36% for the second 6 months of 2018.

From reviewing the above data in the two six months of 2018 we have an increase in the number of patients who have undergone hypocalcemia, hyperphosphatemia and hyperparathyroidism, a growth which is very significant as it results in almost doubling the number of patients.

Although detailed examinations are being conducted and patients are recommended strict diet and regular medication therapy it is noted that we have not achieved this goal as patients need to be more understandable and respect the doctor's advice and increase the role of the state in reimbursement. of drugs for these patients.

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Priming Matrix – Collective Nonconscious Programming

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Abstract

Contemporary sociology, and especially social psychology, explores the mechanisms of priming, automaticity, and their effects on social behavior. Priming matrix is a new concept, a phrase semantically coined by the author in order to explain such complex socio-psychological phenomena in the area of social cognition. This study makes an analyses and description of the dynamics and mechanisms of the programming from a socio-psychological aspect, Transactional analysis, and the perspective of Christian psychotherapy. Methodologically, new concepts are applied: priming matrix and types of representations (Ilievska) with its operational elements (stimulus, prime, representation, subliminal level), and the concepts: awareness and collective nonconscious schemes (Ilievski, 2015), which are described as an opposite of the natural way of life, the personal autonomy and the real freedom. Each person has a basic need for relation, psychological organization, and structure. In its foundation lies the creation of basic mental constructs, socio-cognitive schemes, which have a neurobiological ground. In addition, human behavior can be programmed, nonconsciously, on multiple levels: individual, collective, global, through the complex psychological processes, modeling and conditioning, to the more subtle forms of priming, creating passive automatic social behavior.

Keywords: priming matrix, representations, awareness, collective nonconscious schemes, automatic social behavior

Introduction

Contemporary sociology, particularly social psychology, nowadays are intensively studying the phenomenon of priming and its effect on human behavior. It also encompasses the mechanisms of automation, unconscious processes and programming that can have the ultimate effect on human behavior, raising questions about the possibility of impact, unconscious control to its automation.

Such hypotheses are attractive not only in the field of sociology and psychology, but are also based on pre-established philosophical and anthropological doctrines, as well as theological discourses, specifically in the field of Christian psychotherapy.

Priming and social priming are concepts in modern social psychology that were first explained in the domain of modern marketing and consumerism in terms of the impact on the consumer choice.

The phenomena and mechanisms of priming have not been elucidated so far, and there are several studies investigating its impact on human behavior.

This study is an attempt and enthusiasm by two authors, each with his specific professional aspect to contribute to the elucidation of this complex socio-psychological phenomenon, by applying a new descriptive hypothesis regarding the structure, dynamics and mechanisms of priming.

Thus, a new concept – priming matrix (Ilievska) is constructed as an innovative socio-psychological construct and a semantic term by which analysis and descriptive work is performed.

The concepts of Transactional Analysis, such as social psychology and communication theory are applied, as well as the perspective of Christian psychotherapy with the concepts: collective unconscious schemes and awareness (Митрополит Струмички Наум, 2015).

Social Environment and Human Behavior

Man as a subject exists in the milieu of his environment, with which he is in constant complex communication vectors, such as social interpersonal relationships and individual interpersonal processes.

Part of the communication takes place at the overt, explicit level, but the vast majority at the covert, implicit level. Moreover, social cognition reveals that besides the processes on the level of consciousness and rational reasoning, much of it is perceived and processed below the threshold of consciousness as unconscious processes.

The basic principles of functioning of the human psyche are the following:

1. Every being exists and is organized through contact and intimate relation, which is the basic principle of ego psychology.

2. Throughout development, the psyche is structured and differentiated into coherent systems of thoughts, feelings, somatosensory perceptions that Eric Bern (1964) defines as ego states (Parent, Adult, Child) analogous to Freud's: Id, Ego, Super (Freud, 1999).

3. Human cognition tends to form mental constructs – prototypes (stereotypes, values, cultural norms) that are considered to have a central role in priming and creating a priming effect. The following is explained through the diagrams offered.

4. Ego states have a social dimension, with a continuum and capacity for constant co-creation in the social environment that opens up a new perspective on them as "socio-cognitive schemes" (Scilligo, 2009). In this way we emphasize their tendency towards fluidity and external relation to the social environment, "the ego states as active social-cognitive processes, or schemas, continually being re-created in the dynamic interaction between the individual and his or her environment" (De Luca and Tosi, 2011).

5. Apart from the mechanism of internalization, according to the contemporary theory of the embodied cognition, the mental apparatus also has a tendency for externalization, whereby "cognition often reaches out into the world allowing external entities to act as representations in the cognitive system consisting of both the individual and the environment" (Clark & Chalmers, 1998; Hutchins, 1995; Zhang, 1997).

The essential question is exactly "how do these external entities affect the individual's cognitive ability to perform a particular task?" (Svensson and Ziemke, 2005).

Stimuli and Stimuli Hunger

The need for an environmental, external factor in maintaining human psycho-biological existence and normative functioning is indisputable for adequately satisfying the basic psycho-biological needs that Eric Berne defines as "six hungers" (Berne, 1970).

One of those psychological needs is "stimuli hunger" or the need for emotional, sensory, and psychological stimuli that provide psychodynamic equilibrium and biological existence.

This is the dyad and relational dimension that defines the human – environment relationship from which derives all and more complex relational and communication phenomena.

In this way, human beings are subjected to influences from the social environment that allow them to be modeled from an early age, to more complex forms of influence or manipulation of its mindset, which can trigger automatic, involuntary and unconscious behaviors (Bargh and Williams, 2006).

Stimulus ___ Mental Representation___ Cognitive Outcome ___ Behavioral Outcome

Figure 1.

Priming and Priming Effect

At the core of priming is the use and manipulation of different types of external, relevant stimuli that perform priming or facilitation and incidental activation of internal socio-mental representations.

Such activated representations subsequently trigger certain emotions, thoughts, and behavior within the recipient that are beyond his control, in the absence of intention, will, and consciousness at all.

Basic features of the priming phenomenon in general are:

1. Relevant stimulus (object, behavior, emotion).

2. Subliminal level of action.

3. Unconscious mental processes without the intention and participation of the recipient.

4. Incidental activation of the mental scheme.

5. Automatic social behavior.

PAC Model in the Light of Priming – Structure and Dynamics

PAC Model consists of three ego states (Berne, 1964): Parent (P), Adult (A), Child (C).

Adult ego-state (A), the neopsyche, which has its neurobiological basis in neocortex, is responsible for the subject's specific, adequate, and purposeful behavior in the external environment and maintaining internal equilibrium. Adult enables the process of continuous "hic at nunc" creation of new constructs, which we defined as empirical.

In the priming process, through this ego state one usually undergoes direct priming by observation of external models. In addition, the behavior of others that imply a certain goal may result in the adoption of another's goal within the observer, "automatic goal pursuits."

"Individuals may automatically adopt and pursue a goal that is implied by another person's behavior" (Aarts, Gollwitzer & Hassin, 2004).

In addition to behavior, by observing someone else's emotional reactions, the recipient can imitate another's facial expression and even experience another's emotion. In this way we are susceptible to constant contamination from the external environment by causing unconscious, rudimentary emotional reactions to the Child's ego state (archaeopsyche).

This phenomenon, known as "emotional contagion," is described by Hatfield, Cacioppo and Rapson (1994). The same priming effect can be caused by a simulation in the absence of the object, but by mentalization of the introjected object (Smith and Mackie, 2014).

In the Parent's ego state, exteropsyche, there are social representations (stereotypes, cultural traits) that are formed in relation to significant others (parents, social environment, culture, society) as a result of the process of modeling, conditioning and social adaptation. At this level, mental representations, "trait concepts and stereotypes become active automatically in the presence of relevant behavior or stereotyped-group characteristics (Bargh, Chen and Burrows, 1996)."

New Perspective on the Concept of Representation

In classical cognitive psychology, representation refers to mental, cognitive schemas which are simply defined as "a hypothetical internal cognitive symbol that represents external reality" (Morgan, 2014).

Contemporary views, besides the internal, also include the external component in their creation and the continuous feedback loop between the subject and the external environment, which include the concept of external representation – or embodied representation (Svensson and Ziemke, 2005).

"Theories of embodied cognition have suggested that cognition often reaches out into the world allowing external entities to act as representations in the cognitive system consisting of both the individual and the environment" (Clark & Chalmers, 1998; Hutchins, 1995; Zhang, 1997).

We have formed a new terminology and systematization of representations from the perspective of Transaction Analysis, applying the First Order Structural Model diagram (Berne, 1964).

In creating the new hypothesis of the Priming Matrix concept, cognitive representations have a central function. In the previous text, it has been argued that in current trends and research, the terms and definitions of them are changing.

A new concept of representation (see: Figure 2) is constructed (Ilievska).
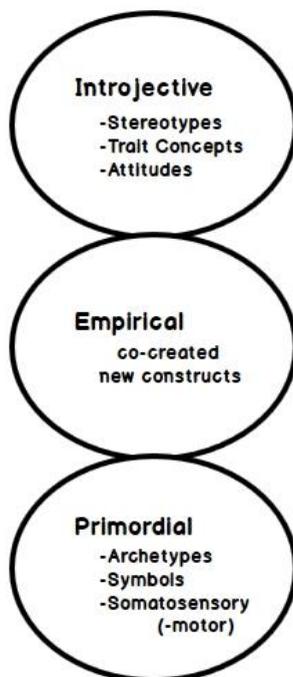
Figure 2
Types of Representation

Three types of representations are defined, which have been systematized analogously to the three ego states according to the PAC model:

1. *Introjected* – socio-cultural mental constructs (stereotype, trait concept, attitudes) incorporated in the ego state Parent.

2. *Empirical* – ongoing and in continuous creation in the ego state of Adult as a result of the interrelationships between "I – Other."

3. *Primordial* – archaic, symbolic, somatosensory and sensomotoric representations in Child.

Priming Matrix (PM)

PM is a descriptive model of the complex socio-psychological phenomenon of priming and priming effect (see: Figure 3).
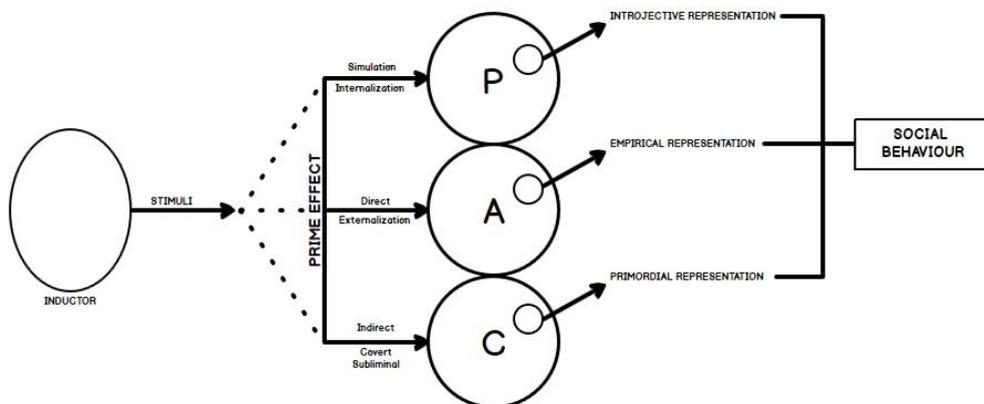
Figure 3
Priming Matrix

PM is a field in which complex relational phenomena and interactions between the inducer and the recipient take place, by the use of relevant stimuli that activate activate internal representations (primordial, empirical, interactive) and result in certain pro-social behaviors.

Priming matrix is an elementary form through which the processes of manipulation and automticity of an individual's behavior take place. Through its mechanisms the secular model of life is implemented with the phenomena of cultural homogenization, globalization, indoctrination.

In explaining the mechanisms of its creation we postulate that this phenomena are involved in the formation and dynamics of PM:

1. Stimuli hunger.

2. Sensation transference – a term used for unconscious evaluation of people about a product based on how the item looks, not on the actual item itself (Smith, 2015).

3. Ulterior transaction – two messages are transmitted at the same time. One of these is an overt or social level message. The other is a covert or psychological one.

4. Third rule of communication – the behavioral outcome of an ulterior transaction is determined at the psychological and not at the social level.

We have particularly emphasized the phenomenon of nonconsciousness as a factor used in the dynamics of PM, the hidden level of communication, and the manipulation of internal mental representations.

PM is a scheme by which we explain action at the individual level, but its effects are systematic and global. This is how we relate this phenomena with the CNS (Collective Nonconscious Schemas), which are described below.

Awareness vs. Nonconsciousness

From the point of view of Christian psychotherapy, awareness implies belief and knowledge of one's self and one's position with God, where "man is none and nothing, and the Lord Jesus Christ is all, and what we are and what we have (Митрополит Струмички Наум, 2020).

We can show this true awareness practically through an ascetic struggle of "continually gathering and keeping one's mind in the words of prayer, that is, by concentrating His name in prayer."

Any existence out of the true consciousness is nonconsciousness in the area of illusion and the domain of priming matrix.

Collective Nonconscious Schemes (CNS)

CNS are constructs that are created outside the point of reference – God at the level of the unconscious. They arise under the influence of the secular pattern of life and are a departure from the ontological determinism of man (Илиевски and Илиевска, 2018).

They are created outside the axis of natural way of life and the three stages of spiritual development; hence, one begins to live on a level of external identification with incomplete and fragmented forms (state, nation, party) and undergoes a process of disintegration and fragmentation (Митрополит Струмички Наум, 2015).

CNS are a product of the fallen nature of man and arise as a result of the collision between one's individual passions and his thoughts coming out of the distracted mind due to the unpurified energy, which is directed – through the Ego – in the world (secondary function of the mind).

Instead of a Conclusion

One needs to be aware that people today have internalized the world with all its emerging objects and particulates as a psycho-socio-cultural representation in the collective nonconscious in each of us.

Not only do people live in the world, but the world lives in people as well. People are interconnected through their passions (Ilievski, 2015), which are part of their fallen nature, the unconscious part of the psyche – Id (Freudian psychoanalysis).

In this way people are susceptible to the effects of processes in the domain of priming and illusion. This is also facilitated by the ego, as a basic apparatus through which – and most of the time – the modern man functions, torn apart and alienated from his inner, true, spiritual self.

The way out of such a matrix is offered only through the real awareness of the essential existential position of man in relation to the Creator and the activation of the primary function of his mind through the three stages of spiritual development (Ilievski and Ilievska, 2018):

At the first stage (purification of the heart from the passions), the energy of the mind is purified from incorporated mental representations and contamination.

At the second stage (illumination of the mind), the sufficiently purified mind descends in the spiritual heart where dwells the only and true Image, the Divine (and not some mental representative).

At the third stage, deification, there is identification with the Divine Image as a highest and ultimate goal of one's self-actualization as a person. According to Christian anthropology, this is the concept of true freedom, autonomy, and determination of man outside any matrix and pattern.

Acknowledgment

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University Pathways of Graduate Students: Professionalization, Innovation and Identity. A French-Argentine Comparative Study

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Abstract

This article presents findings from two studies carried out with fourth level university students in Argentina, namely Argentine PhDs working at UNCuyo, and with a second group made up of PhDs who are taking part in Professionalization programs (Programs of International Cooperation) in France. This is a comparative study. It is thought that after showing a certain level of excellence and being in contact with other cultures, differences between the groups may exist in terms of perspectives for future work, the role of innovation and competencies to be developed. Various hypotheses were considered. Both studies included common variables related to issues that affect, on the one hand, the effectivity and quality of the University as it relates to the working world and, on the other hand, personal and professional pathways. We focused on Professionalization, Identity and Innovation, variables that involve individuals and contexts interacting with one another. The methodology was quanti-qualitative. Techniques used were semi-structured surveys, interviews and focus groups. The findings show convergences, divergences and silences in the different groups with respect to Innovation, both in its conception and roots and with respect to the future world of work (effects). The findings renew interest in education and employment policies in the face of the demands and changes that the future workplace will require.[1]

Keywords: Innovation, University Pathways, Professionalization, Identity

I. THEORETICAL FRAMEWORK

I.1. Introduction

This article, derived from two complementary research projects, takes up the question of the innovation and competencies needed to be developed looking towards the workplace of the future for two groups of PhDs, groups particularly linked to innovation. The first group carries out its work at the National University of Cuyo (Mendoza, Argentina, henceforth PICTO, UNCuyo[2]). The second is made up of PhDs that are currently carrying out an international academic-scientific mobility program in France (henceforth IAM) under the framework of the Bilateral Cooperation Program. PhDs and graduate students from other countries also participated in the study voluntarily. This is important as being immersed in another culture already demonstrates an openness to current issues, including that of innovation, its past and its effects on the workplace of the future (Aparicio, 2016 d and e).

On the one hand, this issue concerns the effectiveness and quality of university institutions as they relate to the world of work, and on the other hand organizations that innovate, with the positives and negatives that this implies (Aparicio, 2005, 2010). In addition, it involves the individuals within these contexts of accelerated change that have not always been prepared by the educational system of by the workplace itself for such change.

In the literature, in effect, many authors point out the positive aspects of innovation and link it to necessity. Without neglecting its risks, Gilbert (2007, 2011) maintains that for companies, innovation is currently a necessity, both for the restructuring of work itself and for the management of personnel. Innovation also concerns methods of communication and

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[1] PICTO Project 2016-0008. BID Loan. Argentina
[2] PICTO Project 2016-0008. BID Loan. Argentina

management. The participation of associated actors at a company brings about a new conception of organizational relationships and development. In this sense, the difficulties and obstacles or dysfunction in communication tend to have marked consequences on the ability to innovate.

Their competencies (PICTO), more or less developed, and the workplace context in which they participate will influence their opportunities for professional mobility, as well as their satisfaction (Aparicio 2014 b; 2016 a, b, c, f) and even moreso their opportunities for insertion into the working world and permanence when faced with never before seen changes. These changes will require new ways of educating in competencies and conversions and, in the subjective realm, special flexibility, openness and reflection that allows us to modify our models of thought and action, adapting ourselves to the new framework of companies (Perrenoud, 2007; OECD, 2018 a and b); Aparicio 2019).

To innovate means to change our existing social representations with respect to ideas and procedures, as described by Moscovici (1961), Argirys (1982), Shon (1992) and Gaglio (2011), among others. These modifications in our ways of thinking imply a mental restructuring in which new concepts or ways of doing things, previously rejected or unknown, become internalized, fundamentally through communication (Abric, 1996; Kridis, 2008; Aparicio, 2013). In this way they become part of our mentalities and lead to a restructuring of our conceptions, ideas, procedures and ways of doing things. From the perspective of Cognitive Psychology, in said restructuring the subsensor concepts (higher and more encompassing than others) relocate to become equal to concepts previously subsumed. For its part, Social Psychology helps us to understand how this change in world view takes place, a change "in our mental cards" that allows us to read reality and either accept its changes or not, sharing new patterns of ideas and behaviors. It allows us to understand how these "movements" of ideas are produced which enable us to see reality differently, making a significant contribution to the interpretation of change by way of the "polyphasic cognitive" mechanism. This mechanism, described by Moscovici, helps us to learn and accept new procedures after completing processes of negotiation. This sometimes implies a loss of power as what belonged to the individual now belongs to the group (Crozier, 1963; 1977).

The only certainty is that we live in a world of constant change, change which generates much uncertainty and bombards our personal and professional identities (Kaddouri, 2008; Dubar, 1991, 2000ª and 2000 b; Silva & Aparicio, 2015; Aparicio, 2016 a, g).

Regarding what concerns us here, innovation and change, what relates to identity is the lack of recognition on the part of specialists of what constitutes real innovation, something which exceeds mere novelty and is expected to have an impact on our culture (Csikzentmihalyii, 1990; 1998). This has created tensions and has caused identity to become fractured or fragile. Though we cannot go in-depth on the topic here, identity is biographical and at the same time relational: it is achieved through interaction with another and through recognition and tends to weaken over time according to the results of previous research on organizations (Aparicio 2012 a and b; 2014 c; 2015 a and b; Aparicio & Cros, 2015 c), with a lack of recognition currently a fundamental factor for personal crises in the workplace.

We see then that the issue is complex. It involves multiple aspects that concern education (in educational and workplace institutions) and objective and subjective achievement (satisfaction and mobility, both academic and in the workplace), impacting identity (*cf.* papers cited; also Aparicio 2007ª and b). All of these aspects involve both the organizations themselves and the individuals who are part of them (Aparicio, 2009 a. b and c; 2014 a and d).

I.2. Innovation

To start with, we must point out that while the concept of communication, just to take one case, is on its fourth generation after the work of Shannon & Weawer (1975), the concept of innovation continues to be relatively general and ambiguous. Neither the *Grand Dictionnaire de Psychologie* (Larousse, 1994), nor the *Dictionnaire Usuel de Psychologie* (Norbert Sillamy, Bordas, 1983) nor the *Vocabulaire de la Psychologie* de Henri Pieron (PUF, 1963) give a clear presentation of the concept of innovation. One must turn to the *Vocabulaire Technique et Critique de la Philosophie* (PUF: 1972) by André Lalande to find a definition of innovation as "the production of something new, making reference to the concept of imagination (p. 516)". and continues "but this definition is quite general." On the other hand, the Le *Grand Dictionnaire de Psychologie* provides an entry for the concept of creativity defined as the ability to produce new works and new behaviors and to have new solutions to a problem" (p. 181, cit by Kridis, 2008: 5). In this line of thought, innovation is consequently related to creativity. But this is just one of many aspects linked to the phenomenon (Csikzentmihalyii, 1998, op cit). In this author's opinion, from her systemic theory *sui generis* (Aparicio 2015 a and b, fundamentally), this is still a very linear concept in which innovation is seen as an effect of creativity. This is in part true. However, both innovation and creativity

are complex and interactive phenomena and can only be understood within the triple system of society, culture and personality (Aparicio, 2011 e, f; 2012 a). Because of this complexity, it is difficult to create one single definition of either innovation or creativity which encompasses all of their components. For this reason, it is our intention to:

-observe several marked aspects of innovation and its relationship to creativity. For all cases, we will highlight central ideas of the founding fathers of the topic.

-to analyze which disciplinary contexts have addressed innovation over the last few decades.

We must point out that these aspects are intertwined. When noting the link between innovation and Cognitive Sciences, the authors will highlight some of these characteristics from their conception and discipline.

I.2.1. Innovation and related notions: convergences and divergences

With respect to the fundamental aspects that define innovation, it is important to remember that it is a process with various dimensions (Kridis, 2008: 10). Our description of these aspects, though brief, will lead us to our second area of interest: its relationship with other disciplines.

The following are several important aspects that will allow us to avoid confusion.

*An innovation is not a novelty: many novelties never became innovations due to the fact that they had no cultural imprint or received no recognition by experts of their time and place (Kridis, 2008: 30); also Csikzentmihalyi, 1998, Chapters cits).

*Is an innovation a discovery/invention?

Malinvaud (1986) defines a discovery as "… what has been both taken and perceived as involving important and sudden growth of knowledge, and which can be introduced until it seems irreversible (Masmoudi, 2008: 31; Gilbert & Chiapello, 2013). If we look at the effects of the discovery, it must have a certain degree of generality and real meaningful reach. It mustn't concern only one object or only one event. It must be important enough to be incorporated into a scientific *corpus*. Examples are Galileo in Astronomy and Fleming or Pasteur in Biology.

According to Masmoudi, many factors come into play. In its conception, related more to what innovation represents on the *science* spectrum, it combines elements of a process (the effects of the discovery in the scientific *corpus* that exceed the impact or change in one subject or object). Nevertheless, it also makes reference to psychosocial characteristics of the subject such as experimental rigor and perseverance, as well as opportunity and indetermination. Hence, we can say that discovery is an observable and irrefutable fact, contributing something "new" to science, closely linked to a specific moment in time.

With respect to invention, we point out that "… if discovery takes place in natural sciences and in formal sciences, invention takes place in the realm of techniques. It is, in effect, a specific and effective result of consistent work on a physical production, and defined as such due to its utility and newness. Invention is one of the products of innovation (cf. Masmoudi, op cit., p 31).

For his part, Gaglio notes the dissociation that exists between innovation and invention. The latter represents something new, the creation of a technical or organizational novelty related to goods, services and devices. Innovation, on the other hand, represents the social and economic process that leads to the invention finally being used or not. Invention is only potential, an element ready to use; innovation is effective incorporation into a social context. They are not exclusive and do overlap but moving from one to the other is not automatic.

* Is innovation related to creativity?

In the literature, innovation is linked to creativity (Csikzentmihalyi, 1988, 1998); a creativity that is not to be seen as something brilliant or genius coming from one individual but rather to be seen as the necessary interaction of an individual with his context. It is this context (or realm for Csikzentmihalyi) and its experts that will determine if what has been proposed constitutes real innovation, if it leaves a mark on the culture and is not just a mere novelty (Popper, 1984, UNESCO, 1982), in short, if it has the recognition it needs to be implemented (Csikzentmihalyi, Chapter 2 and Chapter 14). Dubar (2000ª and 2000 b), without referring to creativity as Csikzentmihalyi does, presents another angle of this recognition: the opportunity to establish a personal/professional identity among others (Aparicio, 2012 a; 2015 a and b).

Despite being related concepts, it is necessary to distinguish creativity from innovation. Gaglio (2011) affirms that creativity is "an inseparable component of the process of innovation", an "ability" that allows us to encourage the growth of novelty. Without talent, ingenuity or curiosity, he says, neither chance nor necessity will generate innovation. Nevertheless, creativity must not be confused with innovation, nor must it be subsumed to the process that this entails. Callon et al (2006) maintain that every innovation has, necessarily, a "founding father". In addition, creativity is expressed in the process of innovation and not only during its beginnings. Therefore, grouping innovation and creativity would be to join the process of innovation with its beginnings.

*Innovation as a process

Various authors and disciplines have identified this aspect as being central.

Gaglio (2011), from the discipline of Sociology, defines innovation as something new, the fruits of a process linked to generally positive representations, contrary to what happened in the Middle Ages. It is "an ideal to reach, we must innovate and be innovative". It is associated with progress, the future, creativity, technologies, and improvements in daily life and benefits. In the field of economics it represents both a risk and an opportunity; it is a "Sword of Damocles". Frequently we hear that a business that does not innovate, dies. Joseph A. Schumpeter (1942), in his writings from almost a century ago, points out this ambivalence when he says that innovation is fundamentally "creative destruction" that transforms and creates something new while at the same time demolishing the old. Sociologically, innovation is considered neither good nor bad. There are winners and losers. What is certain is that today innovation permeates all fields, worrying politicians, researchers, psychologists and business owners. We must manage innovation and establish methods for stimulating creativity.

For his part, Kridis says that "innovation is defined as … a process as it necessarily supposes a set of stages that lead to the production of innovations. These innovations are characterized as being useful for both individuals and groups" (2008: p. 31).

*Innovation as a four-dimensional process

The following dimensions indirectly address the epistemological aspect and bring us closer to a systemic position: integrative temporal, nonlinear relational, productive transformational acting upon products and resources and cooperative-collaborative.

An analysis of these dimensions leads us to address innovation from other fields.

I.2.2. Innovation and its relationship with disciplinary fields

a) Cognitive Sciences

Innovation goes from Cognitive Psychology to Cognitive Sciences (Neuroscience, Artificial Intelligence, Cybernetics) with Eiser, 1967. It is important to note that Eiser applies the innovative aspect to the birth of the discipline itself from an emerging perspective of integration, highlighting the integration of theoretical and methodological contributions from different approaches and schools of thought that reject reductionism and the one-dimensional (Aparicio, 2005, 2007 a and b, 2009, 2015; 2019).

As can be seen, Cognition Sciences lean towards an interdisciplinary perspective and transdisciplinarity, bringing together Mathematics (a hard science) and Psychology (a soft science) (Aparicio 2010).

With respect to the "productive transformational, of processes and resources" dimension, it is important to note that innovation implies a change in our "cognitive cards" (cognitive cartography). Here, Cognitive Psychology joins Social Psychology **(**Moscovici, 1961). It entails the creation of value, the transformation of an idea and service or application in response to a need and it integrates activities that involve a level of future investment, generating economic, physical and cognitive spending while utilizing resources available in the form of technical data and scientific laws.

In other words, all cognitive systems transform stimuli into representations thanks to processes and then transform these representations into data needed for acting and decision-making ("memes" or units of information Csikzentmihalyi's conception, 1998).

As regards the "cooperative" dimension, every process of innovation requires actors that come from diverse walks of life, sometimes from fields with projects that are located on disciplinary borders and which combine efforts, heading towards interdisciplinarity and transdisciplinarity (Aparicio, 2010).

Continuing with the Cognitive Sciences and associating them with Informatics, Communication and Information Theory (IT), we point out that Cybernetics has also made important contributions, contributions which go beyond the scope of the objectives of this paper (Donnadieu, 2008: 49-73). But we do want to mention two contributions concerning innovation from a systemic and interactive perspective: the notions of *complex retroaction and interaction*. However even these were insufficient. Information Theory, observing its limits and positivist and reductionist perspective, was completed with Systemics (Palo Alto School (1960-70). This group proposes another model, based on a jazz orchestra, in which musicians are moved by the euphoria of improvisation. With the metaphor of the cultural orchestra, there is no conductor or sheet music. Each individual plays in agreement with the others (Donnadieu, op. cit, p. 55). In this model, emphasis is placed not on the actors or on the message communicated, but rather on the system as a whole as an inseparable network of relationships (principle of systemic globality). When man is born, he enters a network of relationships woven by the socio-culture in which "non-behavior" does not exist. Even silence, or a schizophrenic in a catatonic state, is a message (Bateson et al, 1956). As such, as P. Watzlawick states, we cannot not communicate.

Communication Theory, therefore, receives a double inheritance, from the influence of Watzlawick (1980) and that of Bateson (1984) (symbolic exchange). In the marketplace, the buyer pays the vendor with a unique currency. It is instantaneous and symmetric: *Homo aeconomicus*. However, in symbolic exchange, *one must know oneself and make oneself known as a donor* (Mauss, 1950). We see, then, that the need for recognition emerges quite early on.

Regarding the link between communication and innovation, Kridis maintains that "the ability to construct and innovate occurs within a relatively broad theoretical field, however, it follows a common thread: innovative processes depend on contexts favorable to communication" (2008: 6).

Informatics (at the historical and theoretical-methodological level) has also been a vector of innovation for Cognitive Sciences. To close, a current and relevant point of common interest between these sciences and innovation is the project started in 2005: *The Brain and Cognitive Sciences Project MIT*.

b) **Social Psychology:** its existence as a discipline as regards innovation is indisputable. Everything is made up of social representations that impact identity –our focus in the study on innovation- and we must always do something external to ourselves: "we must make ourselves known as donors".

This is just one part of the relationship between Cognition Sciences, Systemic Theory of Communication and Social Psychology.

Social Psychology has also defined innovation as a process of social influence, with the source generally being the minority or individual who strives to introduce or *create* new ideas or new ways of thinking and behaving, modifying ideas received, traditional attitudes and antiquated ways of thinking and behaving. The relationship with communication is once again present.

c) **Communication Sciences:** let us focus for a moment on communication and innovation, without forgetting about creativity.

Innovation, as we have said, is the art of channeling new ideas to create new products or to offer new services. Innovation is a guarantee of creativity. Creativity can thus be represented by the climbing up of a ladder while innovation is the descent. The creative process gets underway and becomes tangible action, leading to *change*. Change implies a creative process, followed by innovation.

But it is also necessary to remember that creativity and innovation require a flexibility that can be defined as the ability to react to and anticipate sometimes unpredictable events (Bandura, 1977; McClelland, 1961), an ability that both individuals and the system possesses. Once again, innovation is linked to the Psychology of Innovation, Social Psychology and Cognitive Psychology.

Communication plays an important role. In effect, creativity consists of efficient activation and communication of projects, whether we are aware of the restructuring of the perceived order or not. The act of creating consists of combining

dimensions of experience until we form a whole made up of more than what existed at the starting point. In other words, there exist elements or information to combine.

In terms of innovation, it also entails information. In the case of *businesses*, this information may come from either inside or outside of the organization. A business is an open system in which all elements interact. It must be capable of self-regulation and of learning how to learn in order to adapt itself to a changing environment. It must be able to reactivate to ensure its survival. In an organization, communication becomes an intermediary variable. Participative management is fundamental as it favors communication.

From the epistemological and disciplinary point of view, there are several different methodologies of observation of this phenomenon, some linear and particular and others absolutely systemic, understood only within a process of interaction between the individual (he who creates) and the context that adopts him as something original or new, though based on something previous, and which entails the combination of preexisting elements ("memes" or symbolic units of communication) (Csikzentmihalyi, 1988, 1998; Aparicio (1977, 2005, 2007ª and b, 2015 a and b).

At this epistemological level, the opportunity to innovate is directly linked with the causal opening to the world, that is, to the possibility of leaving an imprint. An imprint is not a closing off, it means that it is always possible to influence and act upon the world (Popper, 1984). We also cannot neglect conception, the cognitive exercise of "investigation" of that which does not exist but which has "le designo" according to Leonardo da Vinci, the "ingenium".

From Communication and Cognitive Sciences, Masmoudi (2008) also adopts a systemic perspective regarding innovation, considering these sciences as innovation as they imply the unification of different approaches. This unification requires an integration of concepts and perspectives, relating models, theories and disciplines, and a rich collaboration among researchers from different fields. It is the fruit of a process of evolutionary innovation in perpetual restructuring.

In sum, innovation is a reality and a concept which appears in discourse referring to the panacea, as a reality that imposes itself, that allows businesses and nations to survive and compete. At other times, it refers to a "demonizing" question that situates us in a vacuum of unpredictable consequences in the short term.

In effect, change intimidates us. New types of organization (lean-management, flex-office, agilité, etc.), new technologies (digital/technological revolution) and new workplace and employment conditions invade our society, sometimes brutally, in ways for which we are not prepared.

For its part, the education system does not always maintain its curricula up-to-date (Berlinger, 2017). Nor does the role of change and innovation occupy a privileged place in communication, perhaps in order not to create a sense of "panic".

This issue also concerns university students. Do our universities' programs of study change as quickly as new workplace requirements? How many institutions educate non-programmers on programming and robotics? How many encourage creativity? How many dare to break with the traditional models and consolidate competencies that we know will be essential in the future? (Aparicio, 2019, Rapport OECD, PISA, op. cits) How many universities have implemented reforms at the base-level, not just of structure, after reviewing research results? (Aparicio, 2005, 2009; 2007 a and b; other articles cited there since 1997).

Faced with this complex reality, we must ask ourselves various questions. How do our PhDs perceive the situation? How clear is their concept of innovation? How do they perceive the concept as it relates to the future of the workplace or the workplace of the future? Are there differences according to disciplinary field?

II. METHODOLOGY

Quantitative and qualitative.

1. **Sample**: Our comparative research sample was made up of two groups: the first from UNCuyo's PICTO Program (data collected in Mendoza, Argentina) and the second being graduate level students (from Master's or PhD programs) completing academic exchanges in Paris, Frances (international academic mobility or IAM). We must point out that this is not a representative sample as all responses were voluntary.

Group 1, PICTO: we worked with three groups at UNCuyo:

a) UNCuyo professors from four of its school (Exact and Natural Sciences, Agrarian and Engineering, Philosophy and Letters and Economics). This is a comparative study whose objective was to detect central issues to each academic unit through the representations of different actors.

b) Academic support personnel at different levels. We attempted to have representation from all ranks.

c) CONICET PhDs or scientists working as professors at the UNCuyo.

Group 2, IAM: In Paris, we interviewed 20% of individuals housed at the Argentine Residence on the International Campus, as well as groups of foreigners participating in exchanges. From this, we were able to obtain additional vision and perspective, influenced both by education and by the contextual situation.

2. Techniques: interviews were used for both groups. Afterward, a semi-structured survey was administered which included common key themes in order to be subsequently able to make comparisons.

For the **IAM** group, data was collected on three opportunities. We also worked with focus groups, though fewer individuals participated than those who responded to the survey. Many both work and study and for this reason it was difficult to gather.

The model included base, socio-cultural, pedagogical-institutional and structural variables/indicators for both groups, with the base issue being that which affects university education (undergraduate and graduate) as it relates to the current workplace demands.

We also included items related to other issues which currently impact and will continue to impact the work of the future and which are linked to education and contextual opportunities. Our research took into account variables such as innovation, creativity, the impact of both on the future marketplace, risks and benefits according to disciplinary fields and social levels and factors related to satisfaction (differentiated according to disciplinary field).

The semi-structured survey included open-ended phrases in order that we could truly hear actors' voices. This allowed us to apply the hierarchical evocation technique, central to qualitative studies (Abric, 2001). With this instrument, we are able to identify the words most used by individuals and those most important for a certain variable, in this case, innovation.

In the P2 quadrant (nucleus of the representation) are located the most frequent and most important categories; in the P3 quadrant, those most frequent but least important; in the P4 quadrant, those which are overall least important; and finally, in the P1 quadrant (low frequency and high importance), appear the so-called elements of contrast or innovators that show group differences. Through the use of this technique, we were able to understand the most notable convergences and divergences.

Figure 1. The Quadrants (The hierarchical evocation technique).

P1	P2
P4	P3

3. Guiding questions / Hypotheses

Firstly, we decided to compare the opinions of PhDs working in Argentina with those of university-educated individuals (PhDs/Masters or highly trained professionals) who had completed an experience of international cooperation. We expected to find differences in responses due to one group's insertion in another culture.

Our general questions / hypotheses were:

*PICTO and IAM

1- There will exist a different perspective between the groups of PhDs working locally and those who, for a combination of factors (personal, motivational, family, institutional, geographical), decide to complete academic exchanges in Europe.

On the one hand, it is important to note that there are very few quanti-qualitative studies that address the conditioning factors that lead to mobility. On the other hand, there are very few longitudinal studies that demonstrate the impact that such mobility has on an individual. This was one of our intentions.

*Only IAM: We were interested to know which lines of R&D these individuals hoped to consolidate upon returning to the country and why they had selected those particular study centers abroad. Did inter-institutional agreements play a role or insertion into companies that seek to educate their personnel abroad?

*Observing the two groups (PICTO and IAM):

2- How much clarity was there in both groups with respect to what innovation implies? How many were aware that all innovation supposes innovators but also an adopting context? These questions seem naïve but the answers given left us perplexed.

3- What abilities / competencies do they associate with innovation? Are they different according to disciplinary field? Does the need for transdisciplinarity emerge?

4-What role does creativity play in innovation?

5- How do they imagine the future of work, mediated by robotization and global automatization? Which professions would experience the most change?

6- How do they see innovation with respect to future work? Are they aware of its positive and/or negative aspects? Its risks and potential? Its necessity or lack thereof?

7- Do they associate innovation with education? Are some fields priorities where innovation is currently crystallized? What do they think about the development of the educational system as regards what the workplace now requires in our country and in others? Is it appropriate?

8- What competencies do they link to innovation? All of this concerns professionalization, which impacts pathways and identity.

9- At an epistemological-methodological level: Do they see innovation as being more associated with linear deterministic processes, with processes or with a system of interactions?

10- Which aspects mentioned in the international literature do our professionals reference most?

From our analysis of responses given by Argentine professionals working in Argentina and in France, we are able to respond to questions concerning the definition of innovation, highlighting which aspects emerge from representations shared by both groups. We also note the silences that demonstrate a certain uncertainty or ignorance. Said representations have their correlations in practice. If they cannot be perceived in all of their complexity, what can be expected at the level of change and practice?[1]

4. The nucleus of the representation of innovation in light of representations observed (specific technique of hierarchical evocation)

After reading all individual responses for the **IAM** group, four categories were inferred:

<<Change that entails cognitive-procedural competencies>>

<<Changes that entails application and demanders>>

<<Change that looks to the future, to competitiveness and to political repositioning>>

<<Education at the base-level according to disciplines and contexts for transformation>>

From the combination of the criteria *frequency and importance* of the representations shared by PhDs, four quadrants emerged, mentioned above (see Techniques). The P2 quadrant constitutes the nucleus of the representation.

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[1] Responses to the rest of the questions will be given in subsequent articles (in preparation).

III. DEVELOPMENT

Following this article's logic, we will present our findings taking into account the responses of both groups (**PICTO and IAM**). We will mention both the convergences and the silences, which also "speak" and "communicate".

Of all the questions proposed with respect to innovation, here we will focus on:

i- Salient aspects of the definition: need for a demander; likewise, absent characteristics emerge which are decisive for defining something like innovation.

ii- Convergences found with respect to the salient character of innovation in the international literature; that is, that it is adopted and recognized by one's peers at a particular moment and place and that it is recognized as something (idea, concept, product) that impacts the *culture* (Csikzentmihalyi, 1988, 1998). We observe how many respondents made reference to the interaction between individual and context in the definition and how many referred to the cultural aspect. In other words, how many allude to the triad of Society/Culture/Personality associated with innovation.

We now continue with the analysis, going back to the categories found and their positioning in the four quadrants.

Item i- Salient aspects of the definition of innovation

Here we observe the need for a demander.

IAM: We begin with words used by individuals participating in an international academic mobility experience as regards the category **"Change that implies implementation with demanders".** The responses were the following:

Change that entails application and demanders / change that improves something / to find new solutions to old problems / utility: with more intention than creativity / speed / transformation with application / utility: connecting things that exist so that they become more useful / creating something to be applied / transference.

We observed that the need for application and the existence of demanders were essential in the case of two foreigners (from Germany); another two foreigners also mention this aspect; finally, four Argentines in the **IAM** group make a more indirect reference to this aspect, with a graduate student in Philosophy clearly stating: "transformation with application".

We will now see the terms evoked in relation to innovation, already included in the four categories and quadrants for the IAM group.

If we observe **Category 1** (associated with the demander), it does not appear in the nucleus but rather in the last and least significant of the peripheries **(P4)**.

P2: Nucleus of the representation (high frequency, high importance; henceforth F for frequency and I for importance). Here are found the following categories:

<<Change that entails cognitive-procedural strategies>> (High F, 32.6%; High I, 36%).

<<Change looking towards the future, competitiveness and political repositioning>> (High F, 25%; High I, 25%).

P4: This quadrant is the least representative as it joins what was least recurrent and least relevant for the group. It is precisely here where the category that defines innovation (application and demanders) together with another category can be found:

<<Change that entails application and demanders>> (Low F, 8, 7%; Low I, 10%).

<<Education at the base-level according to disciplines and contexts for transformation>> (Low F, 5, 4%; Low I, 7%).

Noteworthy observations:

A. IAM

1. With respect to **Category 1** (utility/demander): the fact that a defining element for an innovation to exist is that there must be a demander to implement it appears in quadrant P4 (low frequency: 8.7%, low importance: 2%). That is, *it is not a central aspect*, a fact which demonstrates a certain level of ignorance regarding what defines innovation. In absolute terms, only two professionals made any explicit mention of this.

1.a- It is also interesting to note that this aspect of "applicability" and "utility" appears in all of the responses from foreigners in France. On the other hand, "utility" is an aspect that is only secondary for the Argentines. This could be reflecting the traditional deep-rooted divorce between theory and practice; between academia and the productive and technological sector.

1.b- Only one professional observed that innovation was not something continual, but rather a spiral movement: "it implies creating in order to create again (non-continual)".

1.c- Only one professional saw innovation with a linear positive sense: "a change that improves something".

1.d- One connected it with creativity: "utility: more intentional than creativity". The perspective of the Germans who participated was clear in this sense, approximating the central element without which there is no innovation.

1.e- One Master's student understood it indirectly as a process: "utility: connecting things that exist to make them more useful". That is, she understood that innovation does not come out of nowhere, but rather always requires something previous. In this sense, it coincides with creativity (Csikzentmihalyi, 1998).

1.f- It is important to note that in this category for the IAM group, responses from four graduates of the hard sciences and five graduates from the soft sciences were included, however, only two Germans make express reference to "utility", one from the hard sciences and one from the soft sciences. Does context have an impact, with the German context being more pragmatic than the French or Argentine context?

1.g- The word change was used two times.

B. PICTO

If we observe **Category 1** "Application with impact", just as for the **IAM** group, it continues to be located in the quadrant of least importance (P4) when in reality it is the central aspect or element that defines innovation.

P2: Nucleus of the representation (high frequency, high importance). Only one category located here:

<<Change, improvement, progress (including technology, with funds)>> (High frequency, 36, 8%; High importance, 39%).

Here we will not dwell on the words evoked because this exceeds our objective. However, it is important to point out that in the case of PhDs at UNCuyo-PICTO, there appears repeatedly a reference to the *economic* aspect, to the absence of material resources that favor innovation. This was highlighted in the category with the term "funds".

The rest of the categories are located in quadrant P4 (low frequency, low importance):

<<Application with impact>> (Low F, 18, 3%; Low I, 20%).

<<Change that entails cognitive-procedural competencies (including creativity)>> (Low F, 20, 2%; Low I, 20%).

<< Education at the base-level according to disciplines and contexts for transformation >> (Low F, 8 7%; Low I, 7%).

As regards the category related to competencies, for the PICTO-UNCuyo group we included the word "creativity" as it appears several times, to such a point that some individuals confuse creativity with innovation. This implies a lack of knowledge of insufficient causes/conditions and effects. It also means being unaware of the "Time" and "Space" aspect that we have mentioned previously, that is, a before (that basically entails units of known information that can be combined) and an after. It is only then that innovation can be accepted as such by the context and valued for its cultural impact, at least for a time.

The presence of a demander, without which innovation could not exist, does not emerge practically.

The words evoked by PhDs at UNCuyo (PICTO) in relation to the <<Application with impact>> category are the following:

Hard sciences: (total = 15) extension / added value / relevance / experimentation / application / impact / applying new paradigms / problems / specific solutions / application of advanced science / applicability / pragmatism

Soft sciences: (total = 10) going beyond with impact / real change / solving a specific problem in the same way the world is solving its problems / give a response with impact / become aware of the opportunities of the present and give them future projection (in any realm) / generate something new from something already in existence that is adopted by someone

(individual or context) / create something that society is asking for and that before was not produced or was not considered a necessity

Directly speaking, "application with impact" was mentioned by three PhDs, with one stating that it is something society asks for that had never before been seen as necessary.

Item ii: Recognition of the idea, concept or product by others as an aspect of cultural impact

The idea of a need for recognition by expert peers (gatekeepers or evaluators) who determine if something is truly novel or original and if the idea, concept or product will have cultural impact did not appear in **the group in France (IAM),** nor did it appear in the PhDs in Mendoza (PICTO-UNCuyo).

Nevertheless, without this recognition innovation does not exist. Csikzentmihalyi (1998) is very clear in this regard, as is Gilbert (2011, 2013). Many have created novelties but they did not leave any imprint on society and have not been remembered. Recognition is therefore essential. However, as a concept it does not appear in the representations that our professionals (PICTO and IAM) have of innovation.

In view of the convergence of responses and associated factors, the cultural impact that the idea, concept or product must have to be considered an innovation is not present.

All of this means that neither group noted that innovation, linked to creativity, implies an interaction between individuals and their contexts. For the PICTO-UNCuyo group, only one PhD mentioned the word "convergence".

Globally then, we can deduce that innovation is linked to a systemic perspective.

IV. CONCLUSIONS FOR THE TWO GROUPS: PICTO AND IAM

-Firstly, we must point out the lack of clarity evident when identifying inherent and essential aspects of innovation.

-Secondly, the results demonstrate specific contexts for advanced university professionals, with their similarities and differences and strengths and weaknesses, which require specific responses both from organizations and from national educational and employment policy if they seek to be pertinent in order to lead to improvement and/or prevention.

-Thirdly, we observe a certain lacking in the relationship of innovation with other disciplines. Only some aspects mentioned would be associated with Social Psychology and even fewer with Cognitive Psychology. Cognition Sciences, with all of its sub-disciplines, does not appear. Nor does the Psychology of Communication.

These responses make evident holes in university education. What have we educated in? (Berlinger, 2017).

Challenges for education and employment systems are enormous. We must understand the effects of change and recover values and ethics which have been lost today.

We hope that these findings are useful to make others aware of the need to understand the different facets of innovation and of the ethics it implies; to reflect with university graduates and non-graduates alike, with business owners and government agents, in order to intervene, accompanying socio-technical transformations and favoring the personal, meso-organizational and macro development.

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Portuguese and Brazilian Family Business: in Between Urgency and Delay Perceptions in the Succession Process

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Abstract

Family business has been the focus of several studies over the last two decades and its relevance has been supported by the interdisciplinary perspectives in the fields of management, entrepreneurship, economics, psychology, and sociology. Despite that, there is still insufficient knowledge about the key role of family influences in the business, namely the intergenerational management succession, its planning and effectiveness. According to a recent research focused on the entrepreneurial succession in Portugal (AEP, 2011), 50% of family businesses are not passed on to the second generation and only 20% reach the third generation. In fact, business succession planning has been identified as one of the most challenging steps in the life of the family firm, both in maintaining the competiveness of the business, and in overcoming intra/ inter family conflicts. Nonetheless, resistance to succession, relationship founder/ successor, planning of succession, and type of organisational culture, among others, explain how executive succession is one of the most important and hardest tasks in organisational life (Zahra, 2005). This paper will be supported mainly by qualitative data, taking into account the main results from the project "Roadmap for Portuguese Family Businesses" (NORTE2020/FEDER) developed in Portugal (Marques, 2018) and in Brazil (Silva, 2018), which analyses in-depth interviews conducted to Portuguese (N 23) and Brazilian (N 11) founders/managers/owners. In the present article we wish to discuss the main management challenges of a family business, particularly the importance of succession preparation and the role of the family in the socialisation of the second (third or subsequent) generation.

Keywords: Portugal, Brazil, family business, succession, socialisation

Introduction

Family business has been the main focus of several studies over the last two decades and its relevance has been supported by the interdisciplinary perspectives in the fields of management, entrepreneurship, economics, psychology, and sociology. Despite that, there is little consensus regarding its definition (Moores, 2009; Tagiuri & Davis, 1996) and above all there appears to be insufficient knowledge about the key role of the family influences in business, namely the intergenerational management succession, its planning and effectiveness. According to a recent research which focused on the entrepreneurial succession in Portugal (AEP, 2011), 50% of family businesses are not passed on to the second generation and only 20% reach the third generation. Similar empirical findings were observed in the project "Roadmap for Portuguese Family Businesses" (NORTE2020/FEDER) developed in the North region of Portugal (Marques, 2018), and a set of critical aspects were pointed out, such as: i) less attention / preparation from family businesses to succession planning/ business leadership; ii) higher exigencies of balancing family, property and business; iii) vulnerability in attracting and, above all, retaining qualified professional, partly due to the "bad image" regarding the prevalence of careers and practices of nepotism or paternalism in family enterprises.

The family is one of the most reliable social structures in the transmission of values and rules through generations (Gersick et al., 1997). Family culture is part of one of three circles of family firm systems according to established literature (Moores, 2009; Tagiuri & Davis, 1996), which explain its importance in establishing and maintaining the family firm's culture. These

interactions make up the role of the family and it is expected to expand knowledge through the concepts of *familiness* and *socioemotional wealth* (Berrone *et al*., 2010). In fact, the socialisation of the next generation plays a key role both in the structure of the family structure and in maintaining or reinforcing business strategies in order to increase its performance and competitiveness in the internationalised markets. Therefore, business succession planning has been identified as one of the most challenging steps in the life of the family firm, both in maintaining the competiveness of the business and in overcoming intra/ inter family conflicts. However, founders and CEOs of family firms tend to be resistant to change or intentional (although not always conscious) postponement in dealing with the succession of the company (Naldi et al., 2007; Zellweger et al., 2007).

This paper will be supported mainly by qualitative data taking into account the main results from the project "Roadmap for Portuguese Family Businesses" (NORTE2020/FEDER) developed in Portugal (Marques, 2018) and in Brazil (Silva, 2018), which provides an analysis of in-depth interviews conducted to Portuguese (N 23) and Brazilian (N 11) founders/managers/owners. We aim to discuss the main management challenges of a family business, particularly the importance of succession preparation and the role of the family in the socialisation of the second (third or subsequent) generation.

The structure of this paper is articulated as follows: firstly , studies and theories focused on the succession process and its constraints and critical aspects are outlined; secondly, methodological notes both from the Portuguese and Brazilian contexts are presented, including research design and the sociodemographic profile of the interviewees in our study; thirdly, attention will be given to the analytical dimensions of discussion both about the succession process, and about *familiness* and *socioemotional wealth.* Lastly, we will outline research results, and present conclusions.

System, relationships and family culture

Family is a social system approved by law and practices in order to take care of the needs of its members. The bond that keeps the family together also accommodates it throughout its lifespan and the complex interpersonal relationships are constituted by the emotions and emotional ties developed there, bringing over the sense of responsibility and loyalty to the family as a system (Kepner, 1983, p. 60). In particular, the family aims to respond to emotional and social needs of its parties, namely: the feeling of belonging to a group and the individual's self-worth; the intimacy provided by the family, accompanied by the appreciation and esteem of each of its members; and the identity and development of autonomy through the differentiation of assigned social roles (associated norms and expectations).

The organisation of the family traditionally occurs in three subsystems: the couple's, the parents' and the children's. The couple aims to address the needs and expectations in the man-woman relationship and support the family system as a whole: acting in the family decisions and leading actions of symmetry, complementarity and reciprocity (Kepner, 1983: 62). When raising and educating their children, parents have a direct influence on how the conflicts between them are managed. The children are defined as an educational group to the social rules communicated by the parents. In turn, they can act as friends and/or compete for their parents' attention and approval. Hence, they experience moments with achieved expectations, while others are frustrated and with disputes for space and recognition.

Families, as well as companies, have a particular form of organisation. The main goal is to seek the unity of the family nucleus (father, mother and children) by means of "verbal rules of conduct" and "strong patterns of behavioural restriction": consciously communicated or maintained in an unconscious way. That regulation is established within the family culture. For Kepner (1983, p. 64), culture is defined as:

"[…] a way of understanding and thinking, judging, assessing and feeling; a way of acting towards the others, of doing things and solving problems. Culture deals with questions of internal integration and social survival, and consequently, it tends to be transmitted as a set of solutions adopted for the next generations. By providing a set of rules for action, the cultural pattern, whether adopted or inherited, is aimed at reducing anxiety; it gives direction, value and meaning to what could be experimented such as confusing and overwhelming events. Families develop rules to reinforce their culture. These are generally hidden, but can be deduced through behaviour and communication".

In this regard, family culture always expresses its members' relationships and feelings, wherefore family conflicts also integrate the cultural dimension of the family. These may be analysed as the way whereby the family system deals with the differences between its members. In other words, it may follow suppression strategies, or eventually, debilitation strategies of the means of communication and gestures of affection, enhancing the discussion and questioning of the rules and customs. In turn, the repression of the conflict which motivates disagreement does not make it disappear, since everything

nearly always tends to be repressed, hidden, dormant and, in a set opportunity, may reappear more aggressively and violently, even risking the sustainability of the family ties in the medium and long term.

Nevertheless, in view of the profound transformations of the family structures along the twentieth and beginning of the twenty-first century (Torres, 2002; Leandro, 2001), new insights are required about the implications of the social and gender roles within the framework of the family relations reconfigured nowadays. A consequence of the decline of marriage, the increase of the divorce rate, the tendency for cohabitation and multiple marital arrangements, and new family ties (Wall, 2005), the family system faces relevant internal challenges concerning the attributions and contents of the roles of the respective members that integrate it, with significant impacts on the potential dimension of conflicts and complex strategies that need to be mobilised in order to mitigate or suppress them.

The self-regulating systems of implicit and explicit principles of the action, usually with a strong emotional nature, take on a crucial dimension both in intra-family and business life, and in family relations, business and society in general. They tend to configure strategies of preservation of material (a position held in the social class structure) and immaterial heritage, related with the economic resources (and property) and the investment in school credentials. Those systems also include strategies of transmission of the family ethos, its traditions and values, apart from the preservation of the "secret" of the family business and the privileged connection with the surrounding community. These aspects enable the appraisal of the "family culture" in the direction of *familiness* (Habbershon & Williams, 1999), by means of the resources that the family business has in the interaction of the family as a whole. In short, specific literature revisited (Table 1) may highlight the main dimensions both of *familiness* and of *socioemotional wealth*.

Table 1 - *Familiness* and *socioemotional wealth cultural dimensions*

Cultural dimensions	*Familiness*	*Socioemotional wealth* (SEW)
Professional skills of family members	- Reputation and experience - Organisational (decision making and learning) - Process (network of relationships) (Berrone *et al.*, 2010)	- Control and the influence of the family - Identification of the family members with the company (Newbert & Craig, 2017)
Succession	- Shared vision and purpose, unique language, stories and culture - Relational: trust, norms, obligations and identity (Gómez-Mejía *et al.*, 2016)	Renovation of the family ties to the business by means of dynastic succession (Moyano, 2007)
Strategic vision of the business	- Decision propositions that reach property, management and control - Proficiency/competence of the active members in the family business (Barros *et al.*, 2017)	- Control and influence of the family. (Berrone *et al.*, 2012)
Relationships between partners and non-family managers	- Family bond - employed - Identity of the family business (Zellweger *et al.*, 2010)	- Social bonds - Emotional attachment (Berrone *et al.*, 2012)
Rivalry between generations	- Information sharing between the active members in the family business - Transgenerational orientation (Barros *et al.*, 2017)	- Renovation of the family ties to the business by means of dynastic succession (Moyano, 2007).

Source: Own elaboration

Methodological notes

A study developed in 2011 by consultancy Egon Zehnder International (Carniaux & Schuler, 2011, p. 32)[1] with 720 managers worldwide based on experiences in family businesses, pointed out the main causes of the conflicts which were organised in three specific domains: capital, business and family. Also, the European Family Business Barometer (KPMG, 2017) foresees that in the next five years, at the European level, the greatest transfer of power and intergenerational wealth in modern times will occur. However, the issue of succession remains simultaneously one of the critical points and challenges of any family business, mainly due to the lack of preparation of the successor. In the project "Roadmap for Portuguese Family Businesses" (NORTE2020/FEDER) developed in Portugal, in order for the company to achieve

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[1] This study involved 720 managers worldwide, who were asked a set of question based on their experiences in family businesses.

success, three strategic conditions were identified, namely: the ability to separate family and business interests; the existence of strategic planning in the medium and long term; and the planning and training of the successor before the effective start of functions. In sum, these studies converge in the importance of key critical or challenging aspects in the family business, but also put emphasis on the lack of knowledge regarding the internal dynamics of a family business so as to highlight conflicts and strategies that will enable coping in the succession process. The option of a qualitative research approach is justified if we take into account the theoretical background supported in the family business culture (Gersick *et al*., 1997), particularly its family history, identity and motivational structures, and the *familiness* as a set of idiosyncratic resources based on owners' values, such as reputation, trust, enterprising spirit, local responsibility, and so on. Furthermore, in order to expand our understanding regarding this issue, the analyses of two different countries have been provided through the triangulation of in-depth interviews conducted to Portuguese (N 23) and Brazilian (N 11) founders/ managers/owners.

At the beginning of the data gathering process, access to these companies was negotiated with the family leaders or owners. In each country, the researcher provided information regarding both the purpose of the study through an initial conversation, and the establishment of the interview protocol (with specificities according to the national context)[1]. The interview had an open-ended format and was geared towards several topics like the history of the company, business characteristics, governance strategies, internationalisation and the challenge of digital economy, profiles and employees, and other aspects of internal functioning. The respondents were invited to answer questions about their assumptions regarding those topics. Thus, for the purpose of this paper we will be focusing on their assumptions in the relation between family and firm concerning the succession process, as well as the perceived changes in the business during its history and the near future. As we mentioned previously, our main goal consists not only in highlighting how the succession process was (or not) planned, but also in focusing on the role of the family in the socialisation of the second (third or subsequent) generation.

Main findings and discussion

Profile of founders/ family owners from Portugal and Brazil

In Portugal, among the 23 interviewees, two-thirds are males aged between 30 and 60 (the 40 to 50 age group is the most significant), and the overwhelming majority holds higher education degrees (undergraduate, master's and doctorate). Moreover, they are either founders or 2nd generation entrepreneurs, although some are already 3rd generation or subsequent, who predominantly assume the status of managing partner or CEO, and have been at the head of the company's destinies for more than 20 years.

In Brazil, 11 people were interviewed, among whom 35% were women. Two-thirds are present in the age group from 40 to 60 and the vast majority hold higher education degrees (undergraduate, master's and doctorate). The Brazilian sample included founders, 2nd or 4th generation entrepreneurs who predominantly assume the status of CEO and partners who have been leading the company´s destinies for more than 30 years.

Broadly, the most frequent words that emerged from the interview content were, in great prominence, "company", followed by "family", "non-family member", "work", "business", "generation", and "sons and daughters".

Succession challenge and family conflicts: common aspects and singularities

In the current paper we wish to discuss the main management challenges of a family business, particularly the resistance to succession, the relationship founder/ successor, succession planning and the role of the family in the socialisation of the second, third or subsequent generations. As the number of family members increases, and in spite of the fact that more options become available for choosing the successor, there may be a greater number of family members who do not wish to work in the family business, even though they expect to derive benefits from it. On the one hand, these attitudes can generate tension within the family and among the members who work in the company *versus* those who do not and; on the other hand, they can exacerbate existing conflicts. Hence, it is vital to establish rules of conduct that define how the family interacts in management through the definition of governance structures with the purpose of promoting its continuity.

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[1] Each interview was audiotape-recorded and immediately transcribed verbatim by the researcher. For content analysis, MaxQDA was used for codification of the interview.

Three strategies may be emphasised according to our main findings: 1) postponement of the succession accompanied by the naturalisation of the "future" successor mainly in firms from the first generation; 2) informal and unplanned succession process due to the death of the founder or due to gender role bias; 3) recognition of the succession preparation as a way of guaranteeing the company's longevity, including potential sources of conflict, some of which are explicit and others latent.

Bearing in mind the first strategy, the absence of established rules puts emphasis on the postponement of the formalisation of the succession process, assumed as a pacific process among the family descendants. Moreover, in some circumstances, namely in one Brazilian firm, succession seems to be programmed, although no kind of formal instrument has been used to guarantee that.

"No, I didn't [think about succession]! I have two children, and they also like this space very much. Succession will obviously be theirs, it will be theirs, but let's see how it goes in two years' time, let's wait and see!" (E4_1st Generation_ Portugal)

"For now they [children] are still studying and they are still young, although the eldest already helps us at the weekend. He has been out with us to do some repair work on some machines to help us out. In fact, we wanted to give him a sense of responsibility and teach him how to earn his own money, his pocket money. Getting their own remuneration is also very enticing for them." (E20_1st Generation_ Portugal)

"The power structure is maintained in the next generation: the chosen one was the eldest son of our current president. Today succession is arranged" (E3_ 2nd Generation_ Brazil).

However, the absence of established rules also places emphasis on the conflicts and continuity of the business itself. When the founder died or got ill, the lack of suitable communication between the direct or indirect descendants, as well as the specific training to manage the company, were pointed out as critical challenges to the governance strategy and the guaranteed family staff professionalisation.

"Communication between collaborator, management and company direction is distant. My uncles barely speak to each other and this has consequences on their subordinates who end up getting very few guidelines regarding what should be done. In the morning they get one directive and in the afternoon they may get a different one." (E3_1st Generation_Brazil).

"There has never been effective dialogue. After my grandfather had a heart attack and was told to stop working, we tried joint management which didn't work between the two brothers. The heads of the company were set up regardless of the powers (…) succession wasn't prepared, power wasn't transparent and the business would yield until they realised that the financing gap was huge." (E5_4th Generation_Brazil).

In this situation, according to literature on the topic (cf. Table 1), the family's socio-economic health is affected and the capacity to renew the family ties with the company after a succession process is called into question. The emotional bonds between brothers, the assignment of duties and responsibility among the family members, managing expectations and dividends, constitute critical moments towards the maintenance of the family business:

"My brother and I communicate differently with the employees. We speak in a different way and this is not good for me. How can I manage my emotions at work?" (E4_2nd Generation_Brazil).

"My brother centralised power after our father died, so dialogue between us decreased. (…) My other brother makes payments without my consent. This disallows me in front of my employees.". (E1_2nd Generation_Brazil).

"My cousin was placed in the company regardless of the advice proposed by the family. This has been causing some conflict when the employees do not know whose directions they should follow." (E5_4th Generation_Brazil).

In turn, the fact that social roles are assigned to the different members of the family according to gender illustrates both the persistence of cultural patterns based on sexism, and the rupture of those patterns when we project the transference of the business succession onto the daughter, due to the fact that she has higher academic qualifications and professionalisation. The latter situation is particularly emphasised in the case of family businesses analysed in Portugal.

"Succession is done by men. There is sexism in the power structure of the family business. My uncle, one of the founders, didn't explain how the partner should be respected. He was very technical and not as flexible; he would end up listening to our opinions, but today, not even this happens." (E1_2nd Generation_Brazil).

"Sexism is in the organisational culture. Capital is allocated via the persistence of sexist behaviours that were dealt with, however, they still come back and make social coexistence somewhat cumbersome." (E6_2nd Generation_Brazil).

Nevertheless, either because they are owners/shareholders, or because they hold managerial positions, family businesses undergo relevant transformations, in particular because they put emphasis on female entrepreneurs, for example in traditional sectors such as metalworking. To take up high-end positions effectively performing duties has been relevant at the level of the 2nd and 3rd generation family companies. The choice of this "female" leadership may be rooted in the fact that the descendants are only women, but it may also happen due to these women's profile. In addition, it is important to bear in mind that many managers/owners tend to hold academic qualifications which are more suited for specific areas of the business in the Portuguese family businesses under analysis in the current paper.

"We know for a fact that women have had fewer opportunities than men! That is obvious, but I personally prefer to look at people, in other words, I prefer to know if they are good professionals, whether male or female! If they perform their duty well, his/her opportunities will become available and he/she will have his/her place (…)" (E6_4th Generation_Portugal)

"My father said: '- My dear daughter, I was wondering if you would like to work at the factory?' I just stared at him, at the factory? 'The thing is, I don't see your sisters working there! If you don't do it, I can't see any of them adapting to that reality." (E9_5th Generation_Portugal)

"It is a very positive experience! Apart from the fact that it's a woman working in the company – and I have had proposals to work outside – I am a member of some associations precisely because I am a woman in the area of business management. Somehow that opens some doors and brings some recognition. It is good to see that people acknowledge you, and also, to see how the company has evolved in just a few years." (E1_2nd Generation_Portugal)

Lastly, the strategy set up to prepare succession starts in the definition of the formal instruments of power transfer and constitution of the administrative boards, though to a lesser extent in the companies analysed in Portugal, by comparison with the ones from Brazil. When succession happens, not exempt from conflict, its preparation is decisive, as we can observe from the testimonies below:

"In 2001, my father and my uncle realised that in order to ensure the continuity of their business they depended on us, we had to be involved, and also the capital and they also depended on the capital invested here. If they sold the business, they would never get the value they wanted, the fair price for them! Thus, they realised that if they donated it to us or gave us the opportunity to continue managing the business, they could have a fixed income, a steady income until the they died. And that's exactly what happened. There were deals, meetings and they realised that we [my sister and I] would be the followers, the next in line. That was the decision, but it was prepared by our father, taking into account our decision. We said that we needed some safeguards, we didn't want to work in the company for 10 or 20 years and at the time of our death we would be fighting each other. Let's define dates, set up when that happens. What safeguards will you give us? (…) There is a document … part of it was donated and another part was the right of usufruct and usufruct could be claimed at any time (…). There was some conflict, as expected, and different opinions. There were moments when it seemed that this would be in vain. We went back and forth, but in the end it worked! I believe that there is merit, in this case, thanks to my father and uncle who accepted, but thanks to us as well for giving them the safeguards they wanted, ensuring they would still be connected, safe!" (E23_3rd Geração_Portugal)

"My 30year-old cousin applied for the presidency of the company. He met all the requirements formalised in the family protocol and approved by the boards: administrative, societal and familial. The only thing missing was to have his application approved by the administrative board. Two foreign advisors refused his application for deeming the candidate's professional profile immature. Two more internal/family advisors – from a total of five advisors – did the same. My cousin immediately walked away from the succession line, and today he is only a shareholder and lives in another country. Although he had met all the requirements for the presidency, it hadn't been specified what professional experience was necessary for the relatives to apply for succession" (E2_2nd Generation_Brazil).

"We will not accept the "put in a good word" mechanism. We plan succession and worry about the qualifications and training of the heirs. There are goals for those who apply for succession: both training and academic goals. (…) I try to deal with the second generation with care, tactfulness and a certain degree of control. Some who participate in the boards end up understanding the developments of neutrality and transparency, strengthening relationships without getting involved emotionally " (E2_2nd Generation_Brazil).

"Another family member was hired. He caused differences in the business strategies: he lacked the human competence, so the path to professionalisation was still open. A family board was created and a nephew was brought in to perform the duties aligned with the business management. There, a breach for professionalisation occurred, with the selection of an entrepreneurial manager. (…) We had to map processes and create departments for professionalisation. Now there is someone reporting to the four partners. Also, a system of managerial management was hired for the financial autonomy of the company." (E7_2nd Generation_Brasil).

"A headhunter was hired: he brought in an executive from the labour market to try and invert the company outcome. Consultants of family businesses were also hired. (…). By virtue of the very bad financial outcomes, governance tools have been used to help in the differences of personal values between the two brothers who were making decisions within the company. Those conflict scenarios were reported to partners and collaborators. A family business consultant suggested the following conditions: the two brothers ahead of the business should sign a shareholders' deal and install a family advisory board. In three months they managed to sign the shareholders' deal, however the partners saw their powers decrease and also their roles in the business operation, generating doubt among the managers as to who they should listen to. Should they abide by their rules or obey the executive director. (...) The new executive board proposed a limit of competences to the executives which was accepted by the partners. The cap intended to restrain the degree of uneasiness between their relationship. The board proposed was created with the aim of understanding how the new family members would continue in the company. It didn't work due to the level of offences, non-productive discussions, and it greatly affected people's emotional health." (E5_4th Generation_Brazil).

Conclusions

Our results point to the importance of meeting the redefinitions which emerge from the concept of family and its relationship with the family business, given the importance of the family in the socialisation dimension and in the transmission of values and norms geared towards the business, with a crucial influence on the continuity of the business and on the capacity to manage the resulting conflicts. It is essential then, to confer visibility to culture, power relations (e.g. conciliation, conflict), but also to the relations of complicity, respect, trust of the family members (executive and non-executive) involved in the life of family businesses and conciliation with the family.

In effect, in the comparison between Portuguese family businesses and their Brazilian counterparts, it was possible to highlight both the common aspects, and the singularities associated with the succession strategies. Right from the start, it is important to mention that the respondents acknowledged the importance of succession as a practice for the longevity of the business. The successor's and the former owner's legitimacy is transmitted through the power structure, and it is possible to communicate the deep knowledge about patrimony and the respect for the limits of wealth creation. That legitimacy is also communicated via the mission and legacy of culture transmitted to the generations, value networks and their background. However, for the first generation Portuguese companies, for example, that question is "natural" due to the family ties established, thus postponing its preparation. As for the Brazilian companies, what becomes clear is the importance of preparing succession through protocols, family councils and other tools to resolve conflicts resulting from the division of incomes, assignment of roles and responsibilities among family members, hiring or not hiring of family members and non-family members, among other aspects.

Similarly, the persistence of conflicts in the process of succession makes it urgent to rethink the internal communication mechanisms within the company and in its relationship with the family, in particular regarding the identification of problems an emotional nature. The latter assumes a particular prominence in the Brazilian companies analysed. The renewal of the family bonds with the company constitutes an important moment to reaffirm the dimensions of *familiness*, namely cognitive, affective (reputation, trust, loyalty, etc.), organisational (education, training and decision-making) and transgenerational to ensure the continuity of the business (communication, planning and professionalisation).

Lastly, we should highlight the importance of family reputation and resilience associated to the concern in maintaining family leadership before the external economic environment. By guaranteeing an intangible "brand", the family businesses aim to increase the means and tangible resources for the sustainability of its economic activity, becoming competitive in markets which are increasingly globalised. Simultaneously, due to the strong bond with the place where they were born, the commitment and territorial cohesion make these economic agents become relevant actors for local development.

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Epitome of Media Education with the Educational Process and its Impact on Developing Students'overall Knowledge

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Abstract

The work itself embodies a conceptual highlight of the new approach of the global education, which is the epitome of media education with the educational process. Media education is an indispensable need and an inevitable requirement of global education with a particular role in the development of students' overall knowledge and skills, in particular the creation of a new educational culture and the creation of shared values. The media education at the time of the rapid changes in the field of global education, occupies a special place in achieving qualitative and effective education. The purpose of this paper is to get acquainted with the basic concepts of media education, the possibility of the epitome of media education with educational content during the educational process, the role and effects of this education with the aim of informing relevant school stakeholders on the importance of integrating this education towards the improvement of quality in education.

Keywords: epitome of media education, teaching content, the impact of media education on knowledge development.

Introduction

Global education as an overall process of learning, with a purposeful and lasting impact poses many demands, one of which is that schools have a new developmental approach to learning, in addition to the changes of global society. This new learning approach would enable learners to develop and improve their individual skills, creativity, critical thinking, and cultivate knowledge which they could use throughout their lives.

Schools as educational institutions would play an even greater role in developing and educating young people, in training them in different fields in every aspect of school life by creating and offering numerous opportunities for a quality and effective education with a new approach to education such as media education

Integration, respectively the application of media education during the teaching process, with its educational effects would serve for a better cognitive development of the students, in forming social attitudes and common values by preparing them as active and competitive citizens, with a media culture in the society of knowledge.

The conceptual framework of media education and its purpose

Media education is a process which in its course includes a new approach of learning towards the intellectual and holistic development of students.

Numerous authors have defined media education as an education that leads students to learn how to act, think critically, and develop their creative abilities and skills necessary for life.

The four main points which media education relies on and which make it special are:

1) The knowledge about media (informative aspect);
2) The use of media (in an interactive way);
3) Personal creativity in the media (aesthetics, creation);
4) Critics of media (reflexive, analytical, ethical, anlaysis etc.) (Musai,2011: 3):

A large number of authors and theorists have provided numerous definitions regarding media education and its positive effects on intellectual development and preparing young people for active citizenship. Thus, author Bardhyl Musai and his collaborators have defined media education as an approach to media culture which "… is defined as the ability to approach, analyze, evaluate and produce communication in a variety of forms. It is similar to information literacy and includes many components of technological literacy" He further states that "Media education leads children towards the valueof the higher culture, to better forms of behavior or to more rational and politically correct beliefs." (Musai, 2011: 53-69).

Another definition drawn from the research by" Media, Reform Centar, Niš " is that media education teaches how to think, value, act, not just what to think, but emphasizes methods such as critical thinking , solving the stimulation and logical thinking. (Media &Reform, 2016:5)

Alsothe UNESCO definition of 1982 in the Paris Agenda for Education is that" Media education contributes to people's empowerment and a shared sense of responsibility in society and as such is part of citizenship and human rights education"

Also the researcher Tolić in her research "Temeljni pojmovi suvremene medijske pedagogije" has given the definition of media education according to which "Media education means " think + act" critically .... "Media education is not only a study, but also a research, taking a critical attitude in achieving the ultimate goals of media competences" (Tolić, 2009:101-102).

Therefore, media education today is dedicated to children from preschool to adulthood, where the demand of global society is to prepare young people for life. This education represents one of the most important and indispensable factors of achievement of a quality education with special features of contemporary education.

Definitions of education purposes

The purpose of this paper is to get acquainted with the basic concepts of media education, the possibility of embedding media education with learning content during the educational process, the role and effects of this education with the aim of informing relevant school factors on the importance of integrating this education towards the improvement of quality in education. Numerous scholars from this field in their research have clearly defined the purpose of Media education , Musai, 2011 states that the media goal "aims to help students develop the thinking and expression skills needed to be critical thinkers, effective communicators and active citizens of today's society."(Musai,2011 :53). It further emphasizes that "The purpose of media education is to prepare children to understand and actively participate in the media culture that surrounds them. The emphasis is on critical comprehension and analysis, which are based on students' critical and creative thinking habits" (Musai,2011: 69). One of the goals of media education is to empower young people to be potential candidates in the labor market.

 The research made on media writing by Media & Reform Centar at the University of Niš, Faculty of Philosophy states that "The purpose of media education is to change the perception of the meaning and purpose of education and how it is implemented. Education is not just about transferring knowledge, education is about applying the acquired knowledge, experiencing it, it is wisdom, and only then it does make sense" (Media & Reform, 2016 : 4) . Also the author of the research "Media Education in Kindergarten", Zorica Petrović clearly states that "The fundamental purpose of media education is to achieve media competence" ... "the important purpose of media education is to build an active and creative relationship in children towards the media" (Petrović, 2011:387,392).

From the above described we can say that the purpose of media education is to create a genuine media culture and mentality in the student's mind and activity that would enable students to become active citizens with professional competences, which means their full development.

The possibility of encapsulating media education with teaching content during the educational process

Teachers, respectively educators are the key factors in incorporating the concepts of media education into the learning content and their realization during the teaching process. Teachers are the pearls of building and acquiring the knowledge, collaborative skills and skills needed for a successful life. There are many dilemmas that we face. One of them is how we can successfully accomplish a teaching content encapsulating in media education. Author Musa and his collaborators have provided 12 guidelines on how teachers should act to implement this new approach during the teaching process. Let us just list two of them (Musai, 2011:54- 55) :

1. **Practice general observation, critical thinking, analysis, a certain point of view and communication habits. This will be achieved:**

By teaching students to ask questions that help them think critically about the information presented to the media (including information in the most viewed books or media at home).

2. **Stir up interest in a new topic. This will be achieved:**

By encouraging students to search the media for information about a topic. Usingshort videos, magazine illustrations, and short articles stimulating a discussion and encouraging students to discuss what they know and express their opinions on the topic under discussion" (Musai,2011:54-55).

Therefore, the educator, respectively the teacher, plays a special role in creating a special place of media education during the teaching process. Teachers are the key factors in changing teaching content and applying new approaches when organizing and leading the educational process. The teacher is required to make changes in the educational work plan and program, the way they are approached, bringing innovation during the education process. So encourage students to think independently, to be actively participe in the learning process, to develop their personal skills, to acquire the skills necessary for life, and to be encouraged to benefit from the experiences in the implementation of media education.

The Role and Effects of Incorporating Media Education in Learning Content

It is clearly stated that media education enables students to build their knowledge and develop their social skills necessary for life. Media education, on the other hand, is thought to play a special role in the intellectual development, students' thinking skills, and overall development of students, in view of the development and advancement of the society of knowledge.

The effect of epitome of media education with learning content during the teaching process is obvious in learning, activities and its application during the teaching process. Therefore, author Zelembrz, 2018 in her paper cites that authors "Matijević i Topolovčan, 2017"emphasize that digital media during the teaching process enables:

- Individualization of work,
- situational learning (conceptual)
- learning by research
- learning how to solve problems,
- collaborative learning
- learning through games
- project learning

(Matijević i Topolovčan,2017 cited by Zelembrz,2018:7).

Also Mesaroš Živkov, A and her collaborators, 2019 point out that "new media is the support of children in the learning process in a new way; through problem solving, research approaches, finding and memorizing information, till the explicit research of their ideas, propositions and opinions"(Mesaroš Živkov,2018:33).

Certainlythe effects of epitome of media education with the learning content during the teaching process are numerous. Thusmedia education has its positive effect on many aspects of cognitive, intellectual, physical and social developmental skills. In the cognitive aspect we are concerned with the construction, acquisition and development of knowledge, with critical and logical thinking by actively participating and enhancing students' awareness of the importance of mediating writing, where among other things "mediating writing teaches us with the skills we need to navigate the sea of images and messages in everyday life" (Media &Reform, 2016:5).

The positive effect is also seen in the social aspect where students are raised in their motivation and awareness for social improvement and social cooperation in the development of social skills, collaborative work in solving the problems that have been set, encouragement of creativity that directly affects in their social development. The effects of media education can also appear on students' motivation for collaborative work, stimulation for creative activity, and active learning.

The epitome of media education with teaching content is today considered as one of the opportunities for the development and advancement of contemporary education.

Conclusion

From the literature review, it has been noted that the epitome of media education in the teaching process is more than necessary because of its role and effect in educating students through which they build and acquire the necessary knowledge and skills. A well prepared and organized media content teaching would have a significant impact on student preparation and knowledge acquisition for real life implementation, which contributes to the proper functioning of teaching and learning.

It is therefore necessary to raise awareness of relevant school factors on the inclusion of media education in teaching content and its application during the teaching process. So teachers need to be promoted in a continuous professional development in order to respond to the demands of the global society for contemporary teaching that offers numerous creative opportunities, freedom of expression and problem solving, various intellectual activities, improvement of the teacher-student relationship, which results in their continued motivation and interest in working together.

Practicing media education in Kosovo schools is more than necessary, so this paper will be a major contribution to raising awareness of relevant education factors to incorporate media education in schools and promoting it in Kosovo society.

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Albanian and English *Hand in Hand* Phraseologically

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Abstract

Phraseological expressions which contain at least one body-part are common in all the languages. In this paper we want to compare those kinds of expressions which are formed with the word *dorë/ duar* in Albanian and *hand* in English. Our expressions are extracted both form monolingual and bilingual Albanian and English phraseological dictionaries. The expressions we have chosen are analysed from the cognitive standpoint, i.e. when we look at the expressions we try to gain an insight into how these two peoples, speaking languages which are distantly related and different in terms of organisation, see and conceptualize the world around them and as a result shape it linguistically. This process has undoubtedly attracted the attention of researchers (and the resulting ongoing debate) around the world. In order to see how comparable the world view and cultures of these two languages and peoples are we compare the syntactic and semantic structure of phraseological expressions containing the relevant body-part term.

Keywords: Body part, phraseological expressions, Albanian, English, false friends

1. Introduction

Phraseological expressions are a very important part of the language of a people. Regardless of the various definitions given to them by different scholars, they express the same /or similar world conceptualisation realized in a way which is uniquely language-specific. So, phraseological expressions are no exception to this rule since they are part of the basic vocabulary of a people. Every language learner finds it difficult to get the hang of them since they comprise a huge chunk of the vocabulary of every language. As Wierzbicka puts it "The dictionary is a very sensitive indicator of the culture of a nation" ANNA WIERZBICKA (1997: p, iii). So, this means that whenever we compare languages, and by extension cultures, we also compare the various phraseological expressions they use. In doing this, we find how and if languages, which are distant from one another both geographically but also lingusitically, Albanian and English in our case, realize a particular semantic concept. This question served as our starting point to investigate phraseological expressions with the word *dorë / duar* in Albanian and *hand* in English. The aim of our paper is to investigate whether the word *hand / dorë* is used in praselogical units with its basic meaning e.g. hand, (this limb as a representative of the person which performs something, causes something, or possesses something) and whether or not there are phraseological correspondences between Albanian and English containing this body-part term.

Before we proceed with our analysis we would like to say a few words regarding the terminology in this field. It is not the aim of our paper to discuss if and to what extent scholars agree on what is and is not a phraseological expression and why they go by various names but it is safe to say that opinions differ since such expressions display the richness and diversity of human language itself and tend to defy any attempt at categorising them a priori. And different designations are used for different expressions which share similar characteristics but which are different otherwise. Regarding their semantic unity we can say that they fall into a sliding scale ranging from the opaque (the famous *kick the bucket*) and fixed to transparent and variable (*hard frost*) with idiom taking pride of place, see Gläser (1998: 126). In our paper we will cast our phraseological net not so wide (we deal with only one concept).

2. Semantic analysis

We start our semantic analysis by stating obviously that the word under question has a rich semantic structure in both languages, its senses are derivatives of the processes of the work of metaphor and metonymy which use as their jumping board this limb as a representative of the person which performs something, causes something, or possesses something. English has the phraseological upper hand for obvious reasons in terms of volume.

As far as the semantics of the phraseological units containing the body-part term "dorë" in Albanian is concerned, actually a small part of them express action where this body-part term is used in its conventional meaning and is, therefore, the doer of the action. The rest have other connotations ranging from carelessness, emotion, state of being, acquiring an ability, exploitation, artfulness, malice, negligence, ingratitude, lack of willingness, compassion, graft, theft and even loss.

First we present those expressions expressing action.

-Ngre (çon) dorë (dorën) (kundër dikujt a kundër diçkaje) (lift (raise) hand (the hand) (against someone or something); *lift/raise one's **hand** against sb*)[1]

- I dha duart (dikujt) (gave (someone) the hands*; kick out*)

-Ia bëj me dorë (dikujt a diçkaje) (to wave one's hand (at someone or something)*;not to need someone or something anymore*)

We continue with those expressions which express emotion, state of being, acquiring an ability, exploitation, artfulness, malice, negligence, ingratitude, lack of willingness, compassion, graft, theft and even loss.

-Hedh gurin e fsheh dorën (dikush) ((someone) flings the stone and hides the hand; commit a wrongdoing but deny responsibility)

-S'më bën dora *(*one's hand is unwilling to act, to pity someone or something*;* to be unwilling to do something)

-U bë një dorë (dikush) (became one hand (someone); to crouch out of fear, cold, problems)

-E ka dorën të shpuar (dikush) ((someone) has a pierced hand*;* to spend money recklessly)

-Syri plot e dora thatë (the eye is full but the hand is dry*;* to see a lot of things around but to be unable to buy)

-I nxjerr gështenjat (nga zjarri) me duart e botës (pull the chestnuts (out of the fire) with the world's hand*; pull the \someone's chestnuts out of the fire*)**.**

Here we feel it is apropos to make a clarification, even though this seems to be the case of a total equivalence in fact we are dealing with a false friend which according to Dobrovol'skij (2005: p, 109), are ''two or more expressions that evoke almost identical or very similar mental images but show significant differences in the actual meaning'', thus the intended meaning of the expression in Albanian is to achieve something using someone else as a cat's paw, unlike the English which carries a different meaning.

-E ka prishur dorën (dikush) ((someone) has spoiled his/her hand*;* the quality has declined)

-E la pas dore (dikë a diçka) (to leave (someone or something) behind hand*;* forget about something)

-E mbledh (e rrudh) dorën (clench (shrink) the fist*;* start spending less)

-Ia dha veshët në dorë (dikujt) (to give (someone) the ears on hand*;* to berate some usually by tweaking their **ears**)

-Ia kthej dorën (dikujt) *(*to return (someone's) hand*;* not to accept someone's proposal for marriage)

-Më la me duar në ijë (dikush) ((someone) left me with my hands on my hip*; have (one) in stitches*)

-Fërkon duart (dikush) ((someone) rubs their hands*;* to gloat)

-Fut duart (diku) (he /she puts the hands (somewhere*);* to interfere)

-I holloi duart (dikush) ((he/she) thinned their hands*;* to be very happy about something)

-Të jep dorë (diçka) (it gives (you) a hand*;* it is convenient, handy)

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[1] For ease of understanding, every Albanian expression is followed by its literal translation into English, and the corresponding English expression. The English expression is printed in italics and the body-part term in bold. All idiomatic expressions are in italics whereas the non-idiomatic ones are in normal.

-I jep dorën e të merr (të rrëmben) krahun (dikush) (you give him/her the hand and they take (grab) the arm; *give (someone) an inch and (someone) (will) take a mile)*

-E ka lënë në dorë të fatit (dikë a diçka) (has left (someone or something) on the hand of fate; *to abandon)*

-E ka (e mban) dorën grusht (dikush) (someone) has (keeps) the hand clenched; *to be stingy)*

-Ç'i sheh syri ia bën dora (dikujt) (what the eye sees, the hand does; *Jack of all trades)*

-S'më bëjnë duart (për diçka) (my hands do not do; *to be all **thumbs**)*

-njëra dorë lan tjetrën, të dyja lajnë fytyrën (faqet) (one hand washes the other, together they wash the face (the cheeks); *scratch my **back** and I'll scratch yours)*

-Ia marr dorën (one takes the hand of something; *get the hang of something)*

-I ka duart të arta (dikush) ((someone) has golden hands; *to be very good at)*

-Dora e djathtë (e dikujt) (the right hand (of someone); *right-**hand** man)*

-Ia leu dorën (duart) (dikujt) (he /she lubricated the hand (the hands) (of someone); *grease/oil sb's **palm**)*

-Ia njomi (ia lagu) dorën (dikujt) (he/she wetted (moistened) the hand; *grease/oil sb's **palm**)*

-E jep nën dorë (diçka) *(he /she gives it under hand; grease/oil sb's **palm**)*

-Me zemër në dorë (with heart on the hand; *hand over **heart**)*

-I lë dorë të lirë (dikujt) (leave (someone) free hand; *give sb a free **hand**)*

-Më doli nga dora (dore, duarsh) *(diçka) (dikush)* ((someone) (something) got out of my hand (hands); *get out of **hand**)*

-I jap (i hedh) dorën (një dorë) (dikujt) (give (cast) the hand (a hand) (to someone); *give/lend a (helping) **hand**)*

-E lidhi këmbë e duar (dikë) (bound (someone) feet and hands; *bind sb **hand** and **foot**)*

Here again we would like to make a clarification, although the two expressions may seem identical, their meanings differ, in Albanian the primary meaning is to render someone powerless not in the physical sense, but metaphorically, unlike the English.

-Me të dyja duart (with both hands; *with both **hands**)*

-I lava (i fshiva) duart (nga dikush a nga diçka) (I washed (wiped) my hands (from someone or something); *wash one's **hands** of it)*

Here again we want to make a clarification, the first meaning of the expression in Albanian is to be left without someone or something. The second sense is the same as the English one.

-Ka kaluar në shumë duar (diçka) ((something) has passed through a lot of hands; *change **hands**)*

-Rri (është) me duar të lidhura (dikush) ((someone) stands (is) with tied hands; *tie sb's **hands**).*

-Rri me dorë në xhep (to stand with hand in the pocket; *put one's **hand** in one's pocket)*

Here, again the meaning in the two languages is not the same; whereas in English you donate money to a charity or someone in need, in Albanian you simple buy your friends drinks or treat them to something special (beware of the false friend).

-Me dorë të hekurt (with iron hand; *with iron **fist/hand**)*

-I ka duart të thara (dikush) ((someone) has his/her hands dried; *have a **hand** like a **foot**)*

-Vë dorën në zemër (për dikë) (put the hand on the heart (for someone); *put your **hand** on your **heart**)*

Here, gain the meaning in the two languages is not the same; whereas in Albanian you feel sorry for someone or you pity them, in English if *you can put your hand on your heart and say something*, you can say it knowing that it is the truth.

-Më shkau (më rrëshqiti) nga duart (nga dora) (dikush a diçka) ((someone or something) slipped (glided) from my hands (from the hand)*; slip through sb's **fingers**)*

-Me presh në dorë (with leeks in hand*; catch sb red-**handed**)*

-Me duar në presh (with hand**s** in leeks***; catch sb red-**handed**)*

-Me pelë për dore (with mare (the female of a horse) by the hand*; catch sb red-**handed**)*

-Hodhi dorë (dikush) ((someone) flung hand*; to steal)*

-Rri me duar lidhur (dikush) ((someone) stands with hands tied*; fold one's **arms/hands**)*

-E ka dorën të madhe (dikush) ((someone) has big hand*; lay a **finger** on sb)*

-Ka dorë (dikush) ((someone) has hand*; lay a **finger** on sb)*

-Ia lë në dorë (dikujt) (leave it in the hand (of someone)*; **palm** sb/sth off (on sh)*

Here again we deal with a difference in meaning, in Albanian the primary sense of the expresssion is to entrust someone with something, the second coincides with that of the English.

After we explained the meanings of the expressions we pass to the issue of equivalence.

2.1 Equivalence

Since our analysis places Albanian and English side by side with Albanian being in the first position and then we see if the same expression can be rendered in English using the same body-part term "hand" we can distinguish three degrees of equivalence:

(1) Total equivalence is the same meaning (or at least the second meaning) of the Albanian expression is conveyed in English using the same term.

(2) Partial equivalence if the same meaning of the Albanian expression is conveyed in English using a different body-part term. Here we would like to stress the fact that there two kinds of partial equivalents, the first (a) where the body part shows a meronymic relationship with the Albanian dorë (b) the body-part term used is totally different.

(3) Zero equivalence, i.e. there is an expression in English, but it does not make use of a body-part term, or for the same meaning of the Albanian expression the dictionaries do not have an equivalent English expression.

Examples of total equivalence

Albanian   English

-Ngre (çon) dorë (dorën) (kundër dikujt a kundër diçkaje) (lift (raise) hand (the hand) (against someone or something); *lift/raise one's **hand** against sb*)

-Dora e djathtë (e dikujt) (the right hand (of someone*);   Right-**hand** man)*

-Me zemër në dorë (with heart on the hand*;   **hand** over **heart**)*

-I lë dorë të lirë (dikujt) (leave (someone) free hand*;   give sb a free **hand**)*

-Më doli nga dora (dore, duarsh) *(diçka) (dikush)* ((someone) (something) got out of my hand (hands)*;*

*get out of **hand**)*

-I jap (i hedh) dorën (një dorë) (dikujt) (give (cast) the hand (a hand) (to someone)*;*

*give/lend a (helping) **hand**)*

-Me të dyja duart (with both hands*;   with both **hands**)*

-Ka kaluar në shumë duar (diçka) ((something) has passed through a lot of hands*;*   *change **hands)***

-Rri (është) me duar të lidhura (dikush) ((someone) stands (is) with tied hands;   *tie sb's **hands**)*

-Me dorë të hekurt (with iron hand*;*   *with iron **fist/hand**)*

-I ka duart të thara (dikush) ((someone) has his/her hands dried*;*   *have a **hand** like a **foot**)*

-Me presh në dorë (with leeks in hand*;*   *catch sb red-**handed**)*

-Me duar në presh (with hand**s** in leeks**;**   *catch sb red-**handed**)*

-Me pelë për dore (with mare (the female of a horse) by the hand*;*   *catch sb red-**handed**)*

-Rri me duar lidhur (dikush) ((someone) stands with hands tied*;*   *fold one's **arms/hands**)*

Second-degree equivalents

-I lava (i fshiva) duart (nga dikush a nga diçka) (I washed (wiped) my hands (from someone or something)*;*

*wash one's **hands** of it)*

From what we see from the examples regarding the total equivalents we can see that even their structure is largely similar.

As far as partial equivalents are concerned we pointed out that we distinguish two kinds, those in which the body-part term has a meronymic relationship with the Albanian *dorë*, and those which feature a different body part.

Examples of partial equivalence

Albanian   English

-S'më bëjnë duart (për diçka) (my hands do not do*;*   *to be all **thumbs**)*

-njëra dorë lan tjetrën, të dyja lajnë fytyrën (faqet) (one hand washes the other, together they wash the face   (the cheeks)*;*   *scratch my **back** and I'll scratch yours)*

-Ia leu dorën (duart) (dikujt) (he /she lubricated the hand (the hands) (of someone);   *grease/oil sb's **palm**)*

-Ia njomi (ia lagu) dorën (dikujt) (he/she wetted (moistened) the hand;   *grease/oil sb's **palm**)*

-E jep nën dorë (diçka) *(*he /she gives it under hand;   *grease/oil sb's **palm**)*

-Më shkau (më rrëshqiti) nga duart (nga dora) (dikush a diçka) ((someone or something) slipped (glided) from my hands (from the hand)*;*   *slip through sb's **fingers**)*

-E ka dorën të madhe (dikush) ((someone) has big hand*;*   *lay a **finger** on sb)*

-Ka dorë (dikush) ((someone) has hand*;*   *lay a **finger** on sb)*

-Ia lë në dorë (dikujt) (leave it in the hand (of someone)*;*   ***palm** sb/sth off (on sh)*

Examples of zero equivalence

Albanian   English

- I dha duart (dikujt) (gave (someone) the hands*;*   *kick out*)

-Ia bëj me dorë (dikujt a diçkaje) (To wave one's hand (at someone or something)*;*

not to need someone or something anymore)

-Hedh gurin e fsheh dorën (dikush) ((someone) flings the stone and hides the hand;

commit a wrongdoing but deny responsibility)

-S'më bën dora *(*one's hand is unwilling to act, to pity someone or something*;*

to be unwilling to do something)

-U bë një dorë (dikush) (became one hand (someone);   to crouch out of fear, cold, problems)

-E ka dorën të shpuar (dikush) ((someone) has a pierced hand;   to spend money recklessly)

-Syri plot e dora thatë (the eye is full but the hand is dry;

to see a lot of things around but to be unable to buy)

-I nxjerr gështenjat (nga zjarri) me duart e botës (pull the chestnuts (out of the fire) with the world's hand;

pull the \someone's chestnuts out of the fire)

-E ka prishur dorën (dikush) ((someone) has spoiled his/her hand;   the quality has declined)

-E la pas dore (dikë a diçka) (to leave (someone or something) behind hand;   forget about something)

-E mbledh (e rrudh) dorën (clench (shrink) the fist;   start spending less)

-Ia dha veshët në dorë (dikujt) (to give (someone) the ears on hand;

to berate someone usually by tweaking their **ears**)

-Ia kthej dorën (dikujt) *(*to return (someone's) hand;   not to accept someone's proposal for marriage)

-Më la me duar në ijë (dikush) ((someone) left me with my hands on my hip;   *have (one) in stitches*)

-Fërkon duart (dikush) ((someone) rubs their hands;   to gloat)

-Fut duart (diku) (he /she puts the hands (somewhere);   to interfere)

-I holloi duart (dikush) ((he/she) thinned their hands;   to be very happy about something)

-Të jep dorë (diçka) (it gives (you) a hand;   it is convenient, handy)

-I jep dorën e të merr (të rrëmben) krahun (dikush) (you give him/her the hand and they grab the arm;

give someone an inch and someone (will) take a (mile)

-E ka lënë në dorë të fatit (dikë a diçka) (has left (someone or something) on the hand of fate;   to abandon)

-E ka (e mban) dorën grusht (dikush) (someone) has (keeps) the hand clenched;   to be stingy)

-Ç'i sheh syri ia bën dora (dikujt) (what the eye sees, the hand does;   *Jack of all trades*)

-Ia marr dorën (one takes the hand of something;   *get the hang of something*)

-I ka duart të arta (dikush) ((someone) has golden hands;   to be very good at)

-Hodhi dorë (dikush) ((someone) flung hand;   to steal)

After anaylsing the data we can say that there are quite a few language-specific expressions (mostly those belonging to the third degree of equivalence) with this body-part term, e.g. the Albanian *I dha duart (dikujt)* (gave (someone) the hands meaning *kick out),Ia bëj me dorë (dikujt a diçkaje)* (to wave one's hand (at someone or something) meaning *not to need someone or something anymore), Hedh gurin e fsheh dorën (dikush)* ((someone) flings the stone and hides the hand; *commit a wrongdoing but deny responsibility), S'më bën dora (*one's hand is unwilling to act, to pity someone or something; *to be unwilling to do something)*, *U bë një dorë* (dikush) (became one hand (someone); *to crouch out of fear, cold, problems), E ka dorën të shpuar (dikush)* ((someone) has a pierced hand; *to spend money recklessly), Syri plot e dora thatë* (the eye is full but the hand is dry; *to see a lot of things around but to be unable to buy), E ka prishur dorën (dikush)* ((someone) has spoiled his/her hand; *the quality has declined)*, *E la pas dore (dikë a diçka)* (to leave (someone or something) behind hand; *forget about something), E mbledh (e rrudh) dorën* (clench (shrink) the fist; *start spending less), Ia dha veshët në dorë (dikujt)* (to give (someone) the ears on hand; *to berate some usually by tweaking their **ears**), Ia kthej dorën (dikujt) (*to return (someone's) hand; *not to accept someone's proposal for marriage), Më la me duar në ijë (dikush)*

((someone) left me with my hands on my hip*; have (one) in stitches), Fërkon duart (dikush)* ((someone) rubs their hands*; to gloat), Fut duart (diku)* (he /she puts the hands (somewhere*); to interfere), I holloi duart (dikush)* ((he/she) thinned their hands*; to be very happy about something),* Të jep dorë (diçka) (it gives (you) a hand*; it is convenient, handy)*, E ka lënë në dorë të fatit (dikë a diçka)* (has left (someone or something) on the hand of fate*; to abandon)**, Fërkon duart (dikush)* ((someone) rubs their hands*; to gloat),* E ka (e mban) dorën grusht (dikush) (someone) has (keeps) the hand clenched*; to be stingy).*

However is this by no means something new to us, since as Sapir says, "Languages vary greatly in the nature of their vocabulary ... These changes go beyond the names of cultural objects. They are also implemented to mental world" ANNA WIERZBICKA (1997: p, 4) or as Konrad Adenauer puts it in lay terms *"We live under the same sky, but we do not have the same horizon"*. That is to say, such expressions are an inseparable part of the language of a people and are the very bedrock upon which language rests and is cultivated, and since we conceive of the world around us in unique and different ways so we come up with expressions which most of the time have their equivalents in different languages but sometimes they do not. Thus, they can only be understood if one is part of the society where they are born and used, i.e. only if one possesses the right information to decode the meaning of the component words and transform them from individual literal words into a coherent sum of words on the basis of common cultural references. However, as we know, since we live in a global village and we are all interconnected cultural exchanges leave their own mark on the very medium that enables this exchange, the language. Consequently, some expressions have an "international passport". This makes the expressions of these two languages unique. As Herder, Johann Gottfried, (1966 [1772]: p, 154) says "Each [language] in its own way is both lavish and lacking, but, to be sure, each in its own way".

3. Conclusions

In this paper we analysed Albanian phraseological expressions formed with the use of body-part term *dorë* and saw the degree to which the same process is reflected (or not) in English. As the examples show the same concept is realized in different ways in the two languages. The reasons behind such reality are many but we all agree that we think differently and thus the outcome is different.

Out corpus albeit very small in scale sheds further light on the topic of culture and cognition and the mindset that these peoples inhabit and in turn how such cultures shape and are shaped by them. Although Albanian and English are part of the big Indo-European family of languages they are quite distant but in terms of language structure with Albanian being synthetic and English analytic with synthetic features. Such expressions carry the seal of authenticity in each language. They are unique creations of the two respective languages and transmit the popular wisdom accumulated generation after generation in their interaction with the outside world and reality. Equivalent expressions between the two languages do exist and warrant further exploration. Likewise, examples of zero equivalence are as or even more numerous which suggests that both languages employ different cognitive processes when communicating with the outside world all of this while utilising the human body with its constituent parts (more specifically *the hand* in our case) and its functions as an interface.

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A Contrastive Analysis of English and Albanian Somatic Idioms - A Cognitive Perspective

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Abstract

In this paper we try to make a cognitive comparison between phraseological expressions originating from body-part terms in English and Albanian (taking English as our starting point). Although these languages are distant in space they do have similarities. This similarity / difference is seen better than nowhere else in the way how they conceive of the world (and the way this is expressed linguistically). They are at different stages of their linguistic cultivation where English is in a dominant position (remember here that every technological innovation has knock-on linguistic effects that affect every language including Albanian) and Albanian is in a defensive position since it has to cope with a host of concepts and realities that in one way or another have to be made tangible to Albanian speakers as well. Phraseological expressions are conceived as the tip of the iceberg of a process grounded upon transformational mechanisms (the best known of which are metaphors and metonymy) with emotional coloring adding to the mix. By way of illustration we give the following example: get blood from/out of a stone - nxjerr dhjamë nga pleshti, nxjerr ujë nga guri (*extract fat out of a flea, extract water from the stone)* Albanian literal translation in italics and brackets. From what we see, Albanians associate the equivalent of the English phraseological unit with *water* (since they are a Mediterranean country with dry summers), or with *fat* and *flea* (Albanians are known for their animal husbandry and meat-related terms).

Keywords: somatic idiom, cognition, metaphor, English, Albanian, culture

Introduction

A unique tool that we have at their disposal and that enables us to interact with other people and get our message across, is without doubt our ability to utter words, i.e. language. By default, we use language to express ourselves and respond to various situations in uniquely infinite and creative ways, but we are also economical in our use of language, i.e. whenever we find ourselves in situations that follow a certain pattern our linguistic response acts accordingly. In such cases our language production ability avails itself of "ready-made" or "prefabricated" word combinations (of different kinds) which are stored in our brains and used whenever the need arises. In fact, these "prefabricated" word combinations make up a large part of our language (this is true, to varying degrees, of all the languages spoken around the world) and estimates go as high as 80% (Nattinger 1988: 76). So, even though at first we would think that we speak in words and such ready-made word combinations merely ornament or embellish our language "Rather than being peripheral to the 'core' of a language, it is possible to argue that such idiomatic expressions *are* the core (Taylor 2002: 541). This goes to show that when speak we do not start from scratch every time but rely on these "ready-made" word combinations. One thing that such combinations have in common is the fact that their meaning cannot be inferred from individual words but rather they have a global meaning with varying degrees of motivation.

When it comes to categorizing them or giving them names, opinions differ and there is a multitude of designations which still in use today. Some of them are 'phraseological units', 'word-combinations', and 'phrasal lexemes' (Cowie 1998:1), to name but a few. This plenitude of designations owes its existence to many factors and it is not the aim of this paper to provide a detailed explanation of each and every one of them due to limitations of space. To attest to their complicated nature and why it has proven so difficult to come up with clear-cut categories we would like to mention the fact that many scholars have attempted this task based on different criteria and the issue is far from settled. The Russian tradition, with such representatives as Vinogradov, Amosova, Koonin, Arnold, has been very influential in this field and has inspired other Western scholars primarily because "Its principal legacy is a framework of descriptive categories that is comprehensive, systematic, and soundly based." (Cowie 1998: 4). One such scholar that has been influential because of its categorization principles is Vinogradov. He categorized such word combinations according to the semantic principle. "Within the general class of nominations (for which he used the term 'phraseological unit'), Vinogradov (1947)

drew a distinction between 'phraseological fusions' (also called 'idioms'), 'phraseological unities', and 'phraseological combinations'." (Cowie 1998: 4-5). Now, of course, their degree of motivation of meaning is also different ranging from the least motivated ones the 'phraseological fusions' where we can mention *neck and crop-* altogether, entirely; 'phraseological unities' where the meaning of the whole can be guessed from the meanings of its components, but it is transferred (metaphorically or metonymically), for example, *to lose one's head* - to be at a loss what to do/to be out of one's mind; *to show one's teeth-* to show that you are angry; 'phraseological combination' units consisting of two open-class words, such as *meet the demand,* they have one component used in a literal sense, and the other is used figuratively. So, as see the degree of semantic transparency or a lack of it serves as a kind of linguistic common denominator or unifying theme of phraseological units including idioms.

As regards the issue of motivation of idioms we want to say that there are two views. The *traditional view* according to which "all there is to idioms is that, similar to words, they have certain syntactic properties and have a meaning that is special, relative to the meanings of the forms that comprise it" KÖVECSES (2010: 231). And the *Cognitive Linguistic View* according to which "Many, or perhaps most, idioms are products of our conceptual system and not simply a matter of language (i.e., a matter of the lexicon). An idiom is not just an expression that has a meaning that is somehow special in relation to the meanings of its constituting parts, but it arises from our more general knowledge of the world embodied in our conceptual system. In other words, idioms (or, at least, the majority of them) are conceptual, and not linguistic, in nature." KÖVECSES (2010: 233). Here we see fit to give some context regarding the use of the term *somatic idiom* or *somatism*. First, we would like to say that the word '*soma*' comes from Greek meaning '*body'*. Estonian scholar F. Vack was the first who introduced the term "**somatic**" to linguistics. Researchers frequently make use of this term when they want to talk about body-part term idioms. Among such reseachers we can mention F. Cermák (1998: 109-119) with his article "Somatic Idioms Revisited", Sabina HALUPKA-REŠETAR, Edit ANDRIĆ with their article "Somatisms with the Lexeme *Láb* in Hungarian, *Noga* in Serbian and *Leg/ Foot* in English" (2016: 21-34), etc,.

The framework upon which the analysis of the somatic idioms in these two languages rests has been developed by George Lakoff and Mark Johnson in their groundbreaking study *Metaphors We Live By* (George Lakoff and Mark Johnson 1980). In it they claim and show that contrary to being a property of the lexicon and poets and writers, metaphor (in all its manifestations) is wired into our brains as part of our (linguistic) evolutionary journey. This has profound implications when it comes to idioms as they are the most colourful and vibrant part of our vocabulary and motivated in large part by metaphors. However, idioms as we will try to show are not only motivated by conceptual metaphors but also by conventional knowledge and conceptual metonymy (more on these later).

Our sample contains 4 body parts, the eye, the nose, the heart, and the hand. First we give the English idiom followed by the Albanian equivalent and then the Albanian literal translation in brackets, all idiomatic expressions are given in italics, non-idiomatic ones in normal and body-part terms are in bold face. Now, of course we will not analyse each and every one of these idiomatic expressions one by one (maybe this is the topic of another paper) we will limit ourseves to some of them just to give an idea of the cognitive mechanisms behind their motivation. Here is our small corpus:

*bad/poor **hand** at sth* -dorëngathët, s'i vjen ndoresh (clumsy-handed, not to be good at)

*force sb's **hand*** - detyroj (shtrëngoj) dikë të veprojë pa dëshirë (force sb to act without will)

*bite the **hand** that feeds one* -shkel bukën me **këmb**ë (trample the bread under the feet)

*lend sb a (helping) **hand** with sth* - jap një **dorë** (give a hand)

*keep a tight **hand**/rein on sb* -mbaj nën kontroll (keep under control)

*cap in **hand*** - me nderim, plot respekt (përulje, përunjësi) (with reverence, full of respect, humility)

*hat in **hand*** -gjithë servilizëm (përulësi, temena) (full of obsequiousness)

*play into sb's **hands*** - bëj lojën e dikujt, çoj ujë në mullirin e dikujt (make sb's game; take water into sb's mill)

*bind sb **hand** and **foot*** - lidh **këmb**ë e **duar** (bind feet and hands)

*catch sb red-**hand**ed* - kap me presh në **dorë** (catch with leeks in the hand)

*at first **hand*** - drejtpërdrejt, nga burime të drejtpërdrejt (directly, from direct sources)

take one's courage in both **hands** *-marr* **zemër** (take heart)

take matters into one's own **hands** *- i marr vetë punët në* **dorë** (take myself matters in hand)

Rub your **hands***- fërkon* **duart** (rubs the hands)

Hand in **glove***- si mishi me* **thuan** (like the flesh with the nail)

Out of **hand-***jashtë kontrollit* (out of control)

Someone's right **hand***- dora e djathtë* (right hand)

The upper\whip **hand** *– the position of power or control- pozita dominuese* (dominant position)

Wait on **hand** *and* **foot***- i shërbej me të gjitha mënyrat* (serve with all the ways)

Someone's **hands** *are tied- i ka* **duar** *të lidhura* (has hands bound)

Have one's **hands** *full- jam i zënë* (I am busy)

Out of someone's **hands- out of or beyond someone's control**: *jashtë kontrollit të* (out of the control of)

Sit on one's **hands** *– lidh (kryqëzon)* **duart** (ties (crosses) the hands)

Cross someone's **palm \hand** *with silver- i ka lyer rrotën (***dorën***) dikujt* (has greased the wheel (the hand) sb)

have an **eye** *for - ka ndjenjën e, ia thotë për* (has the sense of, is good at)

all **ears/eyes** *-gjithë, tërë* **sy** *e* **vesh***ë* (all eyes and ears)

apple of one's **eye** *-drita e* **syve** (the light of the eyes)

close one's **eyes** *to - mbyll* **sytë** *para* (close the eyes in front of)

turn a blind **eye** *to sth -bëj një* **sy** *qorr* (make a blind eye)

catch sb's **eye** *-shihem* **sy** *më* **sy***, kryqëzoj shikimin* (look eye to eye, cross the look)

feast one's **eyes** *on - kullot* **syt***ë* (graze the eyes on)

believe one's **ears / eyes** *– u besoj* **veshëve (syve***)* (believe the ears, eyes)

do sb in the **eye** *- i'a hedh* **sy** *për* **sy** (deceive sb, cast it eye to eye)

cry one's **eyes** *out - shkrihem së qari, shkrihem në lot* (melt while crying, melt in tears)

cast an **eye***/one's* **eye(s)** *over sb/sth - hedh një* **sy** (cast an eye)

Out of the corner of one' s **eye** *– me bisht të* **syrit** (with the tail of the eye)

Not bat an **eyelid\eye***- nuk i trembet* **syri** (the eye is not scared)

Cannot take one's **eyes** *off – mu bë* **syri** *gozhdë* (the eye turned into nail)

With one's **eyes** *closed – me* **sy** *mbyllur* (with closed eyes)

Remove the scales from one's **eyes***- i hapi* **syt***ë* (opened his/her eyes)

In the twinkling of an **eye***- sa hap e mbyll* **syt***ë* (how open and close eyes)

Keep a \one's weather **eye** *open- i bëj* **syt***ë* *katër* (make the eyes four)

Pull the wool over someone's **eyes***- i hedh hi* **syve** (cast his /her ashes at the eyes)

cut off one's **nose** *to spite one's face - në vend që t'i vinte vetulla, i nxori* **syt***ë* (instead of putting him/ her eyebrows, gouged his/ her eyes out)

*blow one's **nose** - shfryj **hund**ët* (blow the noses)

*keep one's **nose** to the grindstone* -punoj pa pushim (work tirelessly)

*Plain as the **nose** on your face*- shumë e qartë (very obvious)

*One's **nose** is in the air*- me **hundën** përpjetë sillem mendjemadh (with the nose up)

*bloody someone's **nose***- i ra **hunda** (his /her nose fell)

*follow one's **nose***- eci drejt (walk stright)

*have a **nose** for*- ia zë **hunda** (his/her nose catches it)

*(always) have one's **nose** in a book*- lexues i apasionuar (avid reader)

*Keep one's **nose** clean*- qëndroj larg telasheve (stay away from trouble)

*Lead by the **nose***- tërheq për **hunde** (lead by the nose)

*Look down one's **nose***- e sheh nën **hundë** dikë, e sheh me përçmim (look at under the nose, look scornfully)

*On the **nose*** – egzaktësisht (exactly)

*Pay through the **nose***- paguaj shtrenjtë (pay dearly)

*Poke\push\stick one's **nose** into*- fus **hund**ët në (put the noses in)

*Put someone's **nose** out of joint*- ofendoj dikë (offend someone)

*(Right) under someone's (very) **nose***- **hund**ë më **hund**ë (nose to nose)

*(Right) under someone's (very) **nose**-* përpara **hundës** (in front of the nose)

*Be no skin off someone's **nose*** – not to be someone's concern, responsibility, etc – shih punën tënde (mind your own business)

*break one's **heart** - i'a thyej **zemrën** dikujt* (break his/ her heart)

*hand over **heart** -me dorë në **zemër***, çiltërsisht, ndershmërisht (with hand on the heart, frankly, honestly)

*take **heart** - marr **zemër*** (take heart)

*after one's own **heart**- si ma do **zemra*** (as my heart likes it)

*have a corner in sb's **heart** -ruaj të gjallë në **zemër*** (save alive in the heart)

*cry one's **heart** out* - qaj me ngashërim (sob)

*eat one's **heart** out* -ligështohem, ha veten përbrenda, vuaj përbrenda (droop, suffer from the inside, eat myself from the inside)

*have a **heart*** -tregoj mëshirë (show mercy)

*have a **heart** of gold -e ka **zemrën** flori* (he /she has the heart gold)

*have a **heart** of stone -e ka **zemrën** gur* (he/she has the heart stone)

*pluck up (one's) **heart** - marr **zemër***, bëhem trim (take heart, become brave)

*a change of **heart*** -ndryshim në qëndrim, në gjendjen shpirtërore (change in attitude, in state of mind)

*From the bottom of one's **heart*** – nga fundi i **zemrës** (from the end of the heart)

*Can find it in one's **heart**- to be ready or willing (to do smth): më bën **zemra*** (the heart does)

*Have one's **heart** in one's mouth – i shkoi (i ra) **zemra** te thembra* (his /her heart fell on the heel)

*Put one's **heart** and soul into- -* me mish e me shpirt (with flesh and soul)

*Have one's **heart** in one's boots – me **zemër** të dridhur* (with shaky heart)

*Pull\tug at \one the \someone's **heartstrings** – më dhemb **zemra*** (my heart aches)

Before venturing the analysis of the somatic idioms we would like to elaborate a bit (at the same time try to be concise) on these cognitive mechanisms underlying them. First we start with metaphor "In the cognitive linguistic view, metaphor is defined as understanding one conceptual domain in terms of another conceptual domain.... A conceptual metaphor consists of two conceptual domains, in which one domain is understood in terms of another" KÖVECSES (2010: 4). The two domains which interact or rather the two halves of a conceptual metaphor are respectively called *source domain* and *target domain*. The conceptual domain which helps us understand the other conceptual domain is the source domain, this is usually more concrete while the conceptual domain that is understood through it is the target domain, and this is usually more abstract.

Since in our daily practices we find ourselves in different situations we might have to provide information related to space, existence or other dimensions so the metaphors we use also have to be used accordingly. Thus, conceptual metaphors are further subdivided into: structural, ontological, and orientational. However, despite the kind of metaphor we are dealing one crucial element pertaining to them and unites them all is mappings or systematic correspondences, these enable the transfer of meaning from one domain to the other and help us gain an insight into what has motivated the relationship between the respective part of the body and the situation.

However, most of the time, idioms have more than one basis or motivation underlying them, other such motivations are respectively metonymy and conventional knowledge. Differently from metaphor, metonymy is a relationship of the type in which one kind of entity "stands for" another kind of entity or one thing. Unlike the metaphor a metonymy is made up of a vehicle and a target. And unlike metaphor which is a matter of similarity, metonymy deals with contiguity and they vary from culture to culture as Niemeier (1998: 123) says "the conceptual contiguity of metonymy is based on extralinguistic experiences and connotations and is therefore culture-dependent". "It is a basic feature of metonymically related vehicle and target entities that they are "close" to each other in conceptual space" KÖVECSES (2010: 173). Metaphor and metonymy are theoretically clearly distinct from one another but in reality it is quite difficult to distinguish between them. A good rule of thumb to keep in mind when we are faced with them is to apply the "is like" test proposed by Ray Gibbs (1994) KÖVECSES (2010: 174), in fact sometimes they are so intertwined that Goosens (1990; 2000) claims "that there is not always a clear demarcation between metaphor and metonymy. Some figurative items could be both a metaphor or metonym according to the context so that the two concepts may then become intertwined. This has led to the coining of a new term *metaphtonymy*, i.e. metaphor and metonymy being interwoven".

And the third motivation is conventional knowledge. Simply put it is the totality of our ideas, beliefs, fears, hopes, and patterns, i.e. basically all the information that we possess about the world around us. It is inherent in all of us and permeates every domain of our existence and we make use of it unconsciously, i.e. whenever we use an idiom grouded in conventional knowledge we take it for granted that the people we are talking to already know what we are talking about.

Let us illustrate the interaction of the abovementioned motivations by analysing the idiom: *keep a tight **hand**/rein on sb* which means *keep under control* we see that *hand* stands for *control* so as we said if something stands for something else and based on what we said previously, we would obviously treat this as a case of metonymy, but this is not the only lexical unit participating in the sentence. So we turn to the other lexical unit *tight*, now going by the dictionary we know that *tight* means *fixed, fastened, closed firmly; hard to move, undo or open* and conventional knowledge tells us that if we keep something tight it does not go away so by combining these two motivations we have the final idiom. Now, as we saw the Albanian equivalent *mbaj nën kontroll* (keep under control) does not involve the word *hand* at all, the reason for this according to our interpretation as a native Albanian is that Albanians do not see a connection between the body-part *hand* and *control*, as we mentioned before different peoples decode the world around us in different ways.

Let us analyse another idiom *catch sb's **eye*** whose real meaning is *to attract someone's attention*. First we know that if we are looking at someone or something (as a prerequisite we have to use our eyes) we direct our gaze towards someone or something an implied element is that we do this while paying attention, so *eye* stands for *attention* and *catch* is a substitute for *attract*, so we see that the motivation underlying this is metonymy. The Albanian equivalent on the other hand is *-shihem*

sy *më* **sy***, kryqëzoj shikimin* (look eye to eye, cross the look) and it is not a idiom, again we see that there is a difference in the way we think.

Our next idiom is *One's* **nose** *is in the air* meaning *one is acting conceited or aloof* **–** the first layer of this idiom is conventional knowledge which in this case tell us that one of the tell-tale signs regarding someone's bearing is the parts of the body which are the most noticeable ones, hence the position of the nose, here we move to idea of active zone (LANGACKER, R.W. 1984) moving further into the convoluted reality of meaning we say that *nose* stands for *bearing.* Another layer would be *being in the air* is *being excessively proud of oneself* so here we are dealing with a metaphor, because as we said "Metaphor allows people to understand one thing as another, without thinking the two things are objectively the same" Sweetser (1990: 8) thus we have a combination of the three cognitive devices contributing to the global meaning of the idiom. The Albanian equivalent is *me* **hund***ën përpjetë* (with the nose up). So, this is one of those cases in which the way peoples think coincides.

Conclusions

Contrary to being on the periphery of the language idioms are central to the way we think and speak. They enrich our language, make it more colourful and vivacity. They are woven into the very fabric of our language, in the way we try to interpret reality, try to digest it and store it into our minds. Such a linguistic feat cannot be pulled off without the mental machinery wired inside our brain and more precisely the active participation of finer cognitive devices which construe, process and interpret this interaction, sometimes alone sometimes in close cooperation with each other. As we saw from our sample (almost 80 idioms) both languages are highy idiomatic but English expresses itself more idiomatically than Albanian, a possible explanation for this would be that where English comes into contact with a situation where our cognitive devices are triggered the outcome is an idiom which makes a dent in the mental lexicon and this is repeated whenever a similar situation occurs, this apparently does not happen in Albanian.

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Migration and Asylum Seekers Governance in the EU: The Case of Berlin Municipality

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Abstract

The number of refugees seeking asylum protection in Europe has grown considerably in the last five years. In 2015 more than 1 million refugees and migrants crossed the borders of Germany, the biggest refugee destination in the European Union, in order to flee conflict and persecution. This paper will assess how refugees and asylum seekers are treated in the municipality of Berlin. The migration governance conducted by the local State office for refugee affairs will be examined as well. At a time of migration crisis that heavily passed across Europe, it is critically important to understand the practices and approaches for asylum seekers integration on the example of Berlin - refugees high concentrated area and one of the most effective municipalities for refugee adjustment activities. Housing services offered by local units for refugees and asylum seekers will be studied. According to German authorities the housing is a key issue in the long process of migrant integration as it provides a balance in in the private space of targeted group. [1]

Keywords: migration crisis, asylum seekers, migration governance, housing, Berlin

Introduction

The geopolitical tensions and humanitarian crisis in the neighboring regions of the European union have reached a great extent at the beginning of the 21st century, therefore spurred new problems for the whole international community. Today, one of the biggest challenges is the problem of migration that is most relevant to Europe due to social, security or environmental reasons (Tomety et al, 2018). The modern European migration crisis arose at the beginning of 2015 due to the multiple increase in the flow of refugees from the Middle East and North Africa. Modern migration has become a dynamic and complex process, which entails certain socio-economic and political consequences for various states. Migration directly affects the ethnic and cultural balance of countries and their economic and fiscal environment (d'Albis, Boubtane, & Coulibaly, 2018). In Germany, for instance, neofascists have attacked the police protecting refugees shelter near Dresden or vast protests have been conducted during the visit of Angela Merkel showing her support to migrants (Kunzig 2016). Moreover, at the present stage, migration is becoming a source of threat to security both for particular countries and for individuals and society.

Germany as one of the EU countries with open policy for migrants had received about 1.8 million refugees for the last 5 years. Only in 2015, this country opened its doors to more than 890 thousand refugees during the peak of the migration crisis in the region (Streitwieser et al, 2017). Berlin as a federal state and the city with its 12 districts has received around 5% share of nationwide numbers or about 95,000 persons (LAF 2020) and became the main absorber of the war refugees among the European cities (Soederberg 2018). The growing tendency of refugees and asylum seekers influx has led to a big challenge for local authorities to process, accommodate, and integrate newcomers into the social-economic and cultural life of the city. All the challenges emerged in the different fields of work with migrants in need, including education and participation in cultural life, accommodation, health, social services, or security issues.

This paper will assess how refugees and asylum seekers are treated in the municipality of Berlin in terms of housing. The migration governance conducted by the local State office for efugee affairs will be examined as well. At a time of migration

crisis that heavily passed across Europe, it is critically important to understand the practices and approaches for asylum seekers integration. Services offered for refugees by local authorities like housing and its impact on integration will be studied.

Historical background and contemporary issues

Berlin is known for its open migrant policy and the first city in the country to adopt a sort of integration policy. City of Berlin, as it has two administrative statuses (city and federal state), is best known for its multicultural heritage and a vast number of residents with foreign origin. About 1 million of 3,5 million inhabitants or 30% have at least a half foreign origin (one of the parents is a migrant) that can be associated with a long history of immigration into the city during the last 70 years, not mentioned the influx of French Huguenots during the 17-18 century (OECD, 2016). The migration during the post Second World war period driven by expanding industrialization and recruitment process of foreign low-skilled workers had left a big footprint on the ethnicity and cultural heterogeneity of the city as well.

According to the State office for refugee affairs in Berlin, from 2015 the city has received about 94 300 refugees from all over the world, including Syria, Irak, Afghanistan, Turkey, Iran, Nigeria, Georgia, Somali, Russia, and Moldova (LAF, 2020). It is important to mention that Berlin does not receive the biggest share of all migrant coming to the country and has a portion of just 5% in comparison to another regional states like Nordrhein-Westfalen, Bayern or Baden-Wurttemberg. At the end of January 2020 there were around 21 000 refugees accommodated in three different types of reception centers that are distributed in the 12 districts of the city. The biggest share is situated in the north-east districts of the city such as Lichneberg (16,3%), Marzhan-Hellensdorf (13,8%), and Pankow (13%), where the large accommodation facilities are situated. Southern districts like Templehof-Schoneberg and Steglitz-Zehlendorf have a share of 11% and 9%, respectively. Central districts like Mitte and Friedrichshain-Kreuzberg are the less refugee accommodated locations. The distribution of accommodated refugees is shown on the map below.

Map 1 Distribution of asylum seekers in Berlin districts by 31.01.2020, numbers or refugees and % of total
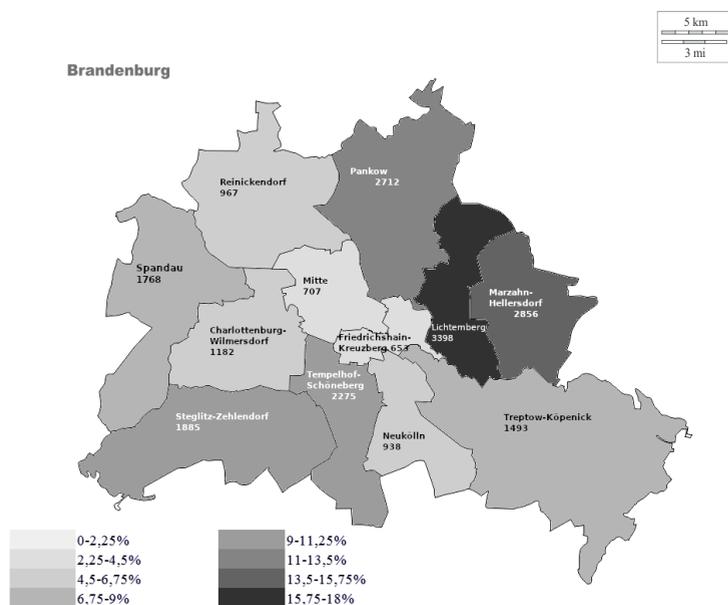
Source: processed by authors on the basis of LAF, 2020

After the peak of the migration crisis, Berlin like most of the receiving cities in Germany has focused on the homelessness of the refugees while not affecting the local dwellers. The municipality of Berlin has developed active policy measures to accommodate rising numbers of arriving migrants and created a State Office for Refugee Affairs in order to mitigate the problems with integration including housing, education, and social services. The creation of such a centralized municipal body has helped in the reduction of bureaucracy during the management and governance of immigration and enabled quick

policy decision and their implementation. The city has managed to distribute and house a big influx of newcomers since 2015 due to a rich history of immigration, governance mechanisms of integration and distribution as well as engagement of civil society, non-governmental organizations and residents.
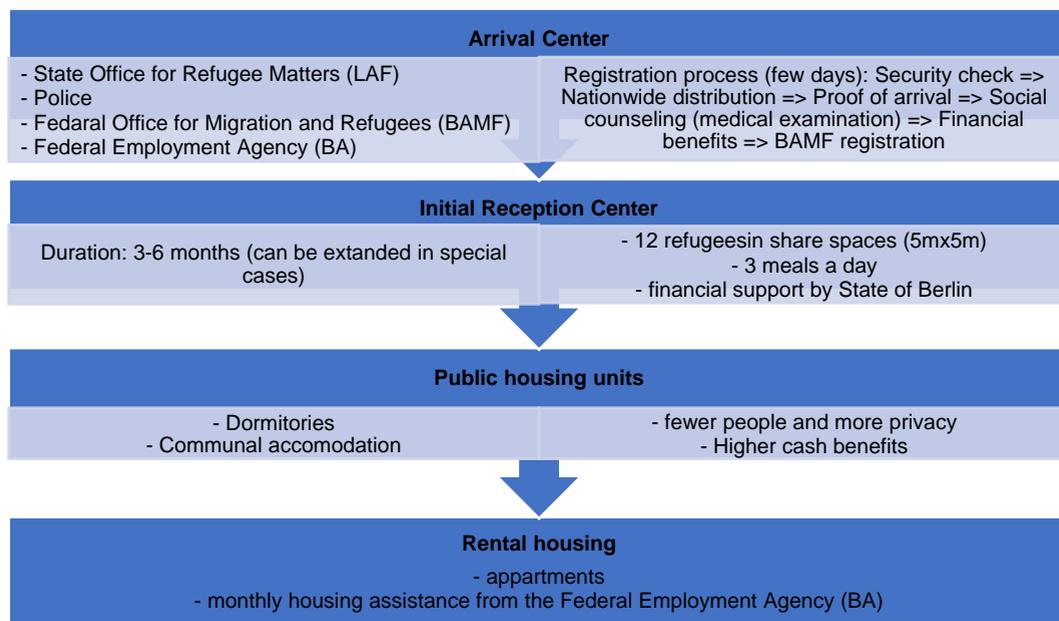
Initial stages of housing and integration

Economic recovery and relatively affordable housing fees have led to a huge wave of migration to the city of Berlin and made a big pressure on the accommodation constraints in the past. After the fall of the Berlin Wall, the number of inhabitants has increased substantially, therefore created a challenge in offering housing to rising numbers of migrants (Young, 2017). Growing population made particular challenges for city infrastructure as well. The situation with housing in Berlin became even more acute when near a hundred thousand new arrived refugees entered the city in 2015. Besides the efforts of municipality to expand the amount of social housing for refugees, the city authorities are far to reach the amount of needed accommodation facilities. According to the State office for refugee affairs (LAF) about 28 000 migrants or 35% of all refugees remained with no access to permanent housing in 2017. The main approach of local municipality is to extend the numbers of social housing objects in the city that is usually done from the federal budget. Municipality plan is counting with an increase of 500 apartments each year to reach about 5000 new flats. All the social housing objects are built by subsidized private operators and will be provided to families with low income.

In the first phase of housing, all new-coming refugees are registered in Berlin Arrival Center where they get the first medical examination and receive a vaccination if necessary. The submission of asylum applications to the Federal Office for Migration and Refugees (BAMF) is done there as well. The German distribution system EASY determines the federal state where you need to move. This system is one of the important distribution tools and aspects of migration governance that is applied to new asylum seekers in Germany. The allocation of refugees around the whole country is based on quotas calculated in accordance with the population of each federal state and its tax revenues (Chemin, 2019). In case that Berlin is responsible for the reception of refugees, the registration in State Office for Refugee Affairs (LAF) is necessary. It is important to state that refugees have no legal right to define their allocation or move freely from one federal state to another. Even the movement through the districts of the particular federal state is limited. In this case, the right of the asylum seekers is quite constrained, at least during the residency requirement period. After the accommodation in Arriving Center refugees are moving to initial shelters. Asylum seekers are temporarily accommodated in so-called initial reception shelters where they receive few benefits during the first three to six months of their stay as asylum applicants (El-Kayed & Hamann, 2018). Initial centers are made mostly of containers and equipped with all needed facilities such as canteen. Asylum applicants receive necessary medical help and 3 meals a day. The accommodation stages in the Berlin municipality is shown in Scheme 1.

The increase of social housing has been made possible due to extending the creation of so-called "tempohomes". Temporary houses are distributed through the Berlin districts in order to ensure that no social segregation or exclusion will be possible. Tempohomes were used in Berline since 2016 to temporarily accommodate refugees. Tempohomes with the biggest capacity of about 1000 places are situated in the Tempelhof-Schöneberg district – one of the largest districts in terms of accommodated refugees. Berlin applied the special regulation to issue a permit for building the accommodation units that are usually located in non-residential and industrial areas such as the old Tempelhof airport where the large set of tempohomes were created (Parsloe, 2017). The city of Berlin used sports halls and schools to house asylum seekers as well. After the initial reception center refugees are moving into an apartment or get a collective accommodation with more private space and own kitchen to prepare meals. The additional costs for food are covered by higher financial benefits. Generally, there are three main types of accommodation in Berlin including emergency shelters, communal houses, and private apartments or rental housing (Soederberg, 2018).

Scheme 1 Accomodation stages for asylum seekers

Arrival Center	
- State Office for Refugee Matters (LAF) - Police - Fedaral Office for Migration and Refugees (BAMF) - Federal Employment Agency (BA)	Registration process (few days): Security check => Nationwide distribution => Proof of arrival => Social counseling (medical examination) => Financial benefits => BAMF registration

Initial Reception Center	
Duration: 3-6 months (can be extanded in special cases)	- 12 refugeesin share spaces (5mx5m) - 3 meals a day - financial support by State of Berlin

Public housing units	
- Dormitories - Communal accomodation	- fewer people and more privacy - Higher cash benefits

Rental housing
- appartments - monthly housing assistance from the Federal Employment Agency (BA)

Source: processed by authors

Challenge to integrate

In some federal states with lower population density and bigger territory refugees are frequently accomodated in remote areas far away from less populated settlement. However, the Berlin has a double administrative status and as a populous city there are not a lot of free locations for housing. This feature does not allow to accomodate refugees in the remote areas and become a crucial issue in the whole integration process. The infrastructure of the housing system is more developed in Berlin, however, the lack of accommodation is present and challenges the fluent migrant integration and governance. Nevertheless, the housing facilities is geographicaly located in the closer acces to native dwellers, communities and municipality services that have a definite effect on mental, physical health and promote swifter integration process. Not only targeted accomodation facilities were used, but another social or educational premisses as well. Due to housing shortages in the city the vast range of emergency accomodation were settled, including school gyms, office bulidlings, exhibition or airport halls, etc. The lack of adequate housing has lead to an administrative crisis in Berlin and sufficianty distorted the whole integration process.

One of the solutions to mitigate the housing crisis was the particular legal feature of the Federal state of Berlin that enables refugees to move from initial shelters and public housing units to private apartments even during the asylum application procedure. To find and get an apartment can be a quite tough due to financial support limits and long bureaucratic process related to compulsory documents and permissions. Some refugees have privileged protection and can receive immediate help from the State office for refugees matters. The groups that are covered in such a protection are, for instance, pregnant women, handicapped people, extremely ill persons, women with no family support or under-age children. However, according to El-Kayed and Hamann (2018) this housing policy was not efficient enough as sometimes refugees have faced an informational or bureaucratic berries to move away from initial accommodation centers to private apartments. The failure of housing the refugees in Berlin are often mitigated by the local NGOs or volunteer individuals from local dwellers.

Conclusion

In 2015 about 1 million refugees and migrants mainly from Middle Eest and Africa have crossed the borders of Germany to organize a new life away from long-lasting conflicts. This paper assesses how refugees and asylum seekers are treated in the municipality of Berlin in terms of housing issues. According to previous studies housing has a broad impact on the

whole process of asylum seekers integration and defines the initial stages for cultural, social and economic patterns of inclusion to the environment of the receiving country. According to German authorities, housing is a key issue in the long process of integration to German society as it provides a balance in the private space of targeted group.

Regarding the housing policy and its task in asylum seekers' integration, the Berlin municipality requires a more complex and active approach. The housing constraint in the city can be considered as the most acute issue in the field of refugees' integration in the local social and cultural environment. Up to 2017, about 35% of all asylum seekers have no opportunity to move to rental housing due to the lack of permanent accommodation. The procedure to get a private apartment is still full of bureaucratic barriers and limited information, though the housing initiatives of the civil society and third sector is quite intensive.

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Is the children's home a resilient parent? The investigation of resilience among child protection social workers

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Abstract

Theoretical background: The literature overview suggests that children in child protection face high risk to mental illness and this also has a strong effect on the wellbeing of their social workers. Studies show that social workers need to be balanced, motivated and they have to operate in a supportive work milieu in order to remain effective helpers. **Aims:** The research aims to investigate the resilience of child protection workers. The focus is on the interconnections between 1) the mental resilience and 2) the feelings and thoughts about work. **Applied method**: In the research 247 persons were involved. 142 persons who were working in child protection belonged to the sample group; while 105 members of the control group have different profession. CD Risk Resilience Scale, demographic survey and self-constructed questionnaire were used for measuring. **Results:** Level of resilience was higher among social workers in child protection than in the control group. While the perceived support and stress at workplace, the time spent in child protection service and the age had no significant influence on the workers' resilience, the love of work and the experienced success (e.g. the love from their clients) improved it considerably. **Discussion:** Our research shows that the higher resilience of social workers in child protection does not depend neither on the time spent in child protection nor the environmental effects. These results indicate the further investigation of the workplace setting. If more resilient people tend to select child protection as a profession it would be reasonable to improve their skills by supervisions or case conferences. Effective coping is necessary in this field due the heavy emotional burdens that cause high level of stress and burnout even in short run.

Keywords: child protection, life satisfaction, wellbeing, resilience, coping

Mentalisation and Resilience

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Abstract

Internationally Attention and Hyperactivity Disorder (ADHD) is one of the most commonly diagnosed neuropsychiatric disorders among children and adolescents that affects the quality of life. However, approximately 20 percent of people with ADHD succeed in all life areas. So, our study focuses on (mental) resilience which provide successful adaptation to different challenges. Another examined factor is the ability of mentalization that is associated with social difficulties. In our study, we focus on the correlation between the severity of the symptoms, the mentalizing ability and the mental resilience of the children with ADHD. 64 children and adolescents between 9 and 16 years participated in our research. The connection among the variables was explored by the CD-RISK Resilience Questionnaire, Faux Pas test, SDQ test and the Conners Child Behavior Questionnaire in clinical (32 with ADHD) and nonclinical (32 with typical development) sample. The degree of resilience was significantly lower among those with ADHD. While in the typical group some subscales of SDQ (hyperactivity, affective and behavioral problems, prosocial behavior) correlate with the total score on the CD RISK, in the ADHD group such correlation was only found in the prosocial subscale. In the case of the faux pas test, the story comprehension dimension was significantly lower in the ADHD population. The correct identification, the overall score and the story comprehension are those dimensions in faux pas test that show positive correlation with prosocial behavior in the ADHD group. Our results suggest that the prosocial behavior can be a protective factor that promotes higher levels of resilience.

Keywords: ADHD, function degradation, resilience, quality of life, mentalisation, CD-RISK, Faux Pas, SDQ, , social difficulties

Emotional Connections in the 4 Tree-Drawing Test

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Abstract

Our research aims to explore the appearance of the resilience, depression and anxiety of sine morbo adolescents in the 4 Tree-drawing test. Plus, the relationship between these factors and introspective consciousness is also analyzed. Depression became more frequent among children and adolescents over the past deacde. Prevalence of depression in adolescent and adult population is identical (17–20%) that assumes the start of adult depression during the adolescent years. (Szádóczky, 2000, Wittchen et al 1998). Resilience is a personality trait that is connected to adaptation skills and plays an important role as a protective factor in coping with mental disorders including depression. (Kiss et al 2016, Masten 2001). Despite the frequent use of projective tests in clinical psychodiagnostics (Vass, 1996), drawing tests and especially the 4 Tree-drawing test is somehow still neglected. The use of Tree-drawing test in other fields (e.g. education, child protection) would be also promising. Totally 600 adolescents (between 14 and 18 years) participated in this research. CD-Risk (Conors, Davidson, 2003, Járai et al, 2015), 10 item version of resilience questioners, the Self Administrated Psychiatric Scales for Children and Adolescents (Kő et al 2006) and the 4 Tree-drawing test (Stora, 1963) are used. Our results show that higher level of resilience predicts significantly lower rate of anxiety and depression. Drawing weeping willow as the second tree indicates higher level of depression and sorrow. Lack of ground line at the second drawing correlates with the lack of feeling security. Higher is the resilience among those who 1) depicted their first tree without injuries on the trunk and whose 2) "ill tree" is a living one. These results expand the literature of 4 Tree-drawing test by identifying the signs of resilience, depression and anxiety in the drawings.

Keywords: adolescent, resilience, anxiety, depression, projective drawing test, 4 Tree-drawing test

Investigative Journalism and Technology

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Abstract

Leak journalism has been an important concept since the Wikileaks released classified documents in 2010. After the Wikileaks phenomenon, it has been questioned if the leaks are the news and the platform is a kind of journalism. When the Panama Papers was released in 2016, the discussion had already evolved to the question of if leak based journalism is the new way of investigative journalism in terms of the active role of the journalists and newspapers all over the world. With the help of digital technology, a huge amount of leaked data can be searched, collected, analyzed and shared by selected newsrooms in different countries, so that a mentality of sharing and collaboration is brought to investigative journalism like never before. This study aims to examine the idea of "leak journalism which can substitute old-school investigative journalism" in terms of involving professional journalists with their conventional identity and practices, which has recognized when defining the concept after the Panama papers experience. The study argues that the current state of journalism worldwide necessitates a discussion about the ways of improving the declining press freedom along with the technological benefits stemming from the Internet era. In this context, it will be emphasized that in order to benefit the latest information technologies, the basic rights gained through historical struggles should continue to be protected politically and economically.

Keywords: Investigative journalism, leak journalism, press freedom, technology, collaboration

The State of Body in Consumer Culture from a Socio-Psychological Standpoint

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Abstract

In recent decades in social sciences, as sociology and psychology, the interdisciplinary interest in the analysis of the body is increasing, especially within perspectives of the body as a social construction that indicates the flexibility and openness of the body to a various social meaning. This is greatly contributed by the development of consumer culture that determines body as an individual project in the making, operating on the outer aesthetic level, and in the same time entering into the intimate areas of the human psyche and emotions. Many researches in this area have claimed that pressure which women feel about their body image, as well as their constant endeavor to be thinner, are actually part of the socio-cultural norms in Western society. Accordingly, women were considered to have a more negative body image compared to men, which resulted in the realization that women's dissatisfaction with their own bodies was almost normative. Nevertheless more recent studies suggest that men are also dissatisfied with their body image in a way that they are less focused in losing weight, but more in increasing their muscle mass. This is supported by various consumer trends that will be considered in the examples of diets, cosmetic surgery, fitness, as well as the consummation of weight loss, muscle mass and immunity products. With these practices, entire markets or niches are developing, promoting body in a a matter of individual responsibility, while at the same time showing that it is less a creation of nature, and increasingly a matter of consumer self-investment.

Keywords: body, social construction, consumer culture, consumer trends.

Communication on Vaccines on Twitter of Journalists Specialized in Health: Types of Messages and Engagement

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Abstract

Vaccines are one of the most important medical advances in history both for their effectiveness and for their safety. However, despite everything, there are anti-vaccine communities that publicly discuss the dangers of vaccines and the number of people who question their effectiveness is still very high. This lack of confidence in vaccines is a health problem because it causes less immunization and greater vulnerability to certain diseases. Therefore, it is especially relevant to find communication tools that help share the benefits of vaccines, as well as combat misinformation about them. Nowadays, with the new technological changes, social networks are one of the main scenarios in which the conversations between the different pro and anti-vaccine actors take place. The objective of this research was to study the content of the communication about vaccines carried out by members of the main Spanish Association of Journalist Specialized in Health (ANIS) through Twitter. Specifically, Tweets (both the type of message and its format) made during the last year by ANIS associates were studied, to subsequently analyze the engagement generated by the different types of messages. We concluded that different contents or formats generate different types of engagement. Our data will improve the way of communicating through Twitter and will allow to optimize this channel of communication also increasing the dissemination of positive messages.

Keywords: communication, vaccines, twitter, journalists, health, types, messages, engagement

Perception of Mentor Communication and Behavior as Predictors of Dissertation Student Success and Satisfaction

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Abstract

Many graduate students (60%) do not complete their program of study. It is important for universities to find ways to increase student completion rate. The general problem is that online U.S. universities are faced with a high rate of PhD student drop out resulting in an increased number of students not being able to complete their doctoral studies. The purpose of this multiple linear regression study was to identify predictor variables of dissertation student stress and overall dissertation satisfaction. Deci and Ryan's self-determination theory and Lazarus' theory of cognitive appraisal were used to guide this research to identify how student perception of mentor communication styles can be used to predict how students appraise stress and overall satisfaction with dissertation. A convenience sample of 178 dissertation students identified through several online dissertation student support and student-led Facebook groups completed the online survey. According to study results, student perception of questioning and preciseness as mentor communication styles predicted significantly lower scores of student appraisal of stress experienced in dissertation. However, student perception of verbal aggressiveness as a mentor communication style predicted significantly higher scores of student stress. Mentor behaviors of academic assistance, mentoring abilities, and personal connection predicted significantly higher levels of overall student dissertation satisfaction. Positive social change initiatives formed by faculty and staff can be made to educate dissertation chairpersons about the communication style and behaviors that are the most effective in mentoring dissertation students.

Keywords: perception, mentor, communication, behavior, predictors, dissertation, student, success, satisfaction

Culture-Oriented Design Products and Design with Themes: Malaysian Industrial Design Student's Practices

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Abstract

Up-to-date, consumer product design has shifted its focus from fundamentally offering functionality, towards emotions or experience-driven product characteristics (Ramirez, 2011). Nevertheless, the product functions, which are still important in one of their main attributes, were now defined in its social context rather than its functional offerings (Vere De, 2014). Product designers, particularly industrial designers, play a significant role in developing our future social environment (Eggink, Reinders, & Van Der Meulen, 2009). This effort can only happen as long as they take responsibilities and make aware of the effect of product designed towards their end-users, society and environment (Vere De, 2014). In this paper, this study will analyse the course structure and review studio projects attended by students, aiming at measuring student understanding concerning design briefs, where they applied 'themes' in design. From there, this research will investigate how well the students execute design methods or processes that are mainly related to design brief and how they react to design's problems and find solutions. The case study was from the three selected design school in east peninsular of Malaysia. The similarities from these three school of design are that they have a studio project class named 'Industrial Design project', or 'Product Design' as the core element for each semester. The foundation of this research was based on the 'Form of Design' theory from Gestalt (1998) and 'Social Identity Theory' and how a design interpreted through this form of social context by Victor Yocco (2010). These two theories are vital in addressing the issue of misconceptions faced by designers in designing culture-oriented design products and how designers improperly translated themes in executing design works.

Keywords: Culture-Oriented Design Products, Design with Themes, Industrial Design Students.

The Growth of the Personality of Future Teachers in the Study Year

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Abstract

The presentation will discuss how the identity of future teachers is developing throughout the four years of study. The sample consisted of 304 students at the Lithuanian University of Educational Sciences studying pre-school and pre-school pedagogy, social pedagogy, music, arts, theater and film pedagogy, psychology (future psychology teachers), philology (German, English, French, Polish, Russian, Lithuanian), history, natural sciences (biology, geography), physical education. Subjects aged 18 to 45 years. Students of Lithuanian University of Educational Sciences were researched in 2017-2018. Students in small groups filled out answer sheets on the EOMEIS-2, BFI, IOS scale and answered questions of a sociodemographic nature. The results showed the student's future teacher personality identity is more mature in ideology (religious beliefs, political views, profession choice, lifestyle) than in social (friendship, partner search, gender roles, leisure time). Evaluating the differences in future teacher personality identity scores between the four undergradate years, the following trend emerges: first-to-third-year ideological domain immaturity status indicators decline, and attained identity states increase, social domain immaturity status indices increase, and not statistically significant differences in the status of the achieved identity. There is no difference in identity scores between third and fourth year students.

Keywords: students, personal identity

Key Antecedents of International Opportunity Identification

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Abstract

The phenomenon of identifying international opportunities is of vital importance in the international entrepreneurship process as this is the first step within this process. Nevertheless, despite a great deal of progress in research on this phenomenon, certain questions remain unanswered. One of the main issues deals with determining why some people are able to discover international opportunities and others are not. Therefore, this study based on a comprehensive literature review on opportunity identification determinants (e.g., entrepreneurial cognition and prior international knowledge and experience), intends to bring light to this shadow in the literature, by establishing a conceptual model that allows a better explanation of this phenomenon. Consequently, this research enhances the understanding of why some entrepreneurs are capable of discovering international opportunities, while others do not. This study presents some relevant implications both for academics and professionals.

Keywords: International opportunity identification, entrepreneurial cognition, international entrepreneurship, prior international

The Role of the Transcarpathian Hungarian Minorities in the Hungarian-Ukrainian Diplomatic Relations at the Turn of the XX - XXI Century

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Abstract

The begin of 1990-s was a new era of diplomatic relations between Hungary and Ukraine. Hungary become an active partner in political, economic and diplamitic processes of Ukraine. The border countries make the nearest foreign affairs environment between the countries. It was a long way because these countries are parts of two, for the time being rather different political and macro-regional systems. But after examining their bilateral and diplomatic policy we can tell that their main aim depends on their cooperation in maintaining peace and the stability between the countries, as well as the internal development of the countries and the diverse relationship within the other countries. Today both of the countries is politiacal, ecnomical coridor between Central and Eastern Europe and between Euripean Union and Russia. They has common interests in security, transport corridors. political and economical stability.This research describes in details all work activities what have been conducted with the role of Hungarian minorities in bilateral relations between Hungary and Ukraine and also good-neighbour principles. Today the Hungarian minority in Ukraine is near 140,600 people. They constitute 12% of the population of the Transcarpathia region. In some cities such as Berehovo and Chop ethnic Hungarians make up for almost a half of the population.

Keywords: diplomatic relatioms ,law, cooperation, national minorities

Differences in Systolic Blood Pressure and Heart Rate during Stress Test as a Predictor of Coronary Artery Disease

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Abstract

Objective: Changes in arterial blood pressure and heart rate are one of the main features observed during exercise stress tests. As it is well-known, the exercise stress test can be positive for myocardial ischemia, negative for ischemia, or non-conclusive. The aim of this study is to determine how the changes in systolic blood pressure (SBP) and heart rate (HR) during exercise, when compared to the resting phase, can predict positive findings for significant atherosclerosis in coronary angiography. **Method**: 39 female and 78 male patients who had a conclusive positive stress test (ACC/AHA criteria: greater than or equal to 1 mm of horizontal of down slopping ST-segment depression or elevation for at least 60 to 80 milliseconds after the end of QRS complex) and underwent coronary angiography within two weeks were involved in the study. According to coronary angiography result, they were divided into two groups Group 1 (G1): 16 of the females and 56 of the males who had significant CAD and Group 2 (G2): 22 female and 23 male who had a normal coronary angiography. We studied differences between SBP and HR at the fourth minute of recovery to the resting phase (4MR-RPh) for the two groups. ANOVA was used for statistical analysis. **Results**: Significantly higher differences of SBP and HR between 4MR-RPh resulted in individuals with normal versus abnormal coronary angiography findings. Thus, the mean difference of SBP in 4MR-RPh for G2 was 19.56 mmHg versus 12.78 mmHg for G1. The mean difference for HR in 4MR-RPh for G2 was -10.84 beats per minutes (BPM) versus 0.89 BPM for G1. **Conclusion**: In male and female patients, despite ECG results of exercise stress test, higher differences of SBP and HR at 4MR-RPh indicate independently the presence of significant of coronary artery disease. The findings of this study are especially useful. Thus, for non-conclusive stress testing, only by observing the above mentioned differences, the physician can judge about the presence of significant coronary artery disease and can recommend a coronary angiography to be done.

Keywords: systolic blood pressure, heart rate, stress test, predictor, coronary artery disease