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# PROCEEDINGS

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# PROCEEDINGS

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# Table Of Contents:

# The Role of the Collaborative Integrated Model (MDSIC) in Agile Software Development - Case Study and Practical Advice

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**Abstract**
       This research aims to determine the importance of the generation and application of models in the software development area, performing a comparison of existing models and their applicability. One of these models is the collaborative integrated software development model (MDSIC). There are several methodologies and models that help in software development, but most of them have processes in place that make the development more complex instead of agile. The MDSIC proposes five levels of better practices that should be followed in software development projects. Also, the model supports the main areas of knowledge proposed by the Project Management Institute (PMI), thereby generating software in line with the objectives of the organizations. The MDSIC is supported by an internet platform (MDSIC v1.0), which has been developed using Java Server Pages technology and responsive web design. This platform has generated a knowledge base using social business, thus generating an information bank helpful in obtaining the experiences of specialists, proposing best practices in building agile software

1

projects. Therefore, this article also aims to show matching indicators and results of implementating MDSIC in software projects, evaluating the needed parameters to generate good quality software, and thus align technology with the goals of the organizations.

**Keywords:** Software development; MDSIC; Agile methodologies; Quality assurance

## Introduction

Development of software made to measure in Mexico represents high costs for organizations and many of these projects do not meet the minimum requirements to software factories have to improve their processes. Organizations with different business line looking for the fluidity of information processes with the help of software development companies, called software factories. Those factories systematize and improve the processes of organizations.

According to (Piattini and Garzás, 2010) the term "software factories" conceptualizes an organization wich main objective is to produce quality software, implying a specific way of organizing work, with a considerable specialization, as well as processes formalization and standardization. For optimal software development several fundamental elements must converge to obtain a custom made product that provides proper process functioning in organizations.

Among fundamental elements are: 1) hardware; 2) software; 3) qualified personnel (technically as well as working with processes); 4) project administration; 5) agile models for software construction. The purpose of these elements is to expedite, ease and fulfill different projects of software development towards covering organizations' objectives. Therefore, in this paper is presented MDSIC as part of the industry in Center-West Mexico's region. MDSIC helps to achieve a product based on norms, quality assessment based on indicators and cover needs of enterprises with line of business in software development.

## I.
## A. Literature review

This section offers a literature review on use of different models for software development, also experiences generated using the software development model implementation (MDSIC) in Mexico. Nowadays there is a need to create software based on models that give certainty to enterprises having quality products and allowing a direct impact on their objectives. With the goal that models will aid the enterprises developing software, not otherwise, enterprises end up working for the models.

At this time software has unique challenges, such as: a) Form factors, b) User's technology, c) Usability, d) Design/user interaction, e) Programmers' choice for mobile devices implementation, f) Development processes issues, g) Programming tools, h) User interface design, i) Applications portability, j) Quality and k) Security. Additionally, look for development process time reduction.

One of the best ways to fight complexity in software development is with abstraction decomposition and problem break out. This leads to use of models that allow all the elements mentioned to interact. Business process modeling role in informatics systems (software) construction has a great importance due to these systems grow in scale and complexity, Barjis (2008). An example of business process modeling is based in theoretical concepts of the DEMO methodology, which is built upon graphical notations using Petri Networks. Both, DEMO concept and Petri Networks have been studied broadly in different research lines. DEMO methodology was developed and implemented in several real life projects, Dietz (2006). Therefore, models can be found in all areas such as software engineering.

In (Greenfield and Short 2003), it was concluded that: "The software industry remains reliant on the craftsmanship of skilled individuals engaged in labor intensive manual tasks. However, growing pressure to reduce cost and time to market, and to improve software quality, may catalyze a transition to more automated methods". In Cendejas et al (2014), is mentioned that for the last three decades software development has been immerged in a problematic from which has been difficult to get over. The main issue on this matter is, to develop quality products that satisfies organizations' needs and objectives.

In addition, the software is not aligned with the goals and objectives of the organization. Software is built by IT experts who are dedicated to analysis, design and development, but are never accompanied by experts in the organizational processes that benefit product development in a formal way. There is a need to analyze how to improve the software industry, and describe the best technologies that can be used to support this view. "Therefore it is suggested that the current software development paradigm, based on object orientation, may have reached the point of exhaustion, and models are proposed for its successor". In the last decade, this has progressed compared to what Booch (2002), one of the creators of UML estimated in 2002.

According to Booch (2002), in that year only 5% of developers used UML in its projects and the majority used it for documentation. In several studies, (Piattini and Garzás, 2010), concluded that: "The model-driven software development (MDSD) was founded with the objective of integrating models and code as participants in software production process. The development of any system software needs to be addressed with two different perspectives: a) the perspective that addresses issues related to the application

domain (the problem domain) and b) the perspective that addresses aspects of software technology used to implement the system (the solution domain). The problem domain usually has nothing to do with the software technology. For the end-user, software is a mere tool that should not cause concerns".

(Quintero and Anaya, 2007), discusses the role of models as fundamental in software development to enhance elements of software reuse and facilitate the work of the different roles involved in the process. In many cases the use of models and methodologies for software development requires time, effort and investment, and if the staff is not trained delays may occur in the delivery of software projects. Here is where the models help to solve real projects and provide flexible solutions to the needs of organizations through software development.

There are different models and methodologies that function as support tools for software development. In a recent study about models and methodologies Somerville (2005), conceptualize the following:

▪ Software development model: is a simplified representation of software development process, presented from a specific perspective.

▪ Software development methodology: Is a structured approach for software development including system models, notations, rules, designs suggestions and process guidance.

Another way of making software is through agile methodologies, allowing to carrying out a more effective and faster tracking scheme. Harleen et al., (2014); say that agile methodologies follow an iterative approach to build software quickly, where the entire software development life cycle is divided into smaller iterations, which helps minimize overall risk. Agile software development approach refers to the iterative and incremental strategy involving self-organizing teams and functional teams that work together to create software. Some of the existing agile methods are: Crystal Methodologies, Dynamic Software Development Method (DSDM), Lean Software Development, Scrum and Extreme Programming (XP). Table 1 describes each according to their references.

Table 1. Description of leading methods for agile development

| Method agil | Description | Reference |
|---|---|---|
| Crystal Methodologies | A family of methods for co-located teams of different sizes and criticality: Clear, Yellow, Orange, Red, Blue. The most agile method, Crystal Clear, focuses on communication in small teams developing software that is not life-critical. Clear development has seven characteristics: frequent delivery, reflective improvement, osmotic communication, personal safety, focus, easy access to expert users, and requirements for the technical environment. | Cockburn (2000, 2004). |

| Dynamic software development method (DSDM) | Divides projects in three phases: pre-project, project life-cycle, and post project. Nine principles underlie DSDM: user involvement, empowering the project team, frequent delivery, addressing current business needs, iterative and incremental development, allow for reversing changes, high-level scope being fixed before project starts, testing throughout the lifecycle, and efficient and effective communication. | Stapleton (2003). |
|---|---|---|
| Lean software development | An adaptation of principles from lean production and, in particular, the Toyota production system to software development. Consists of seven principles: eliminate waste, amplify learning, decide as late as possible, deliver as fast as possible, empower the team, build integrity, and see the whole. | Poppendieck & Poppendieck (2003). |
| Scrum | Focuses on project management in situations where it is difficult to plan ahead, with mechanisms for ''empirical process control''; where feedback loops constitute the core element. Software is developed by a self-organizing team in increments (called ''sprints''), starting with planning and ending with a review. Features to be implemented in the system are registered in a backlog. Then, the product owner decides which backlog items should be developed in the following sprint. Team members coordinate their work in a daily stand-up meeting. One team member, the scrum master, is in charge of solving problems that stop the team from working effectively. | Schwaber & Beedle (2001). |
| Extreme Programming (XP) | Focuses on best practice for development. Consists of twelve practices: the planning game, small releases, metaphor, simple design, testing, refactoring, pair programming, collective ownership, continuous integration, 40-h week, on-site customers, and coding standards. The revised ''XP2'' consists of the following ''primary practices'': sit together, whole team, informative workspace, energized work, pair programming, stories, weekly cycle, quarterly cycle, slack, 10-minute build, continuous integration, test-first programming, and incremental design. There are also 11 ''corollary practices''. | Beck (2000, 2004) |

According to Sutherland et al., (2008); the XP methodology receives more bibliographical attention because it applies conceptual premises to solve a problem that is slightly different from the evolutionary development of applications. (Schuwaber and Sutherland 2011), comment that organizations are focusing their attention to the agile methodology named Scrum. Scrum is used for managing software development, whose main objective is to maximize the return on investment for the company and generate innovation.

Harleen et al., (2014); propose that the agile development promotes stakeholder involvement in projects where those stakeholders enable monitoring of the activities, which increases productivity and profit. Agile development encourages users to participate actively in the entire product development. Pressman (2006), found that: "Modern computer software is characterized by continuous change, very short delivery times and an intense need to satisfy customers/users. In many cases, the time-to-market is the most

important management requirement. If this requirement is lost, the software project itself may lose its meaning."

In recent years the technology acceptance has been investigated by the theory of diffusion of innovations and models of social psychology Bhattacherjee (2000). The main focus of the theory of diffusion of innovations and for the adoption of an innovation is communication Rogers (2003). Often the diffusion of innovation within a population can occur from a very small proportion, which can be modeled mathematically for selection Bohlmann et al, (2010). The diffusion of an innovation can be a "special kind of communication." According to Rogers (2003), it comes from word of mouth and the existence of adopters will depend on the influence of early users.

Kiron et al, (2012); proposed in his research at the Massachusetts Institute of Technology (MIT), published in MIT Sloan Management Review (MIT SMR) and Deloitte in the spring of 2012, that "social business is an activity that uses social media, social software and social networks to enable more efficient and effective mutual connections between people, information and resources. These connections can facilitate business decisions, actions and outcomes in different areas of the companies" Yunus et al. (2010); report that in the coming years there will be a growing interest in building business models based on social participation, because humans have an instinctive natural desire to improve the lives of their fellowmen when possible.

A real innovative option is the collaborative integrated software development model (MDSIC). Cendejas et al. (2005); mention that "the collaborative integrated software development model (MDSIC) offers experts an easy way to interact with it through five levels that provide best practices for software development; these levels also consider the basic functions proposed by the Project Management Institute (PMI), which allows generating quality software aligned with organizational goals.

MDSIC allows evaluating software quality using a series of indicators that must be considered for optimum performance of a given software. These indicators are supported by quality standards. A key part of MDSIC is the creation of a knowledge base that feeds through social business, which is generated using social networks (Facebook, Twitter, StumbleUpon, Pinterest etc.), thereby producing a data bank with opinions of experts in software development. Cendejas et al. (2005); propose the use of MDSIC through a series of steps that facilitate agile project management and software development.

This model consists of five levels: 1) Level 0: Problem detection; 2) Level 1: Analysis and design; 3) Level 2: Development; 4) Level 3: Implementation; 5) Level 4: Quality indicators. MDSIC also contemplates the five basic functions covered under the Project Management Institute (PMI), which are: 1) Integration of project management; 2) Scope; 3) Time; 4) Cost;

5) Quality. Figure 1 presents the general structure proposed by the MDSIC including its elements.
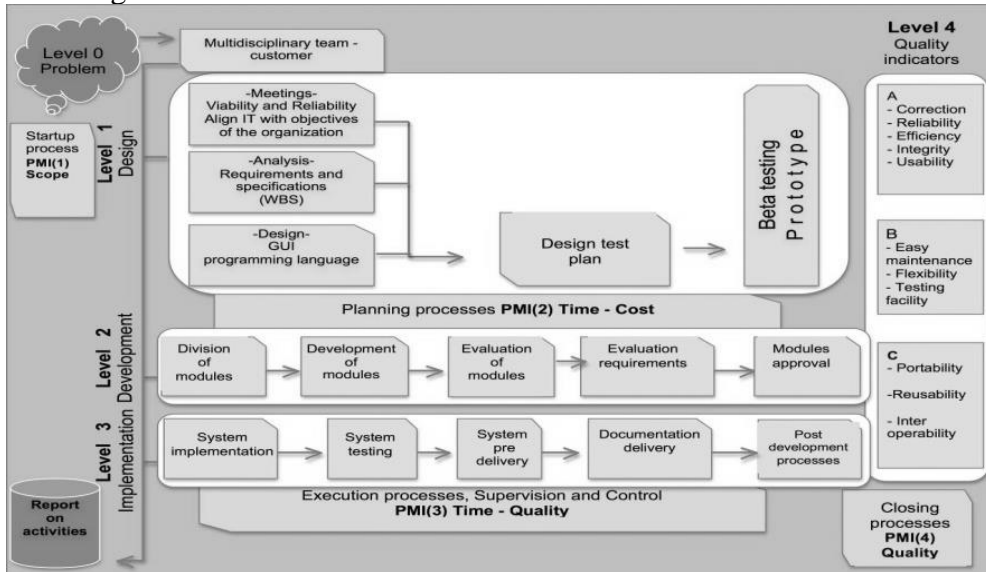


Figure 1. Collaborative Integrated Software Development Model (MDSIC)

## B. Methodology

MDSIC has been the basis for software development in several companies in Mexico and has served as a medium for monitoring and providing continuity in several of those projects. It has become a tool that has contributed to achieving the objectives in each project and thus helps enterprises, which act as clients of software developments, to be more competitive. The methodology of this research was to implement MDSIC in different projects and use its indicators to measure the quality of the software produced. Having identified the problem, the research objectives were established and the nature of the investigation, which defines procedures to obtain the information needed to solve the problem, is described.

A cross-sectional study was conducted with the following nature of research: quantitative, field, quasi-experimental and explanatory, Kothari (2004). This generated a synthesis analysis of different models and methodologies for agile software development, besides obtaining coincident indicators. Figure 2 shows the process followed for carrying out this research.
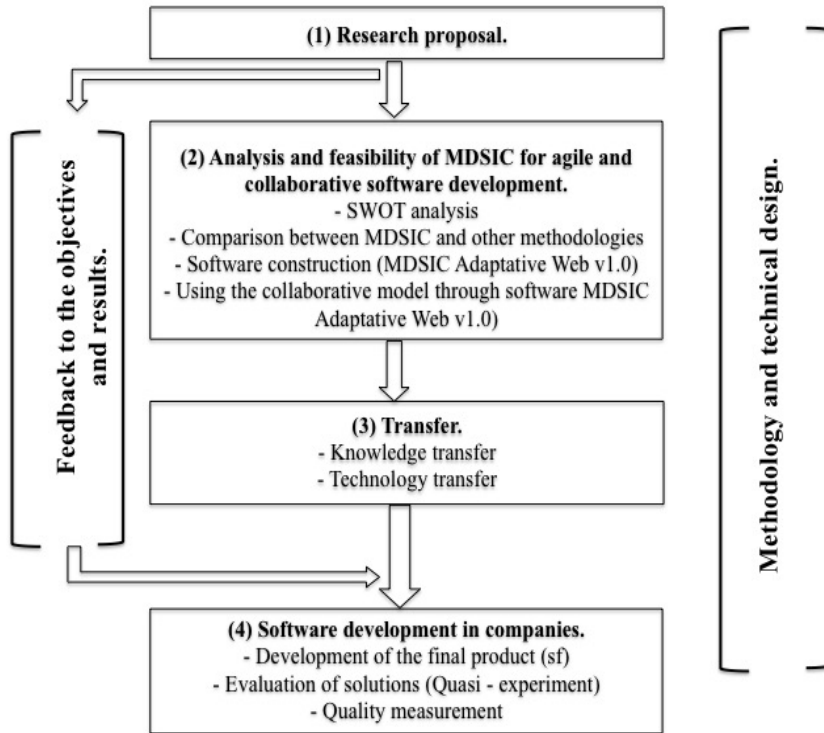
Figure 2. Description of the methodological process

Using this prior study, an analysis was conducted to determine the feasibility of applying the MDSIC model in software development projects based on the strengths, weaknesses, opportunities and threats (SWOT) analysis compared to other methodologies. According to Bockle et al (2004), "The SWOT analysis allows an assessment of the strengths and weaknesses factors that together diagnose the internal situation of an organization and also its external evaluation; that is, opportunities and threats".

With help of the SWOT analysis, behavior of MDSIC compared with eight of the most commonly used methodologies was identified. This comparison was based on the areas of: 1) stages considered; 2) projects size; 3) quality assessment and 4) application of social business. Figure 3 shows the comparison of stages considered by each one of the models and/or methodologies, in addition to size of the projects.
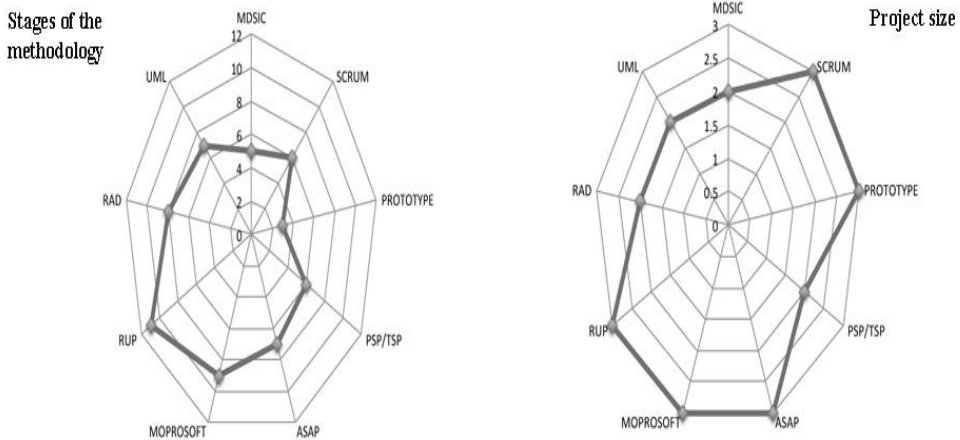
Figure 3. Stages and size of projects

Quality in software development can be measured in two ways: 1) by the degree of precision with which each product (software) conforms to the needs of every customer and 2) through the ratio of defects or product errors. Figure 4 shows the comparative evaluation of MDSIC referring to the use of indicators that assess the quality of software and the implementation of social business as a key element of the agile software development.
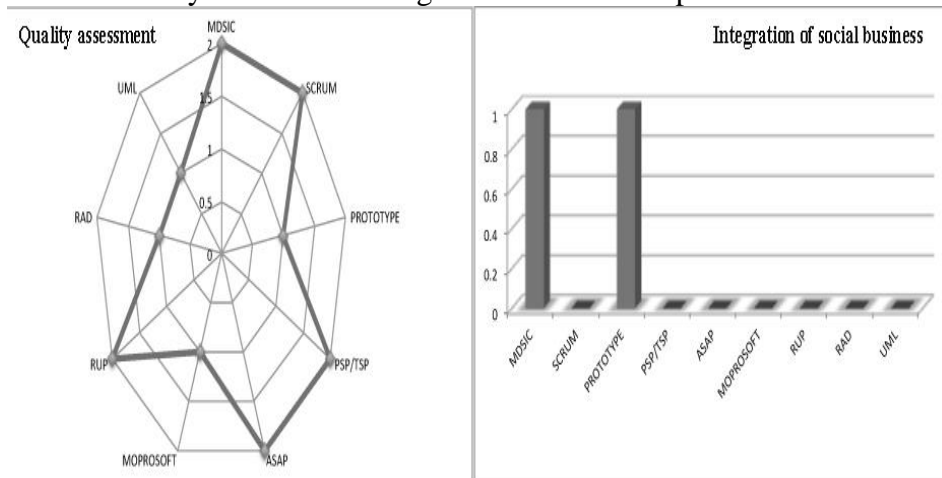


Figure 4. Quality and integration of social business

A survey was conceived and was answered by 52 software development companies from different states of the central-western area of Mexico. The survey had 29 questions that were designed by the Likert scale, where a reliability analysis was performed using Cronbach's Alpha study with help of statistical software for social sciences (IBM's SPSS), obtaining a value of reliability acceptance 0.812. This shows a good consistency in the responses obtained.

Based on this test it was identified that the instrument (survey) designed and implemented is valid and reveals different coincident indicators that should be considered to improve the quality in agile software development. The following process was to conduct a study of *Pearson* correlations of the main direct and indirect variables of the study to determine their affinity Bockle et al (2004). Table 2 shows correlations between variables with the greatest impact ($> = 0.6$).

Table 2. Correlations between variables with the greatest impact

| Pearson's correlation $> = 0.6$ | 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|---|
| 1. - Processes defined at work. | 100 | .83 | | | | |
| 2. - Work includes project management – PMI. | | 100 | .83 | | | .68 |
| 3. - Development staff works under processes. | | | 100 | | | .68 |
| 4. - Organization with more than 15 years of experience. | | | | 100 | .77 | |
| 5. - Organization with more than 16 developers. | | | | | 100 | |
| 6. - The use of models and methodologies enhance the efficiency of results. | | | | | | 100 |

## C. Results

An essential part of MDSIC is the "**activity report**", which has a presence through a system that is implemented based on a technology known as "responsive web", which is a way of programming that allows the system to adapt to the size and shape of any device that connects to it. The software accompanying MDSIC aims to capture and store the information generated from software projects. In addition to creating a knowledge base enhanced by expert developers looking to propose improvements in the processes of software development. This allows collaborative work from its multiuser nature as shown in Figure 5.



Figure 5. MDSIC v1.0 screens for user's registration, validation and welcome

In MDSIC v1.0 there are different levels and roles, where users can participate as: 1) project manager; 2) customer; 3) analyst; 4) designer; 5) developer and 6) QA (quality assurance). The role of project manager is the highest level since it is responsible for creating, managing and monitoring the entire project from level 0 to level 4 as proposed by MDSIC. In addition, it is responsible for capturing information from the memorandums of the meetings at every level, as shown in Figure 6. The creation of the other roles depends on the needs of each project.



Figure 6. MDSIC v1.0 software screen for user's participation

The projects developed through MDSIC v1.0 have the facility to measure the progress of these projects through the quality module, which allows to measure the progress of each of the levels. Thus the project manager, quality assurance (QA) and the collaborative team can measure the progress of each project graphically according to plan, as shown in Figure 7.
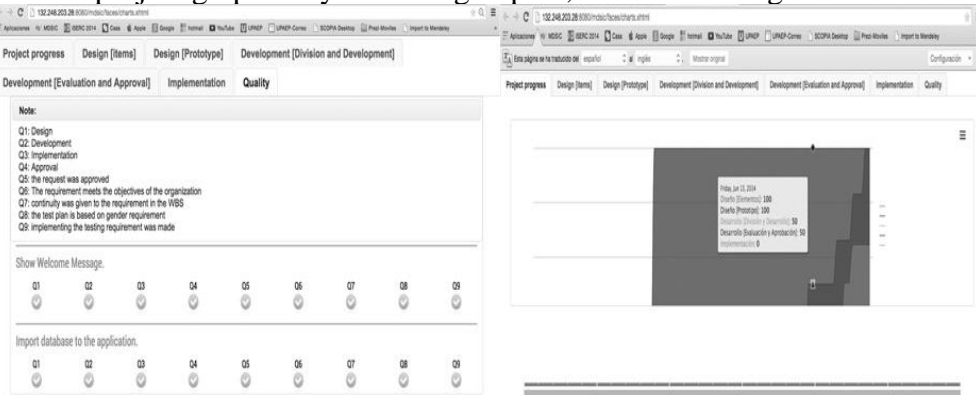


Figure 7. Graphic displays of project progress in the MDSIC v1.0 software

Table 3 shows the coincident indicators in software development projects using the MDSIC model.

Table 3. Coincident indicators in projects based on MDSIC

| Project | Multidisciplinary team | WBS Planning | Prototype | Development modules | Post development | Quality KPI's | Core f. PMI |
|---|---|---|---|---|---|---|---|
| LBS CIEco UNAM - Morelia. | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Species catalogue CIEco UNAM - Morelia. | ✓ | ✓ | ✓ | ✓ | ✓ | ✗ | ✓ |
| Ixtapa is the destination | ✓ | ✗ | ✗ | ✓ | ✓ | ✗ | ✗ |
| JonaBachi | ✗ | ✓ | ✓ | ✓ | ✓ | ✗ | ✗ |
| Development MDSIC v1.0 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

To measure the impact of the application of MDSIC, a quasi-experimental study was conducted, to compare the development of software before and after the use of MDSIC in two projects. For results of the study, a questionnaire was applied. The questions were designed based on the "Likert" scale, where the lowest value is 1 and represents the answer "strongly disagree" and the highest value is 5 and the answer is "strongly agree". The results of the questions can be seen in Table 4.

Table 4. Results of quasi-experimental study

| Question | Software factory A | | Software factory B | |
|---|---|---|---|---|
| When you are developing software: | Before MDSIC | With MDSIC | Before MDSIC | With MDSIC |
| 1.- Use a methodology | 5 | 5 | 1 | 5 |
| 2.- Form a multidisciplinary experts team | 2 | 4 | 2 | 5 |
| 3.- Generate viability and feasibility analyses before the project | 1 | 5 | 1 | 5 |
| 4.- Know the goals and objectives of the organization requesting the project | 4 | 5 | 3 | 5 |
| 5.- Generate a document for project management (Gantt, WBS) | 2 | 5 | 4 | 5 |
| 6.- Generate a prototype of the software to develop for customer approval | 2 | 5 | 1 | 5 |
| 7.- Generate the development stage through modules | 3 | 3 | 3 | 5 |
| 8.- Take into account the approval of modules by the client | 1 | 4 | 1 | 4 |
| 9.- Consider implementing a testing stage before definitive implementation | 1 | 5 | 3 | 5 |
| 10.- Write development documentation | 3 | 5 | 1 | 4 |
| 11.- Generate quality measures through indicators | 1 | 4 | 1 | 5 |
| **Totals** | **25** | **50** | **21** | **53** |

The results of the questions made to expert developers who used MDSIC in companies "A" and "B" are shown in Figure 8, where it can be seen the behavior of the items listed before and after using MDSIC.
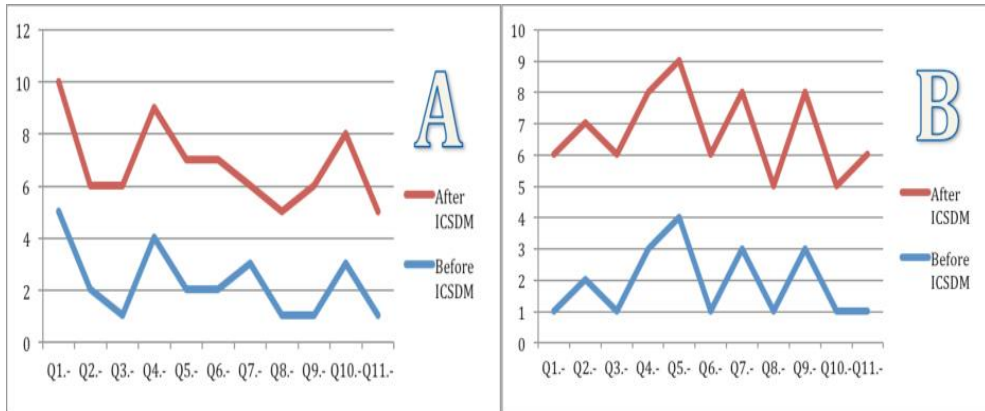
Figure 8. Project development before and after using MDSIC

Using MDSIC can significantly increase the productivity of software engineers, which results in reducing the effort and cost required to develop and implement software. According to Piattini & Garzás (2010), the turning point on a software development project can be around three points; impact, cost and benefit. Therefore, the evaluation of companies "A" and "B" was conducted with reference to those parameters.

**Conclusion**

The problems identified in the field of software development in the last three decades is mainly due to not having well defined methods for building software; this can be offset by using the model MDSIC; it has proven to be a tool that helps software development companies to develop projects that line up with the goals and objectives of organizations, thus contributing to their productivity. MDSIC aims to integrate all involved by forming teams of collaborative work that allow significant progress in building the software.

The need for documenting software projects is very important and MDSIC, with its system MDSIC v1.0, enables to register and document all the processes of software development. This application has multi-user features and was designed to function as a responsive technology; MDSIC v1.0 automatically adjusts to any device. MDSIC v1.0 can be used at the following address: http://132.248.203.28:8080/mdsic/.

The research results show the advantages of applying the MDSIC on agile development, by evaluating groups of software development companies. This research is relevant to the agile software development as it provides a better understanding and organization on this issue, in order to improve investment in resources, efforts and agile principles. It is concluded that the application of MDSIC improves process control and the quality of software is measured by the proposed indicators.

13

The experiences of software developers who have used MDSIC improved a knowledge base through the use of social networks and social business. This knowledge base stores best practices and experiences using MDSIC v1.0, and has improved the building of software development projects.

This work contributes with relevant information to research focused on software engineering and process modeling, in addition to professionals in the use of agile methodologies, allowing the identification and best practices to achieve success in agile software development. In the area of statistics, this study confirms that research in software engineering can be certified and validated by the multivariate analysis. Furthermore, the work contributes a quantitative research that encourages organizations to use agile principles in software development.

At present version 2.0 of the MDSIC software is under development, aiming at the development for mobile devices, with adherence to the agile development of custom software. Consequently, it is advisable to software industry professionals to use this article as a map of issues related to the topic, as they can benefit from the analysis in order to better understand trends in agile software development. It is expected that the proposals made in this document provide guidance for future research.

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# CSR Trough the Internet: The Case of Italy

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**Abstract**

The aim of the paper is to analyze the level of acceptance of social responsibility practices in Italy and in particular to evaluate the degree of social responsibility arising from the websites of Italian listed companies. CSR communication contributes to a corporation's corporate social disclosure, whose main purpose is to enhance a corporate image in order to promote customer and community relations and indirectly promote products to customers. To reach this goal, transparency is crucial. However transparency in the field of CSR is a difficult matter for two reasons: there is not uniformity in social reporting and the preparation of this document is not mandatory. The research is divided into two sections and the approach used is mainly descriptive: in the first part the concept of social balance as a means to interact with all the stakeholders of a firm is exposed. In the second part the paper analyses the web sites of a panel of selected listed Italian companies. The data are able to demonstrate that the size of the company still represent a barrier to CSR reporting and communication since require efforts and investment in term of time and resources. The research also shows that those company identified as "best practice" in the selected panel have a common strength: they attach an importan role to CSR in their corporate websites as a way to improve their image from the perspective of the multiple stakeholders.
(Max. 250 words)

**Keywords:** CSR; Italian listed companies, Social Balance; Social Responsibility; Websites

**Introduction**

In recent years, numerous publications have been published concerning corporate social responsibility (Gazzola & Battistini, 2015, Singh, 2016, Hąbek & Wolniak, 2016, Arru & Ruggieri, 2016, Amelio, 2016 and 2017, Gazzola & Mella, 2017). Nevertheless, in both the corporate and the

academic side there is uncertainty as to how CSR should be defined (Dahalsrud, 2008).

In particular, as Dahalsrud demonstrate the definitions of CSR have one common characteristic; they all refer to five dimensions:
- the stakeholder dimension
- the social dimension
- the economic dimension
- the voluntariness dimension
- the environmental dimension

It is also complex to provide a single definition for the terms "social balance" (Amelio, 2017). The term balance can have different meanings depending on the purpose for which the document is drawn up and the objects that have been taken into account. In fact we can have corporate balance, extraordinary balance, consolidated balance, balance of mission, social balance, sustainability reports. The social balance is the output of a process of social responsibility reporting and it allows to make known the value created in the face of the social costs incurred (Di Stefano, 1990). It often happens that the documents resulting from the reporting process are named differently, but with similar content, or, on the contrary, that documents with the same designation present completely different content. In relation to the names used in the operational reality, we can find in particular the following expressions:
- social balance;
- balance of mission;
- balance of mandate;
- sustainability report;
- balance of participation;
- environmental report.

To conduct a comprehensive assessment of a company, it is not enough to rely solely on the values deriving from the corporate balance (the compulsory financial statements required by IAS 1). To evaluate the overall impact of the firm's activity on the community (Hill & Jones, 1992), it is important to adopt a stakeholders approach by expanding the audience of these documents. The companies, in fact, are not only systems for the production of value but also economic social actors which operate in a social environment to which they belong and with which they interact, not only through a system of monetary and financial exchanges but also through physical, human and communication flows that produce knowledge, trust and reputation (Gazzola & Mella, 2012). From the perspective of CSR, it is necessary to move from shareholder theory (Friedman, 1970) to stakeholder theory (Freeman, 1984) but to do this it becomes important to consider companies as social systems. In this sense, the companies have to meet the interests of shareholders and that of the various stakeholders with whom they interact; only by this way the

company will have a durable life and will create value over time (Gazzola, 2012, Du, Bhattacharya & Sen, 2010).

For this reason, companies go beyond their economic obligations and are particularly meticulous in considering and accounting their activities' impact on the environmentit (Bravo, Matute & Pina, 2012). Consequently managers understood that to achieve success they have to support the corporate balance – with the statements required by IAS 1, par. 10 (Amelio, Gavana & Gazzola, 2014) – with a new document, the social balance (Wilson, 1999, Cardillo & Molina, 2011, Cavicchi, Dalledonne, Durand & Pezzato, 2003) in a perspective of social responsibility reporting. In such a way, companies integrate the ethical dimension within their own activities (Maggi, 1992). The social responsibility request is joining that of dividends and economic values (Hinna, 2002).

The importance of CSR and social communication was underlined by the EU with the Directive 2014/95/EU (Amelio, 2017).

Italy implemented this Directive with the Legislative Decree 30 December 2016 no. 254 (effective from 25 January 2017). In particular this decree states that "Public interest entities shall draw up, for each financial year, a statement in accordance with Article 3 if, on average, during the financial year they have a number of employees over five hundred and at the end of the financial year they have exceeded at least one of the following two dimensional limits: a) total balance sheet: € 20,000,000; b) total revenues from sales and services: € 40,000,000" (Art. 2).

Non-financial individual declaration has a minimum informative content (Art. 3):
- the use of energy resources, distinguishing between those produced from renewable and non-renewable sources, and the use of water resources;
- greenhouse gas emissions and pollutant emissions in the atmosphere;
- the impact on the environment as well as on health and safety;
- social aspects relevant to the management of staff, including actions to ensure gender equality, measures to implement the conventions of international and supranational organizations in this field, and the modalities with which dialogue        with          the            social         was conducted;
- respect of human rights, measures taken to prevent violations, as well as actions taken to prevent attitudes and actions, however discriminatory;
- the contrast to corruption (both active and passive), indicating the instruments adopted for this purpose.

CSR communication contributes to a corporation's corporate social disclosure, whose main purpose is to enhance a corporate image in order to promote customer and community relations and indirectly promote products to customers (Bravo, Matute & Pina, 2012). To reach this goal, transparency

is crucial (Lydenberg, Rogers, & Wood, 2010). However transparency in the field of CSR is a difficult matter for two reasons: there is not uniformity in social reporting and the preparation of this document is not mandatory.

**The internet**

Modern times characterized by the economic crisis and the crisis of confidence towards the general economic system require business managers to improve the company image by overcoming the traditional lack of transparency that connotes corporate communication. CSR helps companies to improve their images towards external and internal stakeholders thus communicating a desired identity (Maignan and Ralston, 2002, Hong & Rim, 2010).

The internet (Passaro, 2017) is one of the key tool for communicating with stakeholders in relation to company's social responsibility (Capriotti & Moreno, 2007). Several studies demonstrate that the internet is an important media of communication (Esrock and Leichty, 1998, 2000; Williams and Pei, 1999; Maignan and Ralston, 2002; Cooper, 2003; Snider et al., 2003; Douglas et al., 2004; Patten and Crampton, 2003).

In this scenario, the corporate website is a communication channel that companies employ to explicit their identity ("*Corporate identity is what the company is*" (Balmer, 2001), to reveal their personality and to communicate their internal culture. In particular, companies use their websites to publish the social balance, in order to legitimate corporate behaviours towards stakeholders through CSR reporting (Hooghiemstra 2000; Patten 2002; Pollach 2003, Tagesson, Blank, Broberg & Collin, 2009). The web site could be used not only to provide commercial information but also to make public social information targeted to different stakeholders and also to obtain feedback from them (Esrock and Leichty, 2000).

The final result is the corporate reputation (Biloslavo & Trnavcevic, 2009). As Fombrun and van Riel say corporate reputation is "*a collective representation of past actions and results of a company which describe its ability to deliver results to different groups of stakeholders. It communicates the relative position of the company in its competitive and institutional environment both inwards – in connection with the employees – and outwards – in connection with other stakeholders*" (Fombrun & van Riel, 2004).

In literature there is a gap in the analysis of the level of acceptance of social responsibility practices in Italy (Zeghal & Ahmed, 1990) and, in particular, in the evaluation of the degree of social responsibility arising from the websites of Italian listed companies. For this reason, in order to evaluate the level of acceptance of CSR practices in Italy, the second part is developed in the following steps:
- selection of the companies surveyed

- selection of the documents to be analyzed
- definition of standards and indicators to determine the level of CSR acceptance
- analysis of the main result upon the objective of the research
        The companies surveyed are selected panel from the Italian companies, able to satisfy the following requirements:
- they are listed companies (in the Italian Stock Exchange "Borsa Italiana SpA")
- with more than 250 employees
- with an overall annual turnover higher than 50 MLN € and total assets higher than 40 MLN € (the research period considered is 2015-2016, before the effectiveness of the Legislative Decree no. 254).
        The main idea behind the analysis is to map the Italian AS-IS situation with regard to CSR acceptance and communication. The analysis will then go deeper identifying the level of CSR acceptance among corporates, analyzing their reporting documents and communication strategy.

**The internet analyses**
Websites analyses has produced the following results:
- 70% of the selected panel present in the website a section dedicated to CSR. For an external stakeholder this is an evidence of the importance the company gives to the point and often documents, text, pictures and videos complete the section for a deep understanding of the practices carried on.
- 93% of the selected panel has a disclosure of vision and mission. This is a key indicator of transparency of the commitment of the company in the creation of long-lasting relationship with stakeholders and sustainable development of the business. While all of them, being listed companies, present disclosure about economic and financial reporting, 80% present a disclosure about their socially responsible activity and more than 70% about their environmental responsible activity. As mentioned before this is something that can differentiate one company from another from the perspective of the internal and external stakeholder. It is not something strictly required by the legislation (for example the compulsory financial statements required by IAS 1). It is a disclosure the companies are performing in the interest of the stakeholders, to invest in the relationship with them and to invest in the image of the whole organization.
- On average all the companies present 2 documents dedicated to CSR, one is usually referred to social responsibility and one to environmental responsibility, with more than 100 pages each on average, and 15 KPIs about their performance in the social and environmental responsibility. Around 15% of the surveyed company are able to disclose the generated and distributed value.

**Conclusion**

The companies analyzed present in the social media institutional page their activity and sustainable practices and are able to interact with external stakeholders and engage them, establish partnership with international non-profit organizations for the promotion of sustainable development and engage their own workforce in such projects.

The problem (and the limitation of the paper) is that companies in the sample represent less than 1% of the Italian entrepreneurial structure. This means that more than 95% of the companies in Italy are not able to attract from CSR perspective stakeholders and investors, and that the Italian entrepreneurial structure is not ready to compete with other countries at international level.

The sample only considers large companies (the same companies to which Legislative Decree no. 254 is dedicated) and therefore excludes "the other part of Italy" (which is desirable, however, for future studies). By limiting this extent, it can be stated that, considering large companies, the level of acceptance of socially responsible practices in Italy is very high. In particular, and this is the most important aspect of the article, big companies believe in Corporate Social Responsibility, they are able to commit a wide range of stakeholder in their reporting and to distribute value in the society. In addition, the communication campaign of the social balance covers a primary role. Big companies represent the best Italian practices and for this reason they should be imitated by smaller companies. It is also important for these companies to increase the level of CSR and to follow the footsteps of large companies.

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# How Sustainable Enterprises Can Drive The Sustainable Development

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**Abstract**

The aim of the paper is to analyze the role of companies as driver of sustainable development and respect for fundamental workers' rights. Trade policies and agreements can have wide-ranging effects on the economy, employment, labour standards, social cohesion, and the environment, including policy development and regulatory aspects. Nowadays the countries are closely tied to one another through trade and investment. This creates a common interest in a well-balanced world economy and properly functioning global system of trade. Thus, the EU wants to ensure that its trade actions are supportive of sustainable development within the EU, in the partner countries, and globally. The sustainability with its economic, social and environmental dimension in all relevant policies is a basic objective set out in the Treaty on the European Union, both as regards the EU's internal policies and external action. Respect for fundamental workers' rights and for environmental protection requirements should be ensured in a context of trade and economic expansion: the jobs created by open trade shall reflect international core labor standards and increased trade flows shall help the rapid spread of green goods, services and technologies around the world. The research presents three case studies on the CSR policy: Nike, Apple and Walmart. These multinationals have been involved in social and environment conflicts. The article researched how companies solved these conflicts and what changes they made in the sustainable policy in relation to those conflicts.

**Keywords:** Sustainable development, sustainable enterprise, workers' rights, scandal

**Introduction, sustainable development, labor and environment provisions**

In modern reality during the international division of labor it's impossible to live on your own. Thus, nowadays the key words are the interdependence of nations and the imperatives that a global system imposes on national economies. The main problem is that majority of states are focused on national interests' strategies caused by country's social-economic needs. However, ignorance of globalization or not adequate recognition of its importance is likely to lead to missing the chance of participation via international relations in globalized economy and gain profits.

Today the European Union (EU) is a "classic model" of successful regional integration, which positively influences the economic development of the member-states as well as neighboring countries. The primary objectives of regional policy are to reduce negative phenomena arising from natural conditions, geographical location or economic processes, and to create, as favorable conditions as possible, for closing the development gap and for encouraging innovative economic activity (Sepashvili, 2015) towards sustainable development.

Sustainable development is the main objective of the international community. It is the way for meeting the needs of present generations without compromising the needs of future generations. It offers a model of progress that reconciles immediate and longer-term needs. Sustainable development brings economic prosperity through and with a high level of environmental protection and social equity and cohesion. The sustainability with its economic, social and environmental dimension in all relevant policies is also an important objective set out in the Treaty on the European Union, both as regards the EU's internal policies and external action (DG trade, online).

EU is pursuing the three ambitious dimensions: sustainable development, labor and environment provisions. Respect for fundamental workers' rights and for environmental protection requirements should be ensured in a context of trade and economic expansion: the jobs created by open trade shall reflect the international labor standards, and increased trade flows shall help the rapid spread of sustainable production of goods, services and to use sustainable technologies around the world.

Free trade agreements need to contain strong provisions to promote the respect of labor rights in every country. The Commission will make it a priority to see that the trading partners implement rules that respect labor standards rights like the abolition of child labor, the rights of workers to organize and non-discrimination at work (Gazzola, 2014). Properly functioning markets and sustainable production chains are important because they encourage local and foreign enterprises and investors to become active in developing countries. The point is to make financing available, to appeal to

investors, to introduce new techniques, and to pay particular attention to sustainable (people, planet, profit) production processes.

Sustainable enterprises respect for human and workplace rights is engrained in the company culture and guides the interactions with employees, partners, suppliers, customers, consumers, and the communities they serve.

**Research methodology**

The research methodology is based on the theoretical analysis of available literature on sustainability frameworks, as well as methodologies for the integration of development models and sustainable development.

This paper adopts a conceptual review approach. A critique of the current literature that supports the different sustainable development practices and their effect on labor rights are carried out. Consequently previous literature provided the qualitative data used in this paper.

Qualitative researches were developed in the social sciences to enable researchers to study social and cultural phenomena. The motivation for doing qualitative research, as opposed to quantitative research, comes from the observation that, if there is one thing, which distinguishes humans from the natural world, it is our ability to talk! Qualitative research methods are designed to help researchers understand people and the social and cultural contexts within which they live. Kaplan and Maxwell (1994) argue that the goal of understanding a phenomenon from the point of view of the participants and its particular social and institutional context is largely lost when textual data are quantified.

The first part is about the literature review. The authors describe and synthesize the literature on the topic of sustainable development because they are very wide and varied. The literature and definitions research was conducted analyzing the lines of thought retrieved in the major and specialized journals. The second part is about role of European Union in support and implement sustainable development and the worker rights. In the paper we show four examples of companies that learn from the scandals about the problems with workers rights. The paper aims to answer the following question: Do social conflicts affect a company's sustainable policy?

**Literature review**

The first well known definition of sustainable development was introduced in the Brundtland Commission report in 1987: "Development that meets the needs of the present, without compromising the ability of future generations to meet their own needs." (World Commission on Environment and Development WCED, 1987). Sustainability is based on the idea that resources should as needed for present needs but not be used faster than they can naturally regenerate and be available for future and that the negative

effects of the processes for production of goods can not be transferred to future generations. Elkington goes more into detail when arguing that companies should not only focus on enhancing its value through maximizing profit and outcome without worrying about the consequences of general environmental but concentrate on environmental and social issues equally (Elkington, 1997). In effect sustainability implies: "... a broad interpretation of ecological economics where environmental and ecological variables and issues are basic but part of a multidimensional perspective. Social, cultural, health-related and monetary/financial aspects have to be integrated into the analysis" (Söderbaum, 2008).

Moreover, referring to the definition by the "Brundtland Commission" (1987), Adams (2006: 1) observes: "Over these decades, the definition of sustainable development evolved. … This definition was vague, but it cleverly captured two fundamental issues, the problem of the environmental degradation that so commonly accompanies economic growth, and yet the need for such growth to alleviate poverty".

The United Nations Secretary-General, Kofi Annan (2002), challenged business leaders to join an international initiative, the Global Compact, that would bring companies together with UN agencies, labor and civil society to embrace a set of shared values and principles in the areas of human rights and labor and environmental standards.

Costanza and Patten (1995) emphasized, taking the meaning of sustainability from biology, that: "Biologically, sustainability means avoiding extinction and living to survive and reproduce. Economically, it means avoiding major disruptions and collapses, hedging against instabilities and discontinuities. Sustainability, at its base, always concerns temporality, and in particular, longevity".

Nevertheless, in general, as Pearce (1999: 69) has commented: "defining sustainable development is not a difficult issue. The difficult issue is in determining what has to be done to achieve sustainable development, assuming it is a desirable goal".

Sustainable development was further developed at the World Environment Conference in Rio de Janeiro in 1992 with Agenda 21 and Local Agenda 21. The Local Agenda 21 concept has since been taken up by an increasing number of cities in countries around the world (2003). In 2012, twenty years after the first Earth Summit the key directions of green economy development and poverty elimination were discussed at the Rio+20. The concept of sustainable development was revised by putting the emphasis on the social and human dimensions that inherently broaden the scope of ecological and economic pillars of sustainable development.

According to the Rio Declaration 1992 and Agenda 21 (2003), any strategy for sustainable development has to include all dimensions of

economic, social, ecological, spatial and cultural development (World Bank, 2001). Sustainable social development here means continuous progression towards creation of a human society that treats equally all cultural, racial and language differences. Equitable distribution of resources, revenues and information, are other necessities of social justice. "Sustainable Development is a dynamic process which enables all people to realize their potential and improve their quality of life (Gazzola and Querci, 2017) in ways which simultaneously protect and enhance the Earth's life support systems" (Forum for the Future, 2000).

**EU Sustainable development and the role of companies:**

The EU interventions operate at three levels.

- At global level: EU is actively involved in the liberalization of goods and services which can deliver environmental benefits; the EU works closely with the International Labor Organization (ILO) to integrate labor considerations into its trade policy and to support the ILO's work.

- At bilateral level: the EU aims for its trade agreements, with both industrialized and developing countries, to include provisions devoted to sustainable development aspects of importance in a trade context. All bilateral trade agreements recently concluded by the EU (e.g. South Korea, Central America, Colombia and Peru, Singapore) contain provisions on Trade and Sustainable Development. These include adherence to key international labor and environment standards and agreements, the prudent use of natural resources such as timber and fish, and the promotion of practices favoring sustainable development such as Corporate Social Responsibility (CSR). The close involvement of civil society is central to the successful implementation of the provisions, Civil Society advisory groups include environment, labor, and business organizations.

- At unilateral level, the EU uses the flagship trade policy instrument: Generalized Scheme of Preferences (GSP), to support sustainable development and good governance in developing countries, granting special tariff rate cuts to developing countries committed to core international agreements on human and labor rights, the environment, and good governance.

Presenting the new proposal, EU Trade Commissioner Cecilia Malmström said:

"Trade is not only a tool to create new economic opportunities for consumers, workers and employers, but also a tool to help the world become a more responsible place. Trade is not just about our economic interests, but also about values. Child labor, insufficient workers' rights or irresponsible corporate behavior are global scourges that I want trade policy to help us deal with. I made it my clear priority in the new 'Trade for All' strategy...”

The role of enterprises is central for sustainable development. Many of the key priorities and issues of sustainable development are connected with business activities (Robèrt et al., 2002).

Companies use energy and natural resources, consume water, produce waste, emit greenhouse gases, etc. Companies have an influence on all-major global environmental changes and they are made up of people whose decisions influence the production and consumption patterns of others stakeholders: consumers, managers, employees, suppliers, clients, family, community, etc. Companies also affect the environment through industrial accidents.

The United Nation (UN) Global Compact encourages companies to operate responsibly and take strategic actions that support society. It works to ensure that business activity adds value not only to the bottom-line, but also to people, communities and the planet. Companies has to take a comprehensive approach to sustainability incorporating the CSR in the strategy (Gazzola and Colombo, 2014), and lay out some essential elements of corporate sustainability which helps business put into practice: operate responsibly in alignment with universal principles, take strategic actions that support the society around them, push sustainability deep into the corporate identity, companies must commit at the highest level, report annually on their efforts and engage locally where they have a presence.

The other important step is that sustainable companies need to implement sustainable business practices also throughout their supply chain if they want to protect against reputational damage and have positive influences in sustainable development. A company's entire supply chain can make a significant impact in promoting human rights, fair labor practices and environmental progress. Supply chain practices are the biggest challenge to improve the sustainability performance of the companies, but extending the UN Global Compact's Ten Principles into the supply chain can be difficult because of the scale and complexity of many supply chains.

The UN Global Compact encourages companies to make sustainability a priority from the top of the organization. If companies see the supply chain as an extension of their workforce and community, the company can set expectations for best practices across its supply chain. These can include key areas such as selection, training, auditing and remediation (UN Global compact online).

**The lessons from Nike, Walmart, Apple and Nestlé:**

In the past numerous scandal involving companies because they didn't ensure a safe and healthy workplace.

The lessons learned from the Nike experience show an example of a multinational corporation that has incorporated CSR into the business strategy. The choice was necessary for its survival.

By the early 1980s Nike start a strategy of sourcing shoes from low-wage countries in Asia, without worrying about the local sub-contractor. It was the first company who set new rules and regulations about the labor practices all over the world (McHale, Zompetti and Moffitt, 2007). In the early '90s, Nike, like most of its competitors in the industry, did not have a CSR policy and the child labor scandal has been Nike's turning point in building one of the strongest CSR policies in its sector.

In 2000 Nike has been accused of using child labor in the production of its soccer balls in Pakistan. Nike has had to face real questions about its labor practices abroad when it has felt a public-relations impact. Consumers took an immediate action in order to eradicate child labour practices discharged by this company. This can only be done by not buying their products which are produced in the third world and which have suspicion of a child being involved in the process. Nike had to take immediate actions in order to find a solution, otherwise the company's image could be devastated. Nike launched a program, which aimed to monitor the factories in every country where Nike operates, with an increased attention on its practices to be in accordance with the code of conduct. This program also involved investigation of the work conditions worldwide.

Walmart is another company that faced many obstacles over the years. At the end of 2005, the company was accused to use child labor at two factories in Bangladesh for less than $50 a month making products of the Walmart brand for export to Canada (Cedillo Torres et al., 2012). The 2005 Report on Ethical Sourcing reported that Walmart had ceased to do business with 141 factories, primarily because of underage labor violations. Walmart's 2005 and 2012 COC 'Standard for Suppliers' explicitly establish that Walmart would not tolerate the use of child labor setting the age of 14 as the minimum age for suppliers and subcontractors to hire workers. Walmart's zero tolerance policy for underage workers was changed in 2005.101 If a single underage worker was found in a factory, Walmart ceased business ipso facto. Currently, Walmart publishes a full and complete report on CSR issues called 'Global Responsibility Report' which covers the three dimensions of 'People, Planet, Profit'. This report emphasizes gender equality and a diverse workforce. Walmart has also committed itself to achieving three goals in its Sustainability Report: using 100% renewable energy, creating zero waste, and selling products that sustain people and the environment.

Also Apple faced the criticism for the practices of an overseas supplier with a bad reputation for workplace safety and fair wages. Apple has been buffeted by attacks in the United States for the workplace conditions and wage rates of its Chinese manufacturer, Foxconn. At the end of 2011 Apple became a participating company in the Fair Labor Association (FLA) and, in doing so, it agreed to abide by the FLA's Workplace Code of Conduct throughout its

supply chain. The FLA quickly launched a series of independent investigations of Foxconn's factories in Shenzhen and Chengdu, China. Now "Apple's suppliers must live up to this to do business with Apple." They have workplace standards for the entire supply chain. The company continues its efforts to make any number of benefits available to individuals working within its supply chain. By exhibiting a genuine commitment to social responsibility and ethical business practices, corporations like Apple have the power to not only transform their organizations but also their supply chains. Apple is a sustainable company and it isn't limited by the vision of its shareholders and customers.

The next example is a recent problem of Nestlé, the world's largest food producer. The company had problems with the child labor in cocoa supply chain in Côte d'Ivoire and it was sued over allegations that it used child slaves to harvest cocoa. The US Supreme Court has rejected the appeal from Nestlé to dismiss the lawsuit which was left in place by the high court in December 2014, according to Reuters. To deal with the problem, Nestlé tackled child labour in the cocoa supply chain through pioneering monitoring and remediation schemes in Côte d'Ivoire and Ghana, which form part of the Nestlé Cocoa Plan. For the first time, in October 2017, Nestlé published a report laying out the important progress that the company made in tackling child labor.  In the Corporate Business Principles and Supplier Code, which guide the behavior of the employees and business partners worldwide, Nestlé strongly oppose any kind of child exploitation, and they're committing to preventing and eliminating it in the supply chain.

**Conclusion**

Sustainable enterprises respect for human and workplace rights is engrained in the company culture and guides the interactions with employees, partners, suppliers, customers, consumers, and the communities they serve.

Companies are now almost universally recognized as the primary engine of the economic growth and development needed to alleviate poverty. Business innovation is also needed in meeting sustainable development challenges in the future (Vătămănescu et al., 2017). Multinational corporations are working with small and medium sized suppliers to raise the environmental and social standards of their supply chain. Enterprises that fail to understand these opportunities may soon find themselves overtaken their more responsive competitors or by scandals. From the three examples is clear to understand the role in the sustainable development of the enterprises in the global word. It's also clear that the respect of workers rights is one of the most important goals of the companies. In sustainable enterprises every worker has the right to a fair and safe work environment free of discrimination, where they earn

competitive wages and can voice their concerns freely, this bring to sustainable development

After the scandals Nike and Apple decided to participate in FLA, the association launched in 1999 by a coalition of industry, labor and non profit advocacy groups, which check the assesses working conditions and monitors attempts to remedy violations in factories, farms and facilities used by its affiliated companies. Walmart has increased the number of audits to control child labor employment.

The four scandals occurred in different time periods. Nestlé has published a report with the progress that the company made in tackling child labor.

In particular, in the early 90s, the information available to consumers regarding the value chain was very limited. This was the case because there were not many tools that people could use to gather more information; therefore it was very simple to conceal the reality.  Later, consumer's awareness become an established concept and when a current or potential buyer has access to the internet and countless sources of information. In the era of internet communication and networks and the increased access to the informations, international organizations, like EU, should focus on promoting enterprise because they become the driver of sustainable growth and decent work, including the enabling environment and the supply chain.

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# Legal Framework of European Inland Waterways and Croatian Legislation on Inland Waterways Navigation – Problems of Non-Harmonized Rules

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**Abstract**

Inland waterway transport, as one of the oldest modes of transport, is still under-used in the European Union. Though it has many advantages over other modes of transport (it is environmentally friendly, cost-saving, energy-efficient, safety), it also faces several significant problems. The European Union has recognized the importance of inland waterway transport and has adopted several regulations establishing a legal framework for this area of transport, and has launched some programs and projects to promote it. The Republic of Croatia has harmonized its national legislation with the European, and is also the party of the most important international agreements regulating inland waterway navigation. Despite this, inland waterway navigation continues to lag behind other modes of transport. One of the reasons may be that the existing legal framework (on international, European and national level) is still not satisfactory. Further improvements, harmonization of rules and preferably unification is needed. This paper analyses the international and European legal framework as well as the Croatian legislation on inland waterway transport and makes recommendations for further changes to the existing legislation.

**Keywords:** Inland waterways navigation (transport), fragmentary legal framework, the Republic of Croatia, legal regulation, harmonization of rules

## Introduction

Inland waterways include rivers, lakes and canals, and inland waterway navigation (inland waterway transport) includes navigation on rivers, lakes and canals of a certain depth and width that are settled, marked and open for transport. Inland waterways may be entirely within the territory of one state or can be spread on the territory of two or more states which will result in a more complex regulation of their use.

Inland waterway transport has extraordinary economic importance for a country that has and uses some water course. Although it is one of the oldest modes of transportation, it is usually underestimated in relation to other modes of transport, particularly in relation to road transport.

Inland waterway transport disadvantages are often referred to geographical limitations, inadequate infrastructure, relatively slow speed, inadequacy of the modern 'door-to-door' transportation conditions, less flexibility in comparison to road, rail and maritime transport. Multiple legal frameworks, rules that can overlap, failure to comply with regulations, non-harmonized rules and many decision making bodies further aggravates the aforementioned deficiencies. However, its benefits are often underestimated. Economy, safety, efficiency and environmental friendliness are the most important advantages of this mode of transport.

Despite its advantages, there is still a huge amount of capacity on the waterways that is not being exploited. According to Eurostat inland waterway transport progressed by only 17% in nearly three decades. (Eurostat b) Inland waterways transport has a 6.9% share of freight volume in the European Union, which has some 40,000 km of navigable waterways, but this share is considerably higher in countries with good waterway infrastructure. The main contributors to the EU inland waterways transport performance are by far Germany and the Netherlands. These two countries together accounted for more than 70% of the EU inland waterways transport performance in 2015. (Eurostat a, p. 117)

Over the last decades, it has been trying to revive inland waterway transport, especially in countries with larger and more significant waterways. The Republic of Croatia is one of the countries that has confirmed the importance of the development of this mode of transport, although the greater success of its work on the promotion of inland waterways transport is missing. The European Union has also recognised the great potential that Europe's inland waterway network has for cargo and passenger transport.

The condition for developed transport is an appropriate legal basis that will adequately regulate a certain mode of transport and which will provide its users with legal certainty and facilitate its use.

This paper analyses the international and European legal framework, as well as the Croatian legislation on inland waterway transport and makes recommendations for further research and changes to the existing legislation. For better understanding of the paper definitions of the national and international river will be given, as well as the explanation of the term 'freedom of navigation'.

## European rivers - navigation and legal regulation

Navigation on rivers in Europe is currently regulated by a variety rules passed by international institutions and bodies: specific river navigation commissions, United Nations Economic Commission for Europe (UNECE), the European Union for EU member states as well as national legislation. This situation is not satisfactory. In the following chapters an overview of the rivers, commissions, international public law rules, European legislation and private law treaties are shown. For the purpose of this paper further will be analysed some of the provisions relating to the Rhine, Danube and Sava River.

## National and international rivers

Rivers, according to the common division accepted by many authors, are divided into national (internal, domestic) and international (conventional). National rivers are those whose flow runs from the source to the mouth, through the territory of only one country. (Andrassy, Bakotić, Seršić, Vukas, 2010) States independently regulate the navigation and exploitation of such rivers. The definitions of international rivers differ greatly. However, today, strictly legal, the international river is considered only rivers whose regime is regulated by an international treaty (hence the name of the conventional river). (Andrassy, Bakotić, Seršić, Vukas, 2010, p. 199.)

The definitions of international rivers contain different elements for distinguishing them from national rivers, e. g. whether is flowing through two or more states, whether is navigable, related to the sea, whether there is freedom of navigation on that river, etc., but all agree that it is essential that there is an international treaty or unilateral legal act regulating this river. It is not enough that the river has an international character in geographic, transport or economic terms. It is necessary to make a special agreement for each river that will contain the specific rules of navigation and other uses of that river. (Činčurak Erceg, 2013)

Rivers are part of the state territory through which they flow. The riparian state has full sovereignty over them and they are an integral part of the state territory. States do not have to allow navigation on rivers within their territory. However, when they allow it by unilateral legal act of the state, or when two or more states agree to permit a navigation on a river shared by each other (whether it is a border or successive river), we are talking about freedom of navigation.

According to Vitányi, freedom of navigation include following elements: freedom of traffic, free exercise of the shipping trade, freedom of fright, exemption from dues based on the sole fact of navigation, perfect equality of treatment for all beneficiaries of the right of navigation in the respect to the mentioned freedoms and exemption, and obligation of the

riparians to maintain in good order the navigability of waterways governed by the regime of free navigation. (Vitányi, 1979)

**Rivers in the Europe**

In general, when speaking of rivers, in addition to autonomous inland waterway systems in Italy, Spain, Portugal, Finland, the United Kingdom, Ukraine and Russia; there are four waterway systems of significant importance for European inland navigation:

1. Rhine with its tributaries (Moselle, Neckar, Main and canals (Wesel–Datteln and Rhine–Herne)

2. The North-South corridor consists of the area around the IJsselmeera in North Holland, Meuse and Scheldt rivers, and a number of canals in Belgium, the Netherlands, northern France and the Seine River in France;

3. East-West Corridor - the main transit routes for this transit area include the Mittelland Canal, the Dortmund-Ems Canal and the Elbe River and Weser as links to the North German seaports.

4. South-East Corridor consists of the River Main, the Rhine–Main–Danube Canal and the Danube River with numerous tributaries. (CRUP, 2006, p. 9)

In this context we should certainly emphasize the work of UNECE which has prepared the European Agreement on Main Inland Waterways of International Importance (AGN) of 1996. AGN identifies the network of European inland waterways and ports of international importance (E waterways and ports) and is intended to be carried out in the relevant programs of the contracting parties.

In the European Union, 21 out of 28 Member States have inland waterways, 13 of which have an interconnected waterway networks. (https://ec.europa.eu/transport/modes/inland_en) Europe's waterway network consists of approximately 37,000 kilometres of waterways. The core network with rivers and canals of international importance (Class IV and higher) is formed by more than 12,000 kilometres of interconnected waterways, 444 locks and several hundreds of inland ports and transhipment sites. The remaining network is made up by smaller waterways. (Commission Staff Working Document, SEC (2006) 34/3, p. 27)

**International treaties governing navigation on international rivers**

Inland waterways transport depends on the navigation regime established in a particular river, whether it is an international river or not and is there freedom of navigation or not. Rules differ from international river to international river. As was mentioned before, the European continent is intersected by numerous international rivers: the Danube, the Rhine, the Sava are just a few of them. Each of them still has different legal system governing

freedom of navigation, thus creating different regimes for each of them. International agreements regulating navigation on the mentioned rivers are: Mannheim Convention for the Navigation of the Rhine of 1868 with additional protocols; Convention regarding the Regime of Navigation on the Danube (known as Belgrade Convention or Danube Convention) of 1948; Supplementary Protocol to the Convention regarding the Regime of Navigation on the Danube of 1998; Framework Agreement on the Sava River Basin of 2002 and Protocol on the Navigation Regime to the Framework Agreement on the Sava River Basin of 2002.

Ever since 1993, members of the Danube Commission are planning to organize a diplomatic conference on which a new convention on the regime of navigation on the Danube should be prepared. Since 2003, the Preparatory Committee for the Diplomatic Conference has intensified its work and established working groups. (Andrassy, Bakotić, Seršić, Vukas, 2010, p. 209.) The Member States intend to modernize Commission, by vesting additional powers in it and new functions, as well as to enlarge the circle of its members. (http://www.danubecommission.org/dc/en/danube-commission/) Their work is still in progress and it should certainly be speeded up.

This different treatment of each international river has resulted in different conditions in respect of the administration of the river, the transport rights (international transport, cabotage), the territorial scope, the scope of beneficiaries, the elements of free navigation, shipping regulations relating to vessel safety conditions and nautical skills, labour and tax conditions, etc. This complex situation is problematical both for decision making bodies and for the users of these waterways. The situation is further complicated by the fact that the concept of free navigation has been understood only in regard of international rivers since unless agreed otherwise (in international agreements or in the special acts) the principle of free navigation does not apply to national waterways.

The main European international rivers are managed by specially established navigation commissions entrusted with setting technical and legal standards for the navigation in their respective river basins. These are: Central Commission for Navigation on the Rhine (CCNR), the Danube Commission (DC), the International Sava River Basin Commission (ISRBC). The main difference between them is whether the regulations they make are binding or not. The resolutions of the CCNR are legally binding for its member states. The Danube Commission decisions and recommendations are not legally binding and need to be implemented into national legislation of its member states. Decisions of the Sava Commission in the field of navigation are legally binding for its member states.

From the mentioned, it can be concluded that such fragmentation of the institution, numerous different regimes and rules, although they exist for

many years, will complicate the inland waterways transport. In the following chapters additional problems as well as certain clarifications will be given.

**Legal framework of the European Union – overview**

For the member states of the European Union, inland navigation is governed by the EU legislation. Legal regulation of inland waterways transport in the framework of the European Union began in 1958 when, under the auspices of the European Coal and Steel, Agreement concerning freight rates and conditions for the carriage of coal and steel on the Rhine was adopted. (Činčurak Erceg, 2013)

The European Commission encourages the use of inland waterways, and the importance of inland navigation is emphasized in White Paper: 'European transport policy for 2010: time to decide', that was published in 2001. The policy for the promotion of inland navigation in Europe is summarized in the NAIADES (Navigation And Inland Waterway Action and Development in Europe) Program (2006-2013) and the platform for its implementation - PLATINA project, launched in 2008. Both, NAIADES and PLATINA were extended, NAIADES 2 for the period 2014-2020 and PLATINA 2 for 2013 – 2016. The NAIADES 2 policy package 'Towards quality inland waterway transport' is the second European Action Programme aimed at moving more freight transport onto Europe's waterways while reducing emissions. (http://naiades.info/what-we-do/eu-transport-policy/naiades-ii/)

Detailed analysis of the EU legal framework would exceed the scope and purpose of this paper, therefore only a list and short notes of the most important Regulations and Directives will be given.  Consequently, the regulations that are essential for liberalization and transport security are:

a) Council Regulation (EEC) No. 2919/85 of 17 October 1985 laying down the conditions for access to the arrangements under the Revised Convention for the navigation of the Rhine relating to vessels belonging to the Rhine Navigation. Regulation has two goals 1. to give the opportunity that Member States which are not Parties to the Mannheim Convention have equal access to the Rhine and 2. to prevent persons or companies from non-member States of the European Union to benefit from the freedom of navigation of the Rhine by establishing in a Member State without having genuine link with that Member State.

b) Council Regulation (EEC) No. 3921/91 of 16 December 1991 laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State. According to Article 1, carrier of goods or passengers by inland waterway may transport goods or passengers by inland waterway for hire or reward in a Member State in which they are not established (cabotage) if he fulfils these conditions: a)

he is established in a Member State in accordance with its legislation and, where appropriate, b) he is entitled there to carry out the international transport of goods or persons by inland waterway. If he fulfils those conditions, he may temporarily carry on cabotage in the Member State concerned without having to set up a registered office or other establishment there.

c) Council Regulation (EC) No. 1356/96 of 8 July 1996 on common rules applicable to the transport of goods or passengers by inland waterway between Member States with a view to establishing freedom to provide such transport services. The Regulation applies to the transport of goods or passengers by inland waterway for journeys between EU countries and transit through them. And any operator shall be allowed to carry out these services without discrimination on grounds of nationality or place of establishment, if he meet the prescribed conditions.

d) Council Directive 87/540/EEC of 9 November 1987 on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation. It improves the coordination of the conditions for access to the occupation of carrier, encouraging achievement of the free provision of services and the effective exercise of the right of establishment.

e) Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway. The Directive gives classification of the national certificates listed in Annex I, into two groups: Group A for boatmasters' certificates valid for waterways of a maritime character and Group B boatmasters' certificates valid for the other waterways in the Community, with the exception of the Rhine, the Lek and the Waal. The Rhine navigation licence for boatmasters issued in accordance with the revised Convention for the Navigation of the Rhine shall be valid for all waterways in the Community.

f) Council Directive 96/50/EC of 23 July 1996 on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community. The aim of this Directive is to harmonise the conditions for obtaining national boat masters' certificates for inland waterway navigation between the Member States in order to combat distortions of competition between carriers and to increase the safety of inland waterway navigation.

g) Council Directive 96/75/EC of 19 November 1996 on the systems of chartering and pricing in national and international inland waterway transport in the Community. It was adopted to limit the application of the 'system of chartering by rotation' and to adapt the inland waterways transport to free market conditions. The Directive states that in the national and

international carriage of goods by inland waterway within the Community, contracts must be freely concluded between the parties concerned, and the prices negotiated freely.

h) Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community. It establishes rules on the use of harmonised river information services (RIS), which are designed to ensure the safety, efficiency and environmental friendliness of inland waterways in the EU.

i) 2006/87/EC Directive of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC. This Directive is intended to promote European river transport by improving the technical harmonisation of vessels. It is designed to lay down a high level of safety equivalent to that for shipping on the Rhine. To achieve this, it provides for the introduction of a Community certificate for inland waterway vessels in each Member State, to be issued by the competent authorities, authorising them to operate on Community waterways, including the Rhine.

j) Directive 2009/100/EC of the European Parliament and of the Council of 16 September 2009 on reciprocal recognition of navigability licences for inland waterway vessels. If the requirements of the Directive are met, each Member State for the navigation on its national waterways recognizes the navigability licences issued by another Member State on the same basis as if it had issued those licences itself.

The above-mentioned Regulations and Directives cover the main technical, economic and legal issues of inland navigation: access to the market, pricing, technical prescriptions applicable to inland vessels, the boatmasters' certificates. What needs to be emphasized is that they apply only to EU member states and one should not forget that, because of Europe's geography, transport from one Member State to another frequently involves transit through non-EU countries. Further, a 'regulation' is a binding legislative act and must be applied in its entirety across the European Union. A 'directive' is a legislative act that sets out a goal that all EU countries must achieve, but it is up to the individual countries to create their own laws on how to reach these goals. This will also lead to different legal solutions from the member state to the member state.

**International agreements regulating private law and transport of dangerous goods of inland waterway transport**

The civil (private) law applicable to inland waterways transport (contract law, liability for the damage) is still mostly national in character.

However, there are few international conventions that were created to regulate these issues.

a) Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway (CMNI) of 2001 establishes uniform rules concerning contracts for the carriage of goods by inland waterway, such as rights and obligations of the Contracting Parties, transport documents, liability of the carrier, etc. The Budapest Convention entered into force on 1 April 2005, making freight transport on inland waterways finally regulated. Compared to other conventions, it has a relatively large number of parties (https://www.unece.org/trans/main/sc3/sc3_cmni_legalinst.html), which will contribute to the unification of the rules for the carriage of goods by inland waterways on the European continent.

b) From the other side, at present there is no international treaty that regulates inland waterway transport of passengers. These issues are regulated by national legislation. Inland waterway transport of passenger was also a subject of international unification. In 1976 under the auspices of UNECE, the Convention on the contract for the international carriage of passengers and luggage by inland waterway (CVN) was adopted. The Convention failed to enter into force due to insufficient number of ratifications. It was ratified by the Russian Federation only. (http://www.unece.org/es/trans/main/sc3/legalinst_36_cvn.html) This situation is completely unacceptable. Although a large number of passengers are not transported by inland waterways, it is unbelievable that there is no international agreement governing the carriage of passengers in this mode of transport (especially if it is known that such rules exist and are in force for other modes of transport).

Let us mention here that, observing the EU legislation, there is Regulation (EU) No 1177/2010 on the rights of passengers when traveling by sea and inland waterway and amending Regulation (EC) No 2006/2004, whose objective is to ensure a high level of protection of and assistance to passengers throughout the Member States.

c) The Strasbourg Convention on the limitation of liability in inland navigation (CLNI) of 1988 has entered in force in 1997 but covers only a limited number of countries. In order to revise it, a new CLNI was adopted in 2012 but it is still not in force. (https://www.ccr-zkr.org/12050400-en.html) The new Convention of 2012 introduces an enlarged scope of application (the previous convention was restricted in its application only to the River Rhine and Mosel); introduces increased limits, particularly in respect of injury and death of passengers, and damages arising from the carriage of dangerous goods. In the European Union there is Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods that lays down common rules for the safe and secure

transport of dangerous goods within and between EU countries by road, rail or inland waterway. It also covers aspects such as loading and unloading, the transfer to and from another mode of transport, as well as the stops in the course of the transport process. It extends the application of international rules to national transport of dangerous goods.

d) European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) of 2000, entered into force in 2008 is the basic international treaty regulating the transport of dangerous goods by inland waterways. It provides a harmonized legal framework on the main aspects of the transport of dangerous goods and has been established to provide a high level of safety for international transport of dangerous goods on inland waterways, and in order to contribute to the protection of the environment.

**Inland waterway navigation legislation in the Republic of Croatia**

The inland waterways of the Republic of Croatia include following rivers: the Danube, Drava, Sava, Kupa and Una. According to Transport Development Strategy of the Republic of Croatia (2017 – 2030), the overall length of the current inland waterways in Croatia is 1016.80 km ((Ministry of the Sea, Transport and Infrastructure, 2017), of which 601.2 km ((Ministry of the Sea, Transport and Infrastructure, 2014 a, p. 40) has been integrated into the European network of inland waterways of international importance. The Danube part of the Republic of Croatia`s inland waterways system forms a part of the Rhine-Danube Corridor. (Ministry of the Sea, Transport and Infrastructure, 2014 a, p. 40) Within the complete inland waterways sector in the Republic of Croatia there are two separated sub-systems with their specific characteristics: Danube's basin sub-system which encompasses the Danube's waterway as well as Drava's waterway, and the Sava basin sub-system which encompasses the waterways of the Sava, Kupa, and Una. (Ministry of the Sea, Transport and Infrastructure, 2014 a, p. 41) Ports in Osijek, Sisak, Slavonski Brod and Vukovar are international ports.

The Republic of Croatia is a party of the European Agreement on Main Inland Waterways of International Importance (AGN) so Drava River from its mouth to Osijek E 80-08, the Sava River to Sisak E 80-12 and future Danube-Sava Canal from Vukovar to Šamac E 80-10 have become inland waterways of international importance.

Inland waterway transport is insufficiently developed, and this is confirmed again in the Transport Development Strategy of the Republic of Croatia (2014-2030), which states that the Croatian network of inland waterways represents a significant, but at the same time, completely unexploited part of national values of Croatia. (Ministry of the Sea, Transport and Infrastructure, 2014 a, p. 40) Inland waterways transport accounts for a

very small share (less than 1%) of the overall freight transport in Croatia. (Ministry of the Sea, Transport and Infrastructure, 2014 b, p. 59) Some authors stated that the reasons why Croatian inland waterway transport and ports on inland waterways are in development stagnation are much deeper than the administrative-legislative level which regulates the relations between port administrations and port operators. As key reasons, a shortage of quality infrastructural and supra-structural resources, the offer of land transport, changes in the cargo structure and the distribution of traffic flows can be highlighted. (Vojković, Olujić, Grubišić, 2010) In addition, we will also point out the problems of inadequate legislation.

Numerous domestic regulations are in force in the Republic of Croatia and Croatia is also a party to the most important international multilateral conventions as well as numerous bilateral agreements regulating inland waterway navigation (a list of regulations in force - national, European and international see for example in Činčurak Erceg, 2013; Bolanča, 2015; Bolanča, 2017). As an EU Member State it also has to apply EU laws. Such a situation in practice can lead to problems in the application of the relevant regulations. The Republic of Croatia is a party to Convention regarding the Regime of Navigation on the Danube, Supplementary Protocol to the Convention regarding the Regime of Navigation on the Danube, Framework Agreement on the Sava River Basin, Protocol on the Navigation Regime to the Framework Agreement on the Sava River Basin, Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway, European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways, European Agreement on Main Inland Waterways of International Importance and a number of bilateral agreements (e. g. with Bosnia and Herzegovina, Romania, Slovakia, Serbia, Ukraine).

The main domestic sources of law relevant to these issues are: Inland Waterway Navigation and Ports Act, Strategy for Development of Inland Waterways in Republic of Croatia (2008-2018), Maritime Code, Ordinance on Inland Waterway Navigation, etc. Strategic documents related to the inland waterways and ports are the Strategy for the Development of Inland Waterway Transport in the Republic of Croatia (2008–2018) and Mid-term Plan of Development of Inland Waterways and Ports in the Republic of Croatia (2009-2016) which are in line with the European Commission's NAIADES Action Programme and will serve as a legal basis for a future supporting programme for the development of inland navigation.

Pursuant to the Article 1a, paragraph 1 of the Inland Waterways Navigation and Ports Act it is in accordance with regulations of the European Union: Council Regulation (EEC) No 2919/85 of 17 October 1985 laying down the conditions for access to the arrangements under the Revised Convention for the navigation of the Rhine relating to vessels belonging to the

Rhine Navigation, Council Regulation (EEC) No 3921/91 of 16 December 1991 laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State and Council Regulation (EC) No 1356/96 of 8 July 1996 on common rules applicable to the transport of goods or passengers by inland waterway between Member States with a view to establishing freedom to provide such transport services. By this Act, pursuant to the Article 1a, paragraph 2, following directives are transposed into Croatian legal system: Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway, Council Directive 96/50/EC of 23 July 1996 on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community, Council Directive 96/75/EC of 19 November 1996 on the systems of chartering and pricing in national and international inland waterway transport in the Community, Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community, 2006/87/EC Directive of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC, Directive 2009/100/EC of the European Parliament and of the Council of 16 September 2009 on reciprocal recognition of navigability licences for inland waterway vessels.

Croatian Inland Waterways Navigation and Ports Act regulates the navigation on inland waterways of the Republic of Croatia, the safety of navigation on inland waterways, legal status, management of the inland waterways and ports, legal relations in respect of vessels, vessel registration procedures, transportation and contracting, navigation accidents, organization and operation of port authorities and official controls and other matters related to the navigation on inland waterways and inland ports (Article 1, paragraph 1). According to Article 1, paragraph 2, for matters not governed by this Law, the appropriate application of the Maritime Code is necessary. In relations that are not regulated by Inland Waterways Navigation and Ports Act, other laws and subordinate acts, customs in the field of inland navigation apply (Article 1, paragraph 3). This means that in the Republic of Croatia there are *mutatis mutandis* the same rules in the inland waterway navigation and in maritime transport.

Subsidiary application of the Maritime Code will lead to difficulties. Although we are talking about two types of navigation (inland waterways and maritime) they still have their own specifics. It is not unusual to apply the same regulation to inland waterway navigation and maritime transport. However, in the Republic of Croatia, such a solution is surprising because *lex specialis*

(Inland Waterways Navigation and Ports Act) for inland waterway navigation exists, so it is not clear why the legislator has decided for such a solution and not to regulate complete inland waterway navigation with Inland Waterways Navigation and Ports Act. When observing contracts of carriage by inland waterways, Croatian Inland Waterways Navigation and Ports Act regulates in Article 181 that provisions of the Convention on the Contracts for the Carriage of Goods by Inland Waterways (CMNI) of 2000 applies also in the national carriage of goods by inland waterways. Inland Waterways Navigation and Ports Act does not regulate contracts of carriage of passengers by inland waterways, therefore Maritime Code will apply. The application of the Maritime Code to non-contractual relations in inland waterway navigation will be also problematic. For this reasons we recommend amendment of Inland Waterways Navigation and Ports Act and its codification modelled on the Maritime Code.

**Harmonization of rules in inland waterways**

Inland waterway navigation law is generally newer, unlike maritime law that has a long tradition. Originally, the substance of the inland waterway navigation law was regulated by the provisions of commercial law. Special regulations are created by the development of inland waterways transport.

It has been already pointed out that the international legal regime of navigation on international rivers is specifically established for each international river. This undoubtedly leads to differences in the regulation of the public law regime of navigation in certain international rivers. However, there is also a difference in the arrangement of the contract on the carriage of goods, or contract of carriage of passengers or other issues on certain international rivers (see Table 1). These differences greatly obstruct the development of inland waterway transport. However, the differences in the international public regulation of some international rivers are not large and make it less difficult to navigate than those resulting from various international agreements regulating contracts for the carriage of goods or passengers.

Table 1: EU Member States and their membership in UNECE, river commissions. EU Member states parties to CMNI, ADN and CLNI 1988. Note that all Member States do not have inland waterways.

| EU Member State | UNECE | CCNR | DC | SC | CMNI | ADN | CLNI 1988 |
|---|---|---|---|---|---|---|---|
| Austria | + | | + | | | + | |
| Belgium | + | + | | | + | + | |
| Bulgaria | + | | + | | + | + | |
| Croatia | + | | + | + | + | + | |
| Cyprus | + | | | | | | |
| Czech Republic | + | | | | + | | |
| Denmark | + | | | | | | |
| Estonia | + | | | | | + | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Finland | + | | | | | | |
| France | + | + | | | + | + | |
| Germany | + | + | + | | + | + | + |
| Greece | + | | | | | | |
| Hungary | + | | + | | + | + | |
| Ireland | + | | | | | | |
| Italy | + | | | | | | |
| Latvia | + | | | | | | |
| Lithuania | + | | | | | | |
| Luxembourg | + | | | | + | + | + |
| Malta | + | | | | | | |
| Netherlands | + | + | | | + | + | + |
| Poland | + | | | | | + | |
| Portugal | + | | | | | | |
| Romania | + | | + | | + | + | |
| Slovakia | + | | + | | + | + | |
| Slovenia | + | | | + | | | |
| Spain | + | | | | | | |
| Sweden | + | | | | | | |
| United Kingdom | + | | | | | | |

Sources: CCNR Member States https://www.ccr-zkr.org/11030200-en.html, DC Member States http://www.danubecommission.org/dc/en/danube-commission/member-states-of-the-danube-commission/,
UNECE Member States
https://www.unece.org/oes/nutshell/member_States_representatives.html,
SC Member States https://www.savacommission.org/organ/1, Parties to the CMNI https://www.unece.org/trans/main/sc3/sc3_cmni_legalinst.html, Parties to the ADN https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XI-D-6&chapter=11&clang=_en,
Parties to the CLNI https://www.ccr-zkr.org/12050400-en.html

Namely, rules of road, rail or maritime transport often apply to inland waterway transport contracts, without taking into account that it is a special mode of transport that has its own specifics. (Činčurak Erceg, 2013; Grabovac, 2015)

As was already mentioned several international bodies, with varying degrees of geographical scope, legislative mandate and substantive coverage, constitute the institutional framework for inland navigation in the Europe (see Table 1). A large number of organizations do not contribute to harmonization of the rules since there are many different rules and regimes. In the available literature, a new international organization for inland navigation was proposed. Marin rightly points out that that would certainly contribute to the global promotion of inland navigation, but at the same time create new administrative difficulties and require a longer time to harmonize the existing framework. (Radionov, Ćapeta, Marin, Bulum, Kumpan, Popović, Savić, 2011) The same was concluded by the European Commission. In its First

progress report on the implementation of the NAIADES Action Programme for the promotion of inland waterway transport, the European Commission does not suggest creating additional structures to the existing institutional framework. It declared that, under the current circumstances, it is preferable to base the organisational framework on the existing institutional actors, and to improve, modernise and coordinate working methods and relations wherever possible. (Communication from the Commission - First progress Report on the implementation of the NAIADES Action Programme for the promotion of inland waterway transport, Brussels, 5.12.2007, COM(2007) 770 final, 2007, p. 9)

Despite criticisms, existing organizations and institutions have made positive contributions to inland navigation. Anyway, the work of UNECE on issues of harmonization should be praised. The UNECE addresses a large number of issues related to technical and safety standards in inland navigation. Many UNECE resolutions, such as UNECE Resolution No. 24 on the European Code for Inland Waterways (CEVNI) and UNECE Resolution No. 31 on Recommendations on Minimum Requirements for the Issuance of Boatmaster's Licences in Inland Navigation with a view to their Reciprocal Recognition for International Traffic have been accepted and implemented by a large number of countries.

Despite some important and well-intended efforts, harmonization of rules is still inadequate. An explanation can be found in the fact that in some countries river transport law is integrated with maritime law, while in other countries is integrated with land transport.

The civil (private) law applicable to inland waterways transport is also not harmonised at the international level. Non-unification and legal gaps are particularly apparent on liability issues: both contractual and non-contractual. (Činčurak Erceg, 2012) This gives rise to legal uncertainty, may cause undue litigation and may raise the insurance costs of transport operations.

Although the European Union tries to harmonize transport rules, the harmonization has to cover not only EU Member States. We should not forget that transport from one Member State to another frequently involves transit through non-EU countries. Therefore the harmonization/unification of rules should be carried out at the international level, and include as many countries as possible.

**Conclusion**

The amount of transported goods and passengers is increasing from year to year. However, almost all of the extra traffic has been absorbed by the roads. Unfortunately, in the inland waterways, the share of the extra traffic is small. Inland waterways do not lose their traditional market but do not attract new users. If all the benefits of inland waterway transport (economy,

efficiency, safety, most environmentally friendly of all transport modes) are taken into account, this situation must be changed. Inland waterway transport and the share of inland navigation on the market differ greatly across Europe. Some of the problems are: insufficient infrastructure due to the lack of appropriate maintenance and investment (waterways obtain a relatively small share of total infrastructure investment); relatively high cost of entering the inland navigation market; lack of information; the lack of training of logistics experts, freight forwarders, carriers, transport users; different legal systems governing freedom of navigation; numerous different other legal rules from one side, and the absence of some from the other; legal gaps and non-harmonized rules. Very often inland waterway legislation is fragmentary and the rules aplicaple ta a specific case has to be obtained by analisis of deferent sources of law.

Inland waterway transport in the European Union is currently administered under different legal regimes, namely the Mannheim, Belgrade Conventions and Framework Agreement on the Sava for navigation on Rhine, Danube and Sava river, relevant legislation of the Community and of Member States. This lack of unification can not only cause legal uncertainty but also other negative effects.

The fragmentation of the organizations which make rules for inland waterway transport and the lack of harmonized rules are the fundamental problems of inland waterway transport. In the previous chapters, a number of rules regulating inland waterway transport, including the most important international treaties, European Union legislation and Croatian national legislation, are presented.

On the example of the Republic of Croatia we have seen that several rivers (Danube, Drava, Sava, Kupa and Una) make its inland waterways. Some of them (Danube and Sava) are international rivers and have a special navigation regime on them. The provisions of the national Inland Waterway Navigation and Ports Act shall apply on other waterways. As an EU Member State it also has to apply EU laws. When applying national legislation, usually a lot of different sources of law will need to be consulted (Inland Waterway Navigation and Ports Act, Maritime Code, other acts, customs). This situation needs to be facilitated. Therefore, we recommend amendment of Inland Waterways Navigation and Ports Act and its codification modelled on the Maritime Code. The Republic of Croatia is not the only country with such tasks. It would be useful to explore and compare solutions of national laws in other European countries.

The absence of an international agreement regulating the carriage of passengers and their luggage by inland waterways is unacceptable. Although the number of passengers transporting by inland waters is relatively small, an international treaty should be made. Such treaty will contribute to the

harmonization of this matter. However, when we talk about cargo transportation, Convention on the Contract for the Carriage of Goods by Inland Waterway (CMNI) and European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (AND) are bright examples of international agreements that apply in inland waterway transport. With a relatively large number of States Parties, we can say that these issues are harmonized.

It can be noticed that in the last few years there have been no major new regulations as well as changes to the existing ones, as well as important actions and programs for the promotion of internal waterway transport. Given the low level of interest in the matter, one might be tempted to draw the conclusion that further harmonization in this field is not necessary. But that is not the case. Further action is necessary and urgent. Continued efforts are required to further harmonize or unify rules and regulations, update procedures and establish mechanisms that allow an efficient regulatory framework governing inland waterway transport.

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# A Comparative Analysis of the Society and State Theories of "Ahlâk-I Alâî" and "Leviathan" Based on the State and Governance-Oriented Paradigms

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**Abstract**

Although Ottoman political thought has been studied in its own structure in many ways, the studies which demostrate its position against different political structures, at least, those in Europe are very limited. Acccordingly, in order to figure out whether this political thought differed in certain respects from one polity to the other, this study has attempted to analyse the society and state theories of "Ahlak-ı Alâî", which was written in the second half of the 16th century by Kınâlızade Ali Çelebi, who was an Ottoman thinker, and "Leviathan", which was written by Thomas Hobbes, who was a British philosopher and political theorist in England in the mid-17th century, in relation to the state and governance-oriented paradigms in a comparative framework. Inspired by the American political theorist Sheldon Wolin, the study has been divided into three sections. The first section presents the socio-economic, political and institutional environment in which the works were written; the second section presents the methods applied in the works. And the last section describes the main message and common ground of the theories. This study has determined that differences and similarities of the methods applied as well as the views argued about the matters such as the legitimacy of the state, the base of the sovereignty, the rights, duties and governance principles of the sovereign based on the temporal and geographical differences in the two works. These findings have significant implications to see the differences and similarities of the Ottoman political thought against political structures in Europe.

**Introduction**

In the most general terms, comparative history is a method of social science that analyses similarities and differences between nations, states,

revolutions, regions, cases etc. in order to set out explanations that are valid beyond a particular time and place.  The aim of comparative history is to present alternative systems of values and world views by analysing a system with other systems in different geographical and historical settings. Thus, comparative history makes it possible to discover historical and social connections across separate historical settings and  allows us to assess the nature of a given system in the broader context of structurally similar entities (Scheidel, 2006, 4). Comparative history is not a new method. It has a long and distinguished history in the social sciences. In a way, it was applied throughout history whether consciously or unconsciously, but it gained general acceptance in the real sense, in the first half of the 20th century. In this period within the teachings of the Annales School, which was founded and edited at the Strasbourg University by Marc Bloch and Lucien Fevbre to develop a history-approach in cooperation with various social sciences such as sociology, economics, social psychology and anthropology, the conditions of comparative methodology was formulated and became decisive and directive in social sciences. In particular Marc Bloch's works[1] made a breakthrough in the field. The comparative history method, which reached a completely different dimension with the works of Fernard Braudel[2] in the later period, have begun to be practiced in many disciplines including history discipline as well as sociology until now (Burke, 1990, 1-5).

The developments that took place in this sense in history, of course, had  an affect on Ottoman history researches too. As well as Fernard Braudel's above-mentioned work, of which the focus is the Mediterranean world in the second half of the sixteenth century, historians such as Karen Barkey, Rhoads Murph, Sam White and Rifa'at Ali Abou-El-Haj have also done studies on the basis of comparative analysis. With these studies new perspectives have been set forth about Ottoman history. Because these studies have determined whether the links between the political and socio-economic structures in the Ottoman state were similar to those in Europe.  From this perspective, in order to determine whether Ottoman political thought differed in certain respects, at least, from those in Europe, this study will attempt to analyse the society and state theories of "Ahlak-ı Alâî"[3], which was  written in the second half of the

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[1] March Bloch's masterworks in this sense are France Rural History, Feudal Society and Historian's Craft.

[2] In particular "The Mediterranean and the Mediterranean World in the Age of Philip II" is his masterpiece in this field.

[3] It is the most significant work of Kınalızâde Ali Çelebi. It was composed in 1563-1565, while Kınalızâde was judge of Damascus. It was written in Turkish and has three epistles:  individual ethics, household economics and political theory with the claim that it would encompass all ethical issues of its time. In this paper, Murat Demirkol's transcription to modern Turkish was preferred. For a summary of the literature on Ahlak-ı Alâî *see* Saraç, C. (1956). Ahlâk-ı Alâî. *AÜİFİİED, 1*, 19-28; Kahraman, A. (1989). Ahlâk-ı Alâî. *DİA (*c. 2,

16th century by Kınalızâde Ali Çelebi[4], who was an Ottoman thinker, and "Leviathan"[5], which was written by Thomas Hobbes[6], who was a British philosopher and political theorist in England in the mid-17th century, in relation to the state and governance-oriented paradigms in a comparative framework.

## The Socio-Political and Institutional Structure

The Ahlâk-ı Alâî and Leviathan were written to find answers to the social, economic and political problems that their authors faced. In other words, the main concerns of both works were determined by the socio-cultural and socio-economic conditions their authors' time. Both asked questions about the historical conditions in which they lived and tried to find systematic answers to these questions. From this perspective, it is not possible to evaluate Kınalızâde Ali and Thomas Hobbes in a vacuum. In a way, both are the spokesman of their own historical conditions.

When we examine the socio-political and theoretical atmosphere in which Kınalızâde Ali and Thomas Hobbes lived; the year 1511, the birth date of Kınalızâde, marks a period in which the Ottoman state struggled with social conflicts on the basis of Shiite ideology led by Shah Ismail, the Safavid ruler. But the Ottoman state overcame this situation and was stabilised in the political sense until the 1520's. In the later decades of the sixteenth century, war was as much the natural state of affairs as shortages and epidemics. The

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ss. 15-16). İstanbul: Türkiye Diyanet Vakfı; Tezcan, B. (1996). *The definition of Sultanic legitimacy in the sixteenth century Ottoman Empire. The Ahlâk-ı Alâ'î of Kınalızâde Alî Çelebi (1510-1572)* unpublished M.A. dissertation, Princeton University; Unan, F. (2004). *İdeal Cemiyet, İdeal Devlet, İdeal Hükümdar.* Ankara: Lotus Yayınevi; *Ahlâk-ı Alâî.* M. Koç (Ed.). İstanbul: Klasik Yayınevi; Oktay, A. S. (2015). *Ahlâk-ı Alâ.* İstanbul: İz Yayıncılık.

[4] Kınalızâde Ali Çelebi, who was born in Isparta in 1510/11 and died in Edirne in 1572, worked as a *müderris*, *kâdî* and *kâdîasker.* However, because of his treatises in many fields such as history, moral philosophy and politics, he is considered one of the leading thinkers of Ottoman political thought. For Kınalızâde Ali *see* Aksoy, H. (2002). Kınalızâde Ali Efendi. *DİA* (v. 25, pp. 416-417). İstanbul: Türkiye Diyanet Vakfı; Oktay, A. S. (2015). *Ahlâk-ı Alâî.* İstanbul: İz Yayıncılık.

[5] It is a book written by Thomas Hobbes and published in 1651 (revised Latin edition 1668). Main concerns of the book are the structure of society and legitimate government. It is regarded as one of the earliest and most influential examples of social contract theory. For this paper, *J*.C.A. Gaskin's edition of Leviathan with an introduction, which was published in 1998 by the University of Oxford press, was preferred.

[6] Thomas Hobbes was born at Westport, now part of Malmesbury in Wiltshire, England, on 5 April 1588 and died on 4 December 1679. He is considered one of the founders of modern political philosophy. However, he contributed to many other fields such as history, jurisprudence, geometry, physics, theology, ethics and philosophy. For Thomas Hobbes *see* Martinich, A.P. (1999). *Hobbes-A Biograph.* Cambridge University Press; Sabine, G. (1959). *A History of Political Theory.* New York: Henry Holt and Company; Tannenbaum, D. G. (2017). *Siyasî Düşünce Tarihi.* Özgüç Orhan (Çev.). Ankara: BB101.

Ottoman state either launched a campaign against Habsburgs in the west or launched a campaign to the east against Safavid Persia until 1572, which was the date of the death of Kınalizâde. But this situation doesn't have a negative effect on Kınlızâde's writing, because the war states Ottoman philosophy of existence based on the conquest (İnalcık, 2000, 23-52; Kunt, 2011, 104-130; Shaw, 1976, 55-110). For Hobbes the situation is completely different. Hobbes's biography is dominated by the political events both in Europe and England during his long life. The period between 1603-1714 of English History called the *Age of Revolution* by Christopher Hill (2002), means a period of painful change and transformation in the economic, cultural and political fields. This period, which also determines the fundamental problems of the mind world of the thinkers of the period, led to question the phenomenons such as state, sovereignty, equality of rights, freedom, and religion in the light of the problems faced by the thinkers. The first major conflict that Hobbes consciously witnessed in this period was the Thirty Years War, which arose out of religious beliefs and territorial disputes in Europe. These wars, which led to a great destruction of both human and material interests, caused the English Civil War (1641-1652). Hobbes, who witnessed this process, was greatly influenced by these events, so his fear of death and his motive to survive  shaped both his life and philosophy of politic. Leviathan's publication date of 1651, at the same time, marks the period of the civil war in England, and this means the  social and political turmoil above-mentioned, constituted a source of inspiration for Leviathan. Therefore, Leviathan can only be evaluated in the context of the English civil war (Sarıca, 1983, 61-63; Şenel, 1995, 318-319; Copleston, 1994, 32-51; McClelland, 2005, 182).

The period in which Kınalızâde lived were the summit years of the Ottoman state. Until the 1570's,  continued military success, in an area stretching from central Europe to the Indian Ocean, had given the Ottoman state the status of a world power. The state was ruled by absolute power in this period, and apart from a few situations, there wasn't any social situation that would jeopardise or create chaos.  Therefore, in almost all "books of advice" (nasihat-nâmes), which were written in the late sixteenth-century, was emphasised this period as a beacon for  an ideal structure of society. The idealisation of mentioned glorious past played a central role in these authors' argumentation. From this perspective, it can be inferred that Kınalızâde's motivation was based on the evaluation and contribution of these existed paradigms. At this point, the motivation sources of Kınalızâde and Hobbes differ from each other. Because, unlike Kınalızâde, Hobbes's life was directly affected by the chaotic environment, which was caused by the lack of authority. However, given that some moments of childhood engraved in subconscious have an influence that could determine the future stages of life

in every respect; it can be inferred that the factors such as the influence of the fear atmosphere dominating in Hobbes's family and leaving of his father at an early age were also decisive in his writing. Because, according to psychoanalytic doctrine, the first traces, which direct human life, appeared at these times, so the childhood experiences have a great importance. In a way, the troubles faced in life usually have the characteristics of returning to the first trauma.

**The Method**

The method reveals the qualitative direction of the path followed in the process of making answers to the questions. After determining the problem, the way of reporting the findings for its solution reveals the method of work. From this perspective, when we examine Kınalızâde's method, we can see that his work is based on a tradition. The fundamental references of Kınalızâde are Nasir al-Din Tusi's *Akhlâq-e Nâsirî* and Jalal al-Din Davvani's *Akhlâq-e Jalâlî*. He drew intensively from his predecessors, but he also studied on the works of Islamic philosophers such as al-Farabî and Ibn Khaldun. In addition, he used al-Ghazali's philosophy and Ibn Sina's terminology. As a result, his work became more systematic and comprehensive than his predecessors. However, even if we can't know whether he studied on these philosophers directly or through his predecessors, it is clear that he was influenced by the works of ancient Greek philosophers such as Plato and Aristotle too, because he quoted from Plato and Aristotle intensively in his work. In a way, he improved and extended the theory of the virtues, which came from a combination of Aristotle's and Plato's ethics, with Islamic ethical values. In addition to this, it can be determined that he followed the theology of Aristotle which is based on that of:

> "The things are designed in such a fashion as to achieve the predetermined objective of their existence. The movements which things undergo are not mere irrational transitions from one state to another; they constitute motivated activity from a potential condition to the final state of actualisation of their possibilites. All motion is goal directed and after reaching this goal they become stationary again." (Sahakian, 1968, 61).

This interpretation of Aristotle constitutes the starting point of Kınalızâde's thoughts about human nature and political theory, and at the same time gives a data for his method. From Aristotle's viewpoint, it can be argued that Kınalızâde's method is based on inductive reasoning on the basis of observations.

Unlike Kınalızâde, Thomas Hobbes lived in an environment where science was dominant. Therefore, he was influenced by the prevailing scientific understanding of the time while he set out his political theory

(Tannenbaum, 2017, 204-2005). In particular, he was influenced by his contemporaries Galileo and Kepler, who had discovered laws governing planetary motion, so he hoped to establish similar laws of motion to explain the behaviour of human beings. Thus, a deep admiration for the emerging scientific method, alongside an admiration for a much older discipline, geometry was extremely marked in Hobbes's work. He regarded geometry as a science of motion, so he believed that the physical world was a mechanical system in which all that happens could be explained with geometrical precision. From this perspective, he believed that everything that occurs in this system is a displacement of bodies relative to one another (Sabine, 1959, 457). This perspective of Hobbes also states the rejection of the Aristotelian worldview, which was dominant in sicence throughout centuries, based on the thought that "Things are designed in such a fashion as to achieve the predetermined objective of their existence." Because in contrast to Aristotle's viewpoint, this new perspective argues that everything in the universe is in motion until it is not constrained by another matter or entity (Tannenbaum, 2017, 205). He reached this conclusion by "resolutive-compositive" method. According to this method, one comes to understand a given object of inquiry by intellectually "resolving" it into its constituent parts and then subsequently "composing" it back into a whole (Finn). Thus, according to Hobbes, this mechanical scientific system based on laws of physics is enough to account for scientific principles, for all the facts of nature, including human behaviour both in its individual and social aspects (Sabine, 1959, 457). Taking all of this into account, it can be argued that the moral and political ideas of Hobbes are extremely based on the *mechanistic* view of science and knowledge. This, at the same time, marks the difference between the method of Kınalızâde and Thomas Hobbes.

## The Theoretical Content

The theoretical content is the third and last element that would guide our assessments. It states the common ground and the main message of two works. In this section comparisons will be made on the basis of items such as the legitimacy and definition of the state, the succession of sovereignty, the rights and duties of the sovereigns as well as their government principles.

## The Legitimacy and Definition of the State and the Succession of Sovereignty

Both Kınalızâde and Hobbes's starting point of approach to legitimacy of the state is the "human natüre". Both developed their assumptions about the individual, society and the state using this approach. At this point, Kınalizâde's thought about human nature significantly does not differ from the traditional thought, which was systematically explained by Aristotle and

was also shared by later Roman thinkers such as Cicero and Seneca as well as in the Islamic world by al-Farabî and Ibn Khaldun. This viewpoint is expressed by Kınalızâde (2016, 114,370) as "Humans are by nature social beings." (*İnsân medeniyyün bi't-tab.*) The basic assumption of this thought is that it is inevitable for a person to live in a community and in society. Man is biologically and psychologically equipped to live in groups, in society. All his basic needs like food, clothing, shelter, health and education are fulfilled only within the framework of society. He also needs society for his social and mental developments. His need for self-preservation also compels him to live in society. According to Islamic belief, man was created as the most honourable creation and all of the earth was given to man's service, but this does not mean that man does not need the help of other people. In almost all aspects of his life man feels the need of society (Kınalızâde, 2016, 369-376). In short, Kınalızâde (2016, 376-377) believes that "Man can't live without community and society." (*İnsân ictimâ' ve temeddün itmeyince maâş idemez.*) But he thinks that it does not necessarily mean that they live in peace. Each of them have a different profile from the other. Everyone has particular desires and may seek them without regard for others. As such, the main motivation of their behaviour will be to meet these needs. Discussions and contentions will be inevitable if everyone is making an effort to meet their desires and if different people desire the same thing. Because, each of them in order to meet his needs will naturally struggle to eliminate others. This situation will lead to a conflict environment. In such an environment, it is impossible to live peacefully in a society.

Unlike Kınalızâde's approach to human nature, Thomas Hobbes's approach reflects a new perspective on fundamental assumptions about the individual, society and state in the modern period. In this period, Niccolo Machiavelli appears as the first modern political thinker, who rejected Aristotle's view as unrealistic and looked upon politics as a secular discipline and divorced it from theology. Later, this viewpoint developed by political thinkers such as Michel de Montaigne and Thomas Hobbes, and occurred a more comprehensive philosophy (Strauss, 1953, 61). The movement point of this paradigm stems from the difference in approach to human nature. At this point, contrary to classical political thought, Thomas Hobbes argues that "Humans are not by nature social beings." That is, he has a pessimistic view on human nature. According to him, the decisive and guiding motive of human behaviour is the self-preservation instinct, as opposed to a moral cause or an ideal (Sabine, 1959: 460). Therefore, Hobbes (1998, 84) argues that the state of nature is a constant and violent condition of competition in which everybody has a natural right to do everything. This is a constant war in which *"Every man is against every man."* According to him (1998, 87), the reason for this war is that everyone is equal in rights and the ability to survive

by nature. The fact that humans are equal in nature, both physically and mentally, constitutes the main source of insecurity and fear among humans. Because *"From equality of ability, arises equality of hope in the attaining of ends."* A sitution in which all humans are equal and there is no power of control would inevitably lead them into conflict with each other. Because:

> "If any two men desire the same thing, which nevertheless they can not both enjoy, they become enemies; and on the way to their end, (which is principally their own conservation, and sometimes their delectation only,) endeavour to destroy, or subdue one another." (Hobbes, 1998, 87).

> Hobbes sets out a pessimistic picture for human nature stating that people are competing for fear and distrust, as well as for honour and reputation, and at the same time, they are self-interested or <u>egoistic</u> by nature**.** According to Hobbes (1998, 87), for this reason, human life outside society is solitary, poor, nasty, brutish, and short. In short, in Hobbes's own Latin phrase "Homo homini lupus." (Man is a wolf to [his fellow] man.) (Hobbes, 1949, I).

When we compare the approaches of Kınalızâde and Hobbes, aboved-mentioned, to human nature, it can be argued that Kınalızâde repeats the classical view, while Hobbes represents a radical break from classical view. The main difference is whether the nature of human beings is social or not. According to Kınalizâde, humans are social beings by nature while according to Hobbes, it is the fear and insecurity that bring humans together**.** However, with the beginning of the life of society, Kınalizâde's thought overlaps with the thought of Hobbes. He also argues that because the desires of humans are unlimited, this inevitably would lead to conflict after a while. He thinks that limitless desires of humans would lead to competition in life of society and this also would be reason for conflicts. At this point, the main message and common ground of the solution developed by them in order to end the conflicts is in common. Kınalızâde argues the existence of a power, which removes the conflict and fighting among humans. According to him (2016, 378), these conflicts can only be ceased by government. In parallel with classical Islamic thought, denominates government as "high politics" (*siyâset-i uzmâ*) and emphasises that it is impossible for humans to live in a civilised union without this high politics. He argues this view using the sentence as follows*:* "High politics makes social life and the prevention of disorder possible." (*Siyâset-i uzmâdır ki bununla ictimâʿ mümkin ve fesad mündefiʾ olur.*) Thus, the fact that humans are in need of an order and high politics when they live together explains the origin and cause of politics. This high politics can be applied only by a state and the state government can only be maintained through three elements: laws of a legislative power (*nāmūs-u şāriʿ*), a ruler with restricting power (*hākim-i māniʿ*) and a useful medium of exchange (*dīnār-ı nāfiʿ*).These elements, at the same time, explain the sovereign power (Kınalızâde, 2016,

378). Because according to these elements, the high politics can be applied by the state through the "president" (*hakim-i kahir*), and this means that the president also has sovereignty. Hobbes (1998, 114) also argues that in order to put an end to this war of all against all and make human life more peaceful, individuals should come together and make a *"social contract"* decline some of their individual rights so that others cede theirs. However, since men are naturally driven by their self-interests there is no guarantee that both parties will keep up their end of the deal. At this point, this sovereign authority is called COMMONWEALTH, which was established by social contract to have absolute power over them all, for the purpose of providing peace and common defense. This political organisation, in a way, is a "state". According to Hobbes (1998, 115), the man or assembly which holds power in a state, at the same time, points out the "power of the sovereign". Thus, all the rights and authorities of the sovereign power are revealed.

**The Rights, Duties and Governance Principles of the Sovereign**

The origin of the sovereignty is based on a divine principle within the framework of classical Islamic view by Kınalızâde. He argues that the sultans are chosen with power and endless help from God. He regards this duty as a gift from God to the sultans. According to Kınalızâde (2016: 426), God crowned some of his servants and glorified them. He expresses these thoughts by referring to the verse of "*We did indeed make thee a vicegerent on earth.*"[7] Therefore, according to Kınalızâde (2016, 380), the sultan is "the vicegerent and, so the shadow of God on earth" *(zillullah-i fi'l-arz)*. This thought of Kınalızâde, at the same time, states one of the basic understandings of the Ottoman political thought. At this point, Hobbes differs from Kınalızâde. He looked upon politics as a secular discipline divorced from theology. He argues that the sovereignty should not be founded or justified by religion. The sovereignty should be founded on civil authority and justified only by a philosophy derived from what he thought was universal observations of human nature. In short, Hobbes thinks that the sovereign has right to obedience from his subjects, whether he is religious, Christian or not.

Kınalızâde (2016, 446-447), except for the sovereign power, i.e. the sultan, divides the society into four classes such as "the men of the pen ('ulemâ), the men of the sword (military commanders and soldiers), the merchants-artisans and craftsmen, the agriculturists (reaya)" based on the principle of "erkân-ı erba'a" and evaluates all of these elements as "subjects" *(teba'a).* While the responsibilities of the subjects against the sovereign power are based on love and respect by Kınalızâde (2016, 471-476), at this point, he puts responsibilities onto the subjects on the basis of absolute obedience. He

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[7] Koran, Sâd: 26.

emphasises that all of these are essential for survival of the state (Kınalızâde, 2016, 437). It is possible to say that this interpretation of Kınalızâde, which expresses the situation of the subjects against the sovereign power, is based on the principle of "Obey the Messenger and those charged with authority among you." *(Ulu'l-emr'e iṭā'at edin.)*[8] in the context of the Islamic concept of state. In parallel with this thought of Kınalizâde, Thomas Hobbes (1998: 115-122) also sees all society as a "subject", except for the sovereign. The subjects must obey the sovereign, and this obedience continues as long as the power of the sovereign protects the subjects with it. Acording to him (1998, 139-148), "The end of obedience is protection; which, wheresoever a man seeth it, either in his own, or in another's sword, nature applieth his obedience to it, and his endeavour to maintain it." The subjects are obliged to obey any rule that the sovereign sets up for their own security. Although Hobbes refers to the different forms of the sovereignty, we are going to focus on the rights of sovereigns whose sovereignty was formed by a social contract. At this point, Hobbes (1998, 115-120) lays out the rights of the sovereigns as follow:

- The subjects can not change the shape of government.
- Sovereign power is indispensable.
- No one can make a stand against the sovereign without violating justice.
- Actions of the sovereign can not be criticised by the subjects.
- Nothing done by the sovereign can be punished by the subjects.
- The sovereign dominates what thoughts would be taught to the subjects.
- The sovereign has the right to make all kinds of rules for community life.
- The right to judge and resolve disputes also belongs to the sovereign.
- The right of making war and peace with other nations, and commonwealths belongs to the sovereign.
- The sovereign has the right to choose all the peace and war consultants and ministers.
- The sovereign power has the right to reward and punish (if a previous law has not specified its measure) and to do so as it pleases.
- The sovereign has the right to honour and show deference.
- All of these rights can not be divided in any way.

Hobbes, who enumerates the rights of the sovereign in this way, regards the sovereign as absolute power and argues these rights as a necessary condition for continuity of the state. He also precisely rejects any view which presupposes the division of this power. Because according to him (1998, 176), the legislator is the sovereign power, and since he is not subject to any law of society, there is no rule of administration to limit himself. The laws can be

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[8] It states the inference of the 59th verse of An-Nisâa sura of Koran that means "O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe in Allah and the Last Day: That is best, and most suitable for final determination."

used only on the basis of sovereign power. The sovereign power merely renders account to God (Hobbes, 1998, 222). Hobbes legitimises this situation with the fear of going back into the chaos of the state of nature. Hobbes, at the same time, lays out some duties which the sovereign has to fulfill. It is possible to enumerate these duties as follows:

- To teach the reasons of sovereignty rights to the subjects.
- To legitimise absolute sovereignty on rational principles.
- To teach the subjects in order that they can not object to the sovereign power. All these duties laid out by Hobbes are duties to reinforce the authority of the sovereign. However, he sets out the duties such as providing the safety and well-being of the subjects, to teach the subjects that avoid injustice, and to prevent the subjects from laziness as well (Hobbes, 1998, 222-235). These duties are relatively duties based on the improvement of the subjects' situation. Whereas, in spite of the fact that the sovereignty is based on a divine principle and obligates the subjects with absolute obedience, Kınalizâde expresses the theoretical measures of sovereignty as well. At this point, according to Kınalizâde (2016, 446), the fundamental measure of administration is "justice and moderation". The sultan must apply principles such as to treat everybody equally and with dignity no matter what their circumstances (Kınalızâde, 2016, 446-470). He emphasises the *"circle of justice" (dâire-i âdliye),* which is a recurrent theme of Ottoman political ideology, quoting from Aristotle. According to this pattern, which was to find its way into all Islamic works on political theory:

> "To control the state requires a large army. To support the troops requires great wealth. To obtain this wealth the people must be prosperous. For the people to be prosperous the laws must be just. If any one of these is neglected the state will collapse."

> That is, justice is the key concept of the foundation of both a powerful state and authority of the sovereign, therefore, to ensure this is the sovereign's most important duty (Kınalızâde, 2016, 498).

**Conclusion**

This paper has been a discussion of the use of the comparative method in history. It has argued that in order to determine the place of the Ottoman political thought in the world, at least, in Europe, and offer a new interpretation of Ottoman political thought, historians must take into account comparative approaches. In addition, this paper has reached the conclusion that differences of socio-political and institutional structure in which the Ahlâk-ı Alâî and Leviathan were written had a significant influence on methods applied in both theories. Accordingly, while Kınalızâde was applying the "classic" Aristotelian political and moral philosophy (mainly through al-Farabi's version), Hobbes, like other major thinkers of the sixteenth and seventeenth

century, tended to abandon this approach in favour of European scientific and critical methods. This paper has also determined that common ground and the main message of the theories about the state and government-oriented paradigms were in common in certain respects. In this regard, both Kınalızâde and Thomas Hobbes argued that the birth of state based on human nature emphasising men are driven by "a perpetual and restless desire of power". In accordance with this view, both argued the necessity of an absolute power to put an end to conflicts among men. They considered that this absolute power is the "state" and whomsoever held power in this state is the "power of sovereign". Their views about the rights, duties and governance principles of the sovereign also did not differ from one to the other. Both advocated high authority of sovereign but at this point, in contrary to Hobbes, Kınalızâde set out the measures such as "justice and moderation" for governance principle of sovereign. As a result, the main concern of both works was the problem of social and political order. All of these findings have made it possible to see some differences and similarities of the Ottoman political thought against political structures in Europe.

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# The Way How Anthropological Culture Shapes Consumes: An Exploratory Comparative Study

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## Abstract

The world today is discovering new forces clashing together and creating new threats and opportunities in terms of Globalization. Because these forces are mainly local, and not only economic, business today must take into consideration all different aspects, usually marginalized features, such as anthropology, traditions, and popular beliefs; weather and geography; religion and culture (Foegel, 1964 Parker, 1997[1, 2, 3], 2000, Scaini 2013, 2015[1,3], Weber 1904/05, 1906). These revitalizing and reinforcing instances are pushing/forcing "Globalization" to face new challenges, defined in the following: 1. Integration of different products with different cultures (Appiah, 2006), 2. adaptation of old products and retail marketing strategies to specific local needs based on physioeconomic factors (Pagania et al, 2015, Scaini 2012, 2015[1,3]) and 3. How people in different environments buy the same products but consume them in different ways due to different cultural influences. The present paper intends to prove the original different consumes by comparing the cultural forces behind the consumption of the same goods in two different contexts: western and eastern markets. Moreover, the present exploratory study proofs different cultural motivations for consumers that pass through the unaffected bottleneck of purchase. Eventually, the anthropological instances that effectively and efficiently shape marketing strategies.

## Introduction
### Actual Problems in Glocalization

The relative constant failure of global strategies(Lynch, 1998, Scaini 2012, 2013, Stiglitz 2007) and the solutions offered by 2.0 marketing as an overrated panacea for the local instances (cultural conditions, traditions,

beliefs and their consequentially influenced economic behaviours) reveal the exigencies of new applications (Cova et al., 2008, 2014, Locke et al., 2001, Scaini, 2012, 2013). The strategies must be oriented not just toward purchases, as they are not affected by the same cultural problems, but toward consumes. In fact, a dialogical and unconventionally innovative approach needs the same cultural investigation in depth, in order to consistently and robustly understand the reasons of cultural resistance. Ignoring the consume-related problems actually risks limiting the interaction with purchases, widening the anthropological gap between local and global situation. Consistently, marketing must take in good consideration the specific stimuli that lie behind both the consumer and purchase behaviour, in order to satisfy both desires and needs, possess and consume. The fact is that high cultural contexts hinder strategies and products on the level of consumes, where companies result in a weak ability to encounter, understand and eventually merge with local instances (Locke, 2001, Scaini 2012, 2015[3]). In an unconventional and tribal dialogue, what Cova et al. said (2008) is surely important, but the dialogue itself urges to be based on a deep analysis and understanding of anthropological cultural frames, even until sharing. In this framework, the word "environments", better than "markets", fully expresses the meaning of "social, anthropological, and economical forces merging together and influencing peoples' decisions" and consequential acts and reactions to products and marketing campaigns.

**Analysis of the Marketing Problem**

Most of the time, the penetration of a new market is managed (in the same manner as) placing some product or service in a physical environment limited to the sell-and-purchase. And the analysis is pursued taking into consideration mostly classic parameters in a mechanical way (Locke, 2001 and Cova and Saucet, 2014). The micro and macro audits are performed without a deeper analysis of the contextualization and re-contextualization of products that, even though not newly developed, are considered to be new relatively to the new cultural context. In fact, in every environment, people are influenced by different cultural forces, which shape the marketing process of consumes accordingly. This is because penetration and selling strategies have been studied more deeply, since they are more closely influencing the financial sphere, while the consumes, which are more linked with society and anthropology, have been mostly shelved and even the consumer behaviour relies more on purchases' consequences.

An audit should be performed taking into consideration both phases of the marketing process and the deeper relationships beyond the selling interaction company-target (finally, people with a social anthropological culture). The technical data-based analysis, arguably important, is influenced

by, and becomes a consequence of the cultural one. People must not be managed as a physical part of the market but as the fluid and dynamic essence of it (Locke, 2001 and Cova and Saucet, 2014, Scaini 2013).

The "cultural problem" to be investigated lies on a deeper level than the classic economic parameters and is influenced by classic physioeconomics (such as weather and other physical conditions, religion, anthropology, as stated by Parker, 2000 and Foegel, 2004). This is a physioeconomic "cultural problem" itself which influences and leads people, intended like "A social group, gathered around common hetero and auto-acknowledged values, that behaves in some specific ways" (Cova et al. 2007, Scaini et al. 2015[2]). The cultural background causes specific and often unique reactions to marketing strategies through the interaction with products, intended for peculiar different cultures, and this is the limit of the present industrial and cultural approach (Cova et al. 2008).

**Methodology**

The methodology of investigation is based on the direct observation of the problem and consequential analysis.

Quantitative data were used to proof the background of the research: the fact that people everywhere buy the same product and, by direct consequence, consume them. The reasons why consume is influenced by cultural instances, whilst purchases are not, is investigated instead through qualitative research. The present paper aims to introduce a problem that should require both: 1. Deeper investigation of the topic itself (the practice of consumes and cultural influence) and 2. Wider research in further environments and fields.

The qualitative investigation has been conducted among people from two different environments-markets, Japan and USA, used as an initial and particularly useful sample to isolate the problem, narrow the test, and shape the problem on the most urgent instances, both practically and theoretically. From the initial sample, a number of 200 tests has been selected. The anagraphic characteristic was as broad as possible in terms of sex (50 M/F), age (30% each tier from 20 to 60 years old), education (BA, MA, and Superior) and social status. Further investigations will be pursued on an exactly chosen sample to confirm the initial results, to be intended like an investigation on the feasibility of a deeper and wider research.

**Hypothesis**

The hypothesis that this paper holds is that marketing strategies rely more on selling methods and on the reasons of the purchase behaviour, dangerously leaving behind the anthropological conditions of use (that are causes and goals of the consume of goods). Under a marketing tactic point of

73

view, consumers' reasons are linked to purchase under functional and factual motives. Present paper intends to explore the cultural instances behind the way how certain goods are used and adopted meeting, or not, peoples' expectations. People are not studied as shoppers, buyers and consumers only, but also as dynamic interactive elements of precisely shaped anthropological cultures.

**Main Problems and Educated Questions**

Statement: Cultural influence on the utilization of large-distribution product; not the purchases. This happens thanks to largely studied and boosted selling strategies.

1. In the broad frame of the clashing forces, is the local or national utilization of goods influenced in different ways by anthropologic culture?
2. How and through which forces does the specific cultural environment influence the utilization of the same products?
3. As a direct consequence of what was previously stated, and much narrowed on practical implications, can anthropological cultural inter-relationships be used to foster marketing operations?

Finally, since the thesis hypothesizes that physioeconomic forces can hinder the expected utilization and create the prerequisite for the adoption, in different ways, of a product that might fail to satisfy the new unpredicted usage and expectations, marketing should be the inter-cultural bridge that creates a dialogue and goes beyond commercial purposes, leading to a mutual comprehension in economic terms.

**Data Analysis in two Environments: USA (low context) and Japan (high context)**

The hypothesis is that cultural forces dangerously shape marketing strategies due to lack of deep studies and cultural investigations. The danger is both from the financial side of companies' interests and from the economic side of social groups-targets. The lack of anthropological behavioral investigation can affect loyalty and repurchasing rates if the product is wrongly interpreted as good or adapted to a different use or if there is no proper and clear communication from the company or, in some cases, no communication at all.

The entire investigation is based on few quantitative data proofing that the purchase of sample products and services is barely or non-influenced in markets with a different cultural contextualization, and moves to a qualitative research proofing that consumers are basically pursued in a way too different manner, relying more on cultural aspects. This means that people buying the same products, use them in peculiar and different ways that might affect the reliability of goods and their effectiveness.

Further, the hypothesis is also exploring these specific ways to adapt products, very local as well as very culturally or anthropologically influenced, they require precise and specific studies as well as a culture-oriented marketing analysis, to avoid both the clash of very culturally intended products with customs and a dangerous fail, especially in new markets, and in highly culturally contextualized markets (De Mooji, 2010, Esso and Dibb, 2004, Luna and Forquer 2001, MCCleary and Barro 2006, Mokhlis, 2009, Sood and Nasu, 1995, Wessel, 2009, Scaini, 20153).

The definition of physioeconomic forces, in the present paper and for the present purposes, is only limited to anthropologic cultural parameters, and is an exploratory study. Basically, the question was asked to 200 people who are equal in terms of origin; sex, age, education level, is much narrowed on how culture influences the consumer of four specific products/services: alcohol consumption, adult education, health and wellness, fashion clothes. The first characteristic question was intended to understand if people in different markets also feel the belonging to a specific cultural context. This is relevant to identify the consumer-culture relation.

| Do you feel that you belong to a specific cultural context? | YES | NO | TOTAL |
|---|---|---|---|
| Japan | 98 | 2 | 100 |
| USA | 55 | 45 | 100 |

Further, to confirm that there is none or little influence of the cultural context on purchases, the second question relied on the products/services purchased.

| Do you usually buy / have you ever bought: | Adult Education | Health Services and Wellness | Alcohol | Fashion Clothes | TOTAL |
|---|---|---|---|---|---|
| Japan | 90/10 | 98/2 | 91/9 | 100 | 100 |
| USA | 80/20 | 98/2 | 85/15 | 98/2 | 100 |

The results confirmed that in different contexts, anagraphically and culturally similar people buy the same products/services.
Finally, the research was oriented toward the utilization ways, modes and reasons; trying to identify the culturally-related motivations (answers were gathered into main categories)

| Adult Education | What course have taken? | Why? (consider both causes and goals) |
|---|---|---|
| Japan | Languages, technologies 92 | Learning 33 |
| | Painting, other creative courses 8 | Usefulness for work[9] 67 |
| USA | Languages, technologies 5 | Personal Interest 74 |
| | Painting, other creative courses 95 | Individual Expression 26 |

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[9] Work was considered different from career (work: 54, Career 3)

| Health Services and Wellness | What kind of sport or training have you done? | Why? (consider both causes and goals) |
|---|---|---|
| Japan | Traditional Sports[10] 85 <br> Other national sports 15 | Self-Discipline 62 <br> Philosophy of Life 38 |
| USA | Team Sorts 65 <br> Individual Disciplines 45 | Societal Fitting (emerging) 69 <br> Self-Discipline, Philosophy of Life (for self-empowerment) 31 |
| Alcohol Utilization | Where and How do you usually consume alcohol? | Why? (consider both causes and goals) |
| Japan | Home 4 <br> Clubs, Bars 96 | Societal Relax[11] 100 <br> Personal Fun 0 |
| USA | Home 51 <br> Clubs, Bars 49 | Societal Relax 50 <br> Personal Fun[12] 50 |
| Clothes and Fashion Items | On which occasion do you buy clothes/fashion items? | Why? (consider both causes and goals) |
| Japan | Work 75 <br> Free Time 25 | Representation of work position 88 <br> Other 12[13] |
| USA | Work 49 <br> Free Time 51 | Representation of social status 89 <br> Other 11 |

A final panel was then prepared to link the representative values of the two identified socio-cultural groups (Japanese and American). It was asked to the tests if they rely (mostly) or not (mostly) on some precise value, linked with a consume influence.

| CONTEXT | Q: VALUE JAPAN | Q: VALUE USA | Influence on consume in Japan? | Influence on consume in USA? |
|---|---|---|---|---|
| Work and Relax (Leisure) (product alcohol/amusement) | Hard Work | Freedom of Expression | Alcohol for social relax (relaxation) (drink after work / parties) | Alcohol both for social and personal fun (drink after work / parties) |
| Learning & Studying (product adult education) | Learning | Personal Freedom (individual) | Courses useful for work | Courses useful for self-empowerment |
| Self-representation outside (clothes) | Integrity | Self-Confidence | Clothes as representation | Clothes as representation of the (social) status |

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[10] Martial arts, including other traditional disciplines or national sports, including baseball and soccer

[11] In Japan it includes "societal fun"

[12] In USA it includes "simple personal use"

[13] In this case in Japan the 12 testes referred to "belonging to social groups", all students. Certainly influenced by use of uniforms in Japanese schools

| | | | of the work position | |
| --- | --- | --- | --- | --- |
| Health and Wellness (sport and training) | Self-Discipline | Personal Success | Traditional Sport | Sport for emerging, including individual (Social Inclusion) |
| Special final question: Relationship in the Group | Self-Confidence (Group) | Selfish-ing (selfishness) | Adapting to group values | Calling group to gather around own values |

## Findings, Conclusions and Actual Limitations

The expected outcomes of the present exploratory study were respected. 1. Actually, data proofs that the same products and services are sold and purchased in different markets by very alike buyers, but used in different specific ways by consumers: this offers interesting possible future improvements, in general, about distinguishing the role of buyers and consumers as researchers' targets. 2. Given that the same products are sold and bought, and that they become ready to be consumed, the way how and reasons for the utilization are different and rely on belonging to specific cultural anthropological contexts, which influence the way how people behave in utilization, but apparently not in purchasing. 3. The reasons behind consumes are physioeconomic, considering two tiers: a first tier is the forces making a culture (physical, religion, traditions, and beliefs), the second, which has a stronger influence, is the anthropologic culture. The present study, based on facts and figures and a qualitative research supporting the investigation, shows how the original statement is respected: people do use the products accordingly with a precise social anthropological system of values (culture).

The theoretical implication is the analysis of a deeper level of the market, apparently far from the sphere of business and economy and closer to social sciences, and the need to reconsider economy as "management of a house" (*oikos nomea*), intended like a societal context closed, even surely cosmetically connected with other macro environments.

The practical implications of the study are connected with the development of a new level of analysis of cultures, clashing in the re-contextualization of a product or service that is the vehicle of cultural instances in a new context where different anthropological values influence behavior.

Limitations to the present paper are the considerations given to the two sample markets, one is highly contextualized, and the other one is low contextualized and that can be extended to more cultural environments/markets. Moreover, the few quantitative data adopted, being an exploratory study can be further examined.

Finally, and this is also a <u>future improvement</u>, the consideration given only to culture, among the many physioeconomic parameters: present paper is intending culture like a factor that is influenced by those further factors and the reference to few exemplificative products/services that can be narrowed to particularly detailed products and situations.

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# One Phenomenological Approach to Beauty

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**Abstract**
　　The presented contribution attempts to introduce a phenomenological-existential analysis of experiencing beauty (aesthetic experience) through Heidegger's approach to the examination of state-of-mind. It points out a topic which no doubt extremely interested Heidegger, but which he did not approach by the method he offered in Being and Time. The text thus attempts to reconstruct what Heidegger's answer to the question "what is beauty?" might have sounded like in this period of his work. The offered analysis respects the original structure of the question regarding the state-of-mind and examines beauty from three viewpoints: 1) what beautiful objects have in common and what characterises them, 2) what characterises aesthetic experience, and finally, 3) what matters to us in an aesthetic experience. Thus it attempts to interpret beauty within Heidegger's understanding of being and being-in-the-world before the "turn" in his thinking. The study points to the cognitive aspects of aesthetic experience in the sense of understanding beauty as the uncovering of being and the truth of the world.

**Keywords:** Beauty, experiencing, aletheia, being, value

**Introduction**
　　In this study we shall attempt to analyse the issue of beauty and aesthetic experience[14] through a unique phenomenological approach, which was presented by Martin Heidegger in his *Sein und Zeit* (*Being and Time*) in the hope that this approach may prove to be beneficial not only for the philosophical study of beauty, but also for other disciplines dealing with beauty, or even for philosophers – non-specialists – dealing with other issues and disciplines of philosophy.

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[14] Despite the thematic multidimensionality of aesthetic experience, containing a great many more aspects than just beauty, for the purposes of this study (due to methodological reasons) I shall limit myself to the identification of beauty with the content of the aesthetic experience.

As we know, Heidegger held a rather critical attitude towards classical aesthetics (Scottish, Baumgarten, Kant),[15] rejecting its contemporary subjectivism and subject-object split (Thomson 2017). Instead, and in the place of the analysis of subjective feelings, he proposed a return back to the phenomenology of art (of the artwork itself), which he documented, especially in his 1935/1936 lectures entitled *Der Ursprung des Kunstwerkes,*[16] as well as in numerous later works, in which he kept coming back to the topic of beauty, truth and art.[17] Although the work *Being and Time* originated much earlier (1927) with the purpose of introducing the structure and fundamental role of phenomenological thinking and deals very little with the question of beauty or aesthetics, I still believe that for the correct understanding of Heidegger's approach to beauty and art, the key for the perception of beauty as an existential uncoveredness may be sought, in particular, in this early and most academic of his treatise – in *Being and Time*.

In this work Heidegger applied a phenomenological-hermeneutic-existentialist way of thinking to the analysis of completely different phenomena – fear (Section 30) and anxiety (Section 40). However, it seems, its use may be applied to almost all existential states-of-mind. Aesthetic experience is doubtlessly one of them. Especially if the point of departure for its study is not some kind of objective analysis of the properties and qualities of objects themselves as physical objects - an analysis and description of how beautiful the objects are, as objects, in their formal or material structure in the form of some Pythagorean aesthetics of ratios. Or, on the other hand, the study of the processes that accompany the origination and progress of aesthetic experience in the brain and the CNS (neuroaesthetics), but rather on the contrary, a first-person description of aesthetic experience and that means what we experience and how we experience it; what our experience uncovers for us.

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[15] According to Ian Thomson, Heidegger's attitude to aesthetics may be described as anti-aesthetism and is best expressed by Barnet Newman's statement that "Aesthetics is for the artist as ornithology is for the birds" (Thomson 2017)

[16] The lecture was first given on 13 November 1935 at the Kunstwissenschaftliche Gesellschaft in Freiburg, then in January 1936 in Zürich, and as a lecture cycle in the same year (17 Nov, 24 Nov, 4 Dec) also in Frankfurt am Main.

[17] As is known, Heidegger wrote several works on the topic of beauty and art: *Wozu Dichter?* (1946), *»...dichterisch wohnet der Mensch...«* (1951), *Die Kunst und der Raum* (1969) and lectures: e.g. on Hölderlin and his poetic work, or *Über die Bestimmung der Künste im gegenwärtigen Weltalter* (Baden-Baden Haus Schweizer 7.–8. Mai 1959), *Bemerkungen zu Kunst – Plastik – Raum* (St. Gallen 3. Oktober 1964), *Die Herkunft der Kunst und die Bestimmung des Denkens* (Akademie der Wissenschaften und Künste in Athen 4. April 1967) and even his last official lecture (*Die Frage nach der Bestimmung der Kunst*, which he gave on 9 April 1970 in München) was dedicated to the issue of art.

Heidegger's philosophical thoughts were based on his analysis of everydayness and of how we understand ourselves and the world in everydayness. That is why in the course of his research he especially focused on moods and the phenomenon of "being-attuned" (especially fear) and the description of the inner experience and understanding of things in the world and ourselves in our moods. In his approach he preferred a scheme that was distinguished by three questions: 1) what all "fearful" things have in common, 2) what our fear shows us, and 3) what really matters to us in our fear or anxiety. And that the same scheme (as I believe) may also be used for aesthetic experience.

It is an indubitable fact that objects of taste and liking represent a wide and unstable range of the most diverse objects. Hence there is probably no sense in looking for any common physical characteristics in these objects but rather in focusing on one of their key characteristics as aesthetic objects, that undoubtedly being their ability to evoke a feeling of liking.

What the objects we assess as beautiful have in common is their ability to produce a fancy – pleasant feeling caused by our perception of these objects, regardless of their formal, material or other aspects. It seems that despite their variety almost all of them produce the same or a very similar state, that being the feeling of fancy.

This piece of information sounds too banal when heard for the first time for it to be philosophically studied in more depth. The ability of "beautiful" objects to evoke a feeling of liking, however, is not self-evident at all. We may wonder whether beauty is an objective quality of things (beauty as a property of the object itself – Thomas Reid) or on the contrary – if it is the product of the observer (*Beauty is in the eye of the beholder* -see Démuth 2016), but also whether and in what manner various things evoke aesthetic experience. At times we immediately consider the object of fancy as beautiful and do not have to particularly focus on it. At other times we need it to be pointed out to us, or we only notice its beauty after repeated observation, after further experience, after education or simply when in a different state-of-mind. What then causes one thing (phenomenon, event) to appeal to us as beautiful while another does not?

In the way of Heidegger we could wonder about a certain quality of the thing itself. However, it is not its physical ability or quality, but rather the ability of its phenomenal action. "Beautiful" things must have perceivable beauty at their disposal, they must seem, present themselves in a form which is capable of being liked. In this respect it does not matter whether this "beautiful form" of appearance belongs to the nature of something and its uncoveredness, or whether it is its appearance or even a deceptive semblance Heidegger 2001, 51). In order for something to seem to be beautiful, it has to

have the mentioned ability to evoke such an impression. However, that in itself is certainly not enough.

Beautiful objects do not only possess their own beautiful phenomenal structure; in addition to that they also have to be capable of affecting us with it – of touching us with its (real or apparent) beauty. In order for them to touch us in this way, we have to be located in the operational range of the object. When we find ourselves in the vicinity of a beautiful object we do not always, realise its beauty. Its beauty may be covered from our eyes, hidden by something – physically or intellectually. Physically, for example, if it is in the "shadow" of another object or phenomenon which makes it impossible for it to affect us. Intellectually if it presupposes a certain revelation and understanding.

But even when the object does not presuppose such a pre-understanding, it may still not touch us in a way. That is because its aesthetic effect on us is not strong enough, or it is too distant and does not affect us with sufficient intensity. In no case is this, however, a matter of physical or geometrical proximity and distance. Beautiful things do not have to be close, we may like distant countries or objects which are physically distant, but are still close to us in a different sense: they are an object of our thoughts, imagination and feelings. We carry them within us in the form of a memory or a creative imagination – they dwell in the land of our ideas, and therefore are (with) us. They are near because we are aware of them, they are near because we perceive and feel their effect. They are literally as near as they can be – they stand as though they are immediately in front of us (and may even be inside us – as feelings in our receptors and our cortex; opposite us and before us as images – Gegenstand – Vorstellung – in our minds). Thus they are close enough to touch us and we can touch them with our consciousness (sight, touch). Not only somewhere at a mental distance (in a bygone and forgotten past) but on the contrary – right now. If the memory does not affect us, it may already be too distant. Beautiful images work only when they are perceived as current. In this sense we may wonder about the need to find ourselves in the current operational range of the beautiful phenomenon.

The effect of beautiful things, however, is not a bodily, physical process. Beautiful things do not automatically attract us in the same way as gravitation or magnetism affects our bodies. Heidegger rather speaks about radiation and emanation (Biemel 1995, 121). The effect of beautiful things is nevertheless a certain form of gravitation – it is attraction. Their attraction focuses on our consciousness – our attention. Beautiful things, like ugly things, draw our attention. They affect the mind and our feelings in such a way that they often capture them. Thus if we thus perceive a truly beautiful object, it often happens that it attracts our attention in the same way as the gaze of the mythical Medusa. Beauty can take our breath away (alter its frequency as well

as affect other bodily functions), it can paralyse the body and totally change the future. Just as terror or ugliness can often paralyse the body and do not permit the mind to avert our gaze or attention away from their source, in the same way beauty draws our attention and urges us to notice and examine it in more detail (Kawabata, Zeki 2004). Due to its value we cannot turn away from it and we want to perceive it with as much attention as possible. If nothing else forces us to act otherwise, we dedicate ourselves to it, we contemplate it, we attempt to remain in its proximity, we expose ourselves to its influence. If (for any reason) it is not physically possible, at least we indulge ourselves in its effects in our imagination.

The reason why we do this is rooted in the pleasant feeling that beautiful objects evoke. Simply, we like beauty and we like to like it. For many aestheticians beauty is essentially connected with pleasantness and fancy. And "pleasantness" and fancy make us yearn for greater fulfilment.

Beautiful things affect us with their exceptional qualities and they thus fulfil us and enrich us in a certain way. This (intellectual) enrichment is based on a new experience and the emotional enrichment of the (repeated) derivation of the experience of the perception of it. That may be the reason that we surround ourselves with beautiful things, why we want to be in their proximity and why we yearn for them. That is why beauty is so often connected with lust, jealousy or envy – with a possessive approach towards objects of fancy.

The essence of enrichment and fulfilment is the future and its drawing close. "This drawing-close is within what is close by" (Heidegger 2001, 180). We often yearn for beauty in direct proportion to the proximity of it in which we find ourselves. Its attraction increases with the ratio of its possible fulfilment; however, if from being close it draws near to such an extent that it is already here and not in the future (the moment of fulfilment), its attraction suddenly disappears (Kierkegaard). Thus, if we are exposed to the effect of nice things, or their variability, in the long term, after an intense perception, after a certain time we are no longer capable of absorbing any more of the effects of the beautiful objects. They cease to affect us and it is even possible for us to temporarily or permanently become satiated. At that moment they have nothing more to give us.

Beautiful things can affect us with their beauty only from a closeness that draws closer, which evokes the liking that we like.

The pleasant feelings which beautiful things evoke in us draw our attention to the aesthetic experience itself. It seems that aesthetic experience may be perceived as a certain form of understanding of things and ourselves. Understanding things in the sense that during a disinterested aesthetic experience we behold within the objects their distinctive aesthetic qualities. In other states-of-mind we do not perceive these qualities, that is we are not aware of them or are not sensitive to them.

Heidegger analyses this phenomenon with the example of fear. When we are afraid of fire, we perceive its threat and are incapable of seeing the usefulness or beauty of the flames. Similarly during a normal experience with a knife, we behold its ability to cut bread or spread butter but not the danger it presents. We only see that when somebody takes it in their hand and we realise that it may serve as a powerful weapon. And that not only during real Hitchcockian movements, but especially in our imagination using the mechanisms of Bayesian probability.

One of the characteristic features of the Heidegger approach is the conviction that various moods make the world accessible in various ways. To express this, Heidegger uses the spatial metaphor of finding oneself in a state-of-mind (die Befindlichkeit), as well as the acoustic metaphor of being-attuned (Stimmungen - see Démuth 2011). A state-of-mind is a spatial determinant which enables us to see things from a certain aspect – perspective. At the same time, however, it also necessarily hides certain aspects of things. That is why, if we are afraid, we cannot see the beauty of the world, its utility or amusing qualities. On the contrary, when feeling elated joy we do not perceive threats or the tragedy of the situation. Heidegger believed that moods function as certain lenses which unlock the world in a particular manner. Every lens does that in its own unique way and only by using more perspectives and with their combination is it possible to arrive at an objective and complex understanding.

Aesthetic experience makes the aesthetic qualities and values of things accessible. That is exactly what we focus on when we perceive beauty. If we like something it is because it can especially register with those aspects of things which are worthy of fancy. That means that we understand things in a certain way. We perceive their form, structure, quality, ignoring their purpose, origin, price or real existence. Whereas in fear we notice threat and the potential harmfulness of things, on the contrary, with beauty, we feel nothing like that. We feel the excellent elaboration, exceptional rendering, unique rarity, perfection or, simply, harmony of forms and structures.

The source of this understanding of things undoubtedly comes from these phenomena themselves. That is the main premise of phenomenology. Beautiful things simply appeal to us (similar to an attack of fear). The essence of feeling beauty is thus its appearance. And the art of the aesthete is the ability to see beauty where it occurs. With this, however, we arrive at a serious problem: Is beauty something that lies in the essence of the appearance of beautiful things or is it a matter of our beholding?

One of the fundamental features of Heidegger phenomenology is the conviction that we can only arrive at reality through the uncovering of the pristine essence of the phenomenon. Only the phenomenon, that is the fact that something is mediated for us in any way at all, makes it possible for us to perceive it as beautiful, ugly, true or false. It is clear that superficial and non-

authentic forms of appearance may present something as beautiful although it is not in reality (it is only glitz, a semblance) and on the contrary, some things are only beautiful under the surface, once we penetrate towards their deeper and more archetypal structures. Phenomenology then may be, in the sense of Section 7 of *Being and Time,* understood as art, "to let that which shows itself be seen from itself in the very way in which it shows itself from itself" (Heidegger 2001, 58), or as the art of uncovering reality in such a way as for us to behold it in its uncoveredness and unconcealedness – that is, as the art of seeing things in a certain particular way and to understand them on the basis of themselves.

In Heidegger's idea of state-of-mind it seems, however, that our understanding of the qualities of things draws also from a previous experience or pre-understanding. Only in such a way is it possible to explain that, on the basis of the experienced or familiarity, somebody sees danger where somebody else no longer sees it (or not yet). Children are not afraid of many things that may harm them and, on the contrary, in adulthood we are often not terrified of that which we found "fearful" in childhood. That is also valid for beauty. Some objects of art or scenery are so fascinating that they appeal to almost everyone and pull us out of our everyday practical interests. Others do not possess such an immediate expressive value so readily obvious at first sight: to see beauty it is often necessary (as for any other forms of visual phenomena) to learn. Somebody sees beauty where another does not – they may be sensitive to nuances and aspects which are hidden from the eyes of another. Others, due to their own pains or interests, may not perceive values which they have right in front of them and which surround them. However, regardless of the need for experience or the beholding of pure phenomena: beholding or feeling is in any case a form of understanding. Feeling, being-attuned and emotions thus have a certain precognitive function.

Heidegger, however, was not inclined towards the epistemic-instrumentalistic role of beauty or art. Beautiful objects (and especially not works of art) are not here to mediate something. They are not intended to represent anything and substitute for something that is hidden behind them. They are not a replacement of facts, but quite the opposite: they are the very fact itself. If we perceive something as beautiful, it is because the beauty of the phenomenon absorbs us. That which is beautiful is beautiful in itself. It shows its own essence. Beautiful things and artwork are in Heidegger's opinion beautiful because they are true in the sense of their true experience. They show themselves, not the stories behind them. A theatre play or a fairy-tale by the Grimm brothers is beautiful if it gives us a deep experience, if we get lost in it, and not because it is an allusion to some true story. Similarly the beauty of a flower or nature is not an imitation of something, but an

uncovering of reality itself. It is namely in this connection that the relationship of beauty with uncoveredness as aletheia is rooted.

In his work *The Origin of the Work of Art* Heidegger solved the dilemma of objectivity and subjectivity of beauty unequivocally to the benefit of antisubjectivism. "Beauty is one way in which truth essentially occurs as unconcealment" (Heidegger 1993, 181). "The beautiful is not explained in terms of subjective experience, of how the work affects the subject, but in terms of the openness showing that becomes manifest in a work of art, from the basic phenomenon of uncoveredness" (Biemel 1995, 121). Nevertheless, it is namely the individual experiencing which characterises aesthetic experience.

The essence of aesthetic experience (similar to any other) is its experiencing. Whereas in fear we experience the horrifying uncanniness of the place where danger lurks, which we want to avoid by any means, and due to the impossibility of the identification of this danger, in our anxiety, we cannot even find a safe place to escape from it, in aesthetic experience we usually experience the contrary. The feeling of beauty produces changes in bodily functions: a quickening of the pulse, a change in breathing, a widening of the pupils, etc. The experience of beauty is a physiological, bodily experience – a somatic marker which is accompanied by a number of objectively measurable manifestations. The experience of beauty is, however, characterised especially by its subjectively experienced content – pleasure, a feeling of the pleasant and our effort to remain with it. While for Heidegger anxiety is a land of "uncanniness" (Heidegger 2001, 234), beauty is the exact opposite. It is the Promised Land – a place where we enjoy remaining in our mind, it is something we contemplate, or something we tend towards, where (with which) we want to stay. That is why we surround ourselves with beautiful things, we decorate our homes or escape to real or imaginary lands which produce in us feelings that are good, safe and pleasant – to lands where we do not feel the excruciating uncanniness of being and where the world and we are better than we (it) really are (is). A typical sign of beauty is its potential "liveability", that is not an intimate and total familiarity that arises from the already lived-in but a certain novelty related to the feeling of suitable living-in. When beholding beauty we do not feel an urge to run *away from* but rather to stay and savour, admire and examine, or an (sometimes passionate) urge to come close (run *towards*) in order to more intensively behold beauty down to its utmost detail.

The feeling of a possible home is also related to the need for time and safety that we require for the contemplation of beautiful objects. Unlike the vision of threat and danger, beauty lets us forget the potential risks or expects their absence. Beauty abounds in the feeling of safety and sufficiency of time (or at least demands them), that is what Aristotle would call θεωςία – beholding. This is what we go to galleries for, or why we open books and listen

89

to music without any other intention or need which would limit and disturb us. Frequent looking and contemplation which are a requirement for the examination of things – without any other subsidiary intentions and interests, except the thing itself – are characteristic demands of aesthetic experience. However, this disinterested beholding, sufficiently thorough and liberated from any other intention, is not only about beholding a thing and "gaining" information from it. That which is beautiful about it (and what distinguishes it from the theoretical scientific getting-to-know) is that the contemplation and looking itself fills us with beauty and a pleasant experience. So pleasant that we often want to share it.

Anxiety makes one lonely and forces us to face the factuality of being. With beauty, although we do behold it on our own, we like to share our experience thereof, and especially with those who most belong to our being. The feeling of beauty is one of expansive feelings, that makes us feel that we are fulfilled by something, frequently to such an extent that the impossibility of sharing this feeling may impoverish the quality of the experience. The feeling of beauty or beauty which cannot be shared is not complete. That is why we often talk about their sources, it is due to this in particular that we enjoy sharing these feelings.

When Heidegger speaks about the states-of-mind and feelings as understanding he does not mean only the understanding of things themselves. Aesthetic experience does not only tell us about the qualities of things; it tells us even more about ourselves. It uncovers what we inclined towards, what we long for or what we need, and especially what we like. Maybe that is the essence of subjectivistically oriented aesthetics – understanding beauty as an understanding of oneself, one's feelings, preferences and needs.

That which we like speaks often more about the subject than about the object of the aesthetic assessment. And that not only in the sense of uncovering the "objectivity" of the individual aesthetic statement. In the case of beauty it is the reflection of one's subjectivity in the direct onthological sense.

Feeling may generally be considered as uncovering one's body or mind – to oneself (A. Damasio), doing it through that which we ourselves are not (through things which afflict our senses). For Kant the feeling of liking is essentially connected with the reflection of our own feelings and states. Beauty thus results from the reflection of the effect an object of sensuality has on us. The feeling of liking or not-liking is thus basically understanding ourselves.

Heidegger, however, points out the deeper meaning of self-understanding for any understanding of the world and things in it. He believes that only on the basis of understanding ourselves is it at all possible for things to touch us in any semantic way. If we for example did not understand ourselves as temporarily final and such as may be harmed, it would not be possible for us to be afraid at all. Only thanks to the reflection of oneself (one's

own needs and desires) is it then possible to understand things in the world in given contexts (as harmful, dangerous, useful ...). And logically only understanding ourselves and our own values and needs allows us to also perceive beauty – that is, whether we like something or not. If we had no needs and desires, if we did not have their reflection, we could not even feel that something saturates us or does not saturate us with the feeling of fancy and satisfaction. Liking – self-reflection – is thus primarily uncovering the understanding of oneself.

From Section 40 of *Being and Time* it follows that what matters to anxiety is its being – to be able to be. It is in particular being and its qualities that also matter to us in the experience of beauty.

Aesthetic experience itself is characterised by pulling us out of a non-authentic existence. Beauty is not a common experience. It is something unique – ecstatic, in a certain sense.

If we are confronted with a beautiful object, it evokes in us not only interest and attention but also the desire or awareness of its value. In this way we transcend the thing and touch something that does not lie only it its form. We touch the being itself. The content of this experience may often be likened to a religious or mystical experience with several of its displays.

On the simplest level – we aspire to beautiful things, we want to be in their proximity, and we want to contemplate them. We are aware of their qualities, rarity and value. That is why we often spend a great deal of energy and means in order to be able to spend as much time as possible with them, or even to affect ourselves and others with their qualities. The desire to affect others with beautiful things or appearances is a proof that we realise their value and assume that our own value (attractiveness) increases in the eyes of others (Schiller 1992). Nevertheless, aspiring for beauty for others' sakes is hypocritical and unsatisfactory by definition because it does not deal with the true values of the being itself but only their appearance.

As far as we yearn for beauty for our own pleasure, we long for beautiful objects and forms because we want them to belong to us and for us to be able to take pleasure in them at any time. Such a possessive understanding of beauty reveals that we realise the value of beauty itself, but the object of beauty is not the same as our being; it is the being of something else (which we want to behold). That is true even when the object of beauty is for instance our own body or our creation. Surrounding ourselves with beautiful things in order to look at them, however, tells us that what really matters to us is not even their possession but the option to behold them as much as possible.

The attractiveness and value of beautiful things evokes enthusiasm in us, frequently even obsession and lust. Their importance is so great that other phenomena (almost) fade next to them, ceding to the background, and we only

perceive their value. There are a number of objects we cannot and do not want to possess (a starry sky, a landscape, the blush of dawn ...). Their beauty lies in their ungraspable existence. And that, even when we realise that the greatest aesthetic (and existential) value comes from our own experiencing of beauty (Goethe's *Verweile doch*, du bist *so* schön!). It is namely in the experiencing of beauty and beautiful moments that we contemplate the value of being itself. Whether it is the being of a beautiful object or "merely" our own experiencing of this experience.

Naturally, at the same time, we respect, care for and protect beautiful things. We perceive that which is beautiful as valuable and worthy of care. We tend to protect beautiful things and not only when we own them. It is often beauty that prevents us from harming or destroying things, it is beauty that fills us with a certain respect and awe. And maybe here we are at the core of the issue.

We perceive beautiful things as more valuable than non-beautiful ones. Their beauty is an expression of the qualities of their being. That is why beauty uncovers being. It draws our attention to it. Not only to the being of things but, again in the Heidegger spirit: it points out to us our own being and its quality. In the same way as without knowledge of the temporality of being-in-the-world (Dasein) it would not be possible to understand things as harmful, and without a limited horizon of being our actions would not have meaning due to their possible revocability, thus without an understanding of the value of the being itself it is not possible to assess the qualities of the being of other things. Beautiful things are valuable but only because they improve or emphasise the quality of our own being-in-the-world. Thus they represent the value of being, either of being-in-the-world or of the world itself. And it is in beauty that we transcend being itself.

It can be argued that beauty is beauty per se and its instrumental understanding is incorrect. The abovementioned understanding does not subjectivise or instrumentalise beauty as a cognitive instrument for grasping being, although it is undoubtedly unawaredly that. Heidegger considers beauty as one of the means of how the truth about being reveals itself. It is a way of that being steps out of hiding, how it is possible to become aware of it. The purpose of beauty (if we can even contemplate a purpose), and especially then the role of art, which is supposed to produce beauty, is the manifestation of being and the world and even in such a way that the individual historical or cultural forms of art may be understood as specific articulations of the cultural understanding of being (Dreyfus 2005). That is, however, another question – a question of Heidegger's understanding of the essence and role of art.

**Summary**

Aesthetic experience and the perception of beauty represents, for several philosophers, one of the classical existentials in which it is possible to see and feel the value of being. The presented contribution has attempted to draw attention to beauty through Heidegger's structure of the issue of state-of-mind. It thus points out a topic in which Heidegger was no doubt extremely interested, but which he did not approach using the method he offered in his Being and Time. Using his approach the text offers a possible wording of a Heideggerian answer to the questions: 1) what beautiful things have in common, 2) what characterises an aesthetic experience, and at the same time and especially, 3) what is uncovered for us in the experiencing of beauty. And as experts already knew, the answer lies in the unity of beauty and aletheia and in the unique (and pleasantly experienced, unlike anxiety or worry) mediation of uncoveredness and the sense of being. Because beauty uncovers being and in particular uncovers its value.

**Acknowledgements**

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# Handedness and the Preference of the Visual Field in Face Perception

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**Abstract**

Face perception is tightly connected with the hemispherical dominance, and thus can be different in right-, left-handed and ambidextrous subjects. The study focuses on preferences for the left or the right visual field in face perception by testing the preference for the left or the right half of the chimeric face, which has been blended from half male and half female facial composite. The preference in evaluation process of the chimeric face has been studied on 2,207 participants (59.9% female; 6,8% left-handers and 6,5% ambidextrous; mean age = 24.08 years) with an emphasize on their handedness and sex. Chi-Square Test showed a significant preference (Asymp. sig = 0.000) for the left visual field in right-handed, but not in left-handed (Asymp. sig. = 0.072) and ambidextrous (Asymp. sig = 0.134) participants. The same results were gained also after evaluation for each sex separately with an exception for ambidextrous females. They preferred left visual field in face evaluation statistically significantly (Asymp. sig. = 0.022) more than the right. The suggestions for further research and limitations of the study are discussed.

**Keywords:** Face perception, visual field, handedness, hemisphere dominance, chimeric face

**Introduction**

Psychologist and biologists within the research of human body´s functioning constantly reveal, that bilateral pairs of structures in the body are not symmetrical in either form or function (Porac and Coren 1976). Usually, one of the structures in the pair is behaviourally or physiologically superior to the other, with the superior side being referred to as dominant (Jung et al. 2017). In visual perception, the dominance of the left visual field is known as the left-visual field (LVF) superiority (Le Grand, Mondloch, Maurer, and Brent 2003; Thomas et al. 2008; Yovel, Tambini, and Brandman 2008). This

tendency is very pregnant also in face perception – it is proved, that the left half of perceived face (from the position of the observer) is dominant and more important as the right half for the majority of observers in various task (e.g., in the evaluation of identity, gender or age – Burt and Perrett 1997; Bourne and Gray 2011; Dole, Méary, and Pascalis 2017).

It is suggested, that the LFV superiority is based on biological mechanisms that are tight to different lateralization of functions in the brain. For example, processing of words is strongly lateralized in the left brain hemisphere (Cohen et al. 2000; Dehaene and Cohen 2011), whereas face perception is dominantly tight with the right hemisphere (Burt and Perrett 1997; Yovel, Tambini, and Brandman 2008). The connection of the right hemisphere (RH) with the LVF lies in the process of visual perception – information from the left visual field is sent to the right hemisphere, whereas information from the right visual field is sent initially to the left hemisphere (Jung et al. 2017).

Researches investigating the effect of the lateralization of brain functions on face perception revealed, that e.g. information about the face retrieved from the LVF better predicted attractiveness ratings of faces than from the right visual field (Franklin and Adams 2010). Also, it has been detected, that the left half of the face seems to be crucial also for emotions detection better than the right half (Nicholls, Wolfgang, Clode, and Lindell 2002; Chen, Liu, and Fu 2007). However, results are not always consistent with the presumption of the general preference of the left part of the face within face perception – e.g. Zaidel and Cohen (2005) did not reveal any significant differences in the preference for the left or the right half of the face in attractiveness assessment of left-left and right-right mirror facial composites. In another study, Zaidel with colleagues found, that subjects significantly rated the right-right composite of ordinary women's faces as being more attractive than the left-left, whereas men's right-right versus left-left facial mirror composites evaluation was not significantly different (Zaidel, Chen, and German 1995).

**Problem**

Studies dealing with the face perception and the LVF dominance enriched the area of interest for variables that may intervene with the preference of the LVF and could explain the controversial results. They focused on the sex of the evaluator, on the sex of the evaluated face (Zaidel, Chen, and German 1995), eye dominance (Jung et al. 2017), or on the various types of evaluation tasks (Chen, Liu, and Fu 2007; Franklin and Adams 2010). From the result it seems, that investigation in similar areas is needed. There are suggestions to evaluate the variable of handedness (Jung et al. 2017), which has often been omitted from researches. Clear right-hand preference is

the manifestation of the typical brain functional lateralization and applies to the majority of population (approximately 90% - Denny and Zhang 2017). Therefore, the left-handedness may point to brain lateralization variations that may possibly cause also the variation in functions connected with the face perception. Similarly, ambidexterity, in the sense of being equally good at a particular task with both hands, can be associated with different preferences for left or right visual field in the face perception. Some researchers even suggest (see e.g. Crow, Crow, Done, and Leask 1998) that this equal skill is a marker for failure to develop cerebral dominance of either hemisphere and may be the cause of various cognitive deficits.

Therefore, we decided to test, whether the left-handers show different preferences for the visual field when evaluating the human faces than the right-handers or the ambidextrous and whether revealed tendencies apply equally for male and female evaluators.

**Procedure and Methods**

The participants took part in the research voluntarily. After a short exposition of the main ideas of the research and after granting oral consent they continued by completing a battery of questionnaires, tests and sets of questions and tasks. Only the main area of research was disclosed to the participants, otherwise they were blind to the aims of the specific tasks and questions.

Preference for the left/right half visual field has been detected by two facial composites (Fig. 1). The subjects were asked to judge, which of the faces in Fig. 1 was the more feminine. In reality, each face is half woman and half man. In this chimeric face, the halves are subtly blended across the midline so that the observer does not notice the join. The first (top) face composite is blended from the left male and right female half of the face, whereas the second (bottom) face composite is made from the left female and right male half of the faces. The two facial composites are therefore the same except that they are mirror reflections (Perrett 2010). This task reveals which half of the face the subject preferred for when making decisions on human faces and consequently points to the visual fiela that is dominant for the face perception.



Fig. 3 Facial composites blended from male and female halves of the face (Perrett 2010, p. 29)

Data on age, sex, and handedness were entered into the test battery by participants. Age was stated in years. Participants had to choose between the options: "male"/"female". Within the handedness detection, the participants finished the sentence: "When performing activities as writing, cutting, throwing… etc. you dominantly use:" by choosing from three options: "right hand", "left hand", "both hands".

**Subjects**

Subjects enrolled in the research on a voluntary basis. Out of 2,408 participants, 201 (8,35%) were excluded from further evaluation due to incomplete or incorrectly completed questionnaires. The final sample (N = 2,207) consisted of Slovak females (N = 1,323; 59.9%) and males. The majority of the participants were the right-handers (N = 1,913; 86,7%); 6,8% were left-handers (N = 150) and 6,5% (N = 144) were ambidextrous. The mean age of the sample was 24.08 years with a minimum of 17 and a maximum of 72.

**Results**

A general tendency to assess the human face using the left visual field was present also in our sample – a statistically significant (Asymp. sig. = 0.000; chi-sq. = 72.135) majority (N = 1303) relied on the left half of the face in face evaluation. However, when dividing the sample into three groups of right-, left-handed and ambidextrous subjects, the results vary (Table 1).

| Right-handed participants | | | | | |
|---|---|---|---|---|---|
| Preference for: | Observed N | Expected N | Residual | Chi-sq. | Asymp. sig. |
| Right half of the face | 777 | 956.5 | -179.5 | 67.371 | 0.000 |
| Left half of the face | 1136 | 956.5 | 179.5 | | |
| Total | 1913 | | | | |
| Left-handed participants | | | | | |
| Right half of the face | 64 | 75.0 | -11.0 | 3.227 | 0.072 |
| Left half of the face | 86 | 75.0 | 11.0 | | |
| Total | 150 | | | | |
| Ambidextrous participants | | | | | |
| Right half of the face | 63 | 72.0 | -9.0 | 2.250 | 0.134 |
| Left half of the face | 81 | 72.0 | 9.0 | | |
| Total | 144 | | | | |

Tab. 1. Chi-Square Test for the distribution of choices for the left or the right half of the face in face evaluation

The right-handers showed usual preference for the face evaluation depending on the left half of the face (LVF superiority) and this preference was statistically significant (Asymp. sig. = 0.000). There is also a tendency to prefer the left half of the face in the groups of left-handers and ambidextrous

participants, however it is not statistically significant (Asymp. sig. for left-handers = 0.072 and Asymp. sig. for ambidextrous subjects = 0.134) and cannot be expected generally with such high probability as in the right-handed participants.

In the next step, we examined the preference for the visual field in the groups of right-and left-handers, and ambidextrous participants separately for male and female sex. Both, male and female right-handed participants showed a clear, statistically significant (Asymp. sig. in both cases = 0.000) preference for the left half of the face and thus LVF superiority. Results from the Chi-Square Test in left-handed males and females show, that the slight tendency to prefer left half of the face in face evaluation is not statistically significant (in male sample Asymp. sig = 0.085; Chi.-sq. = 2.965; in female participants Asymp. sig. = 0.351; Chi.-sq. = 0.871). Difference between sexes is present in ambidextrous participants – whereas the preference for the left half of the face was not statistically significant in male evaluators (Asymp. sig. = 0.808; Chi.-sq. = 0.059), female evaluators preferred left half of the face statistically significantly (Asymp. sig. = 0.022; chi-sq. = 5.263).

**Discussion**

Results from our research support previous findings reporting the preference of left half of the chimeric face within the face perception (Perrett 2010; Bourne and Gray 2011; Dole, Méary, and Pascalis 2017). These findings are consistent with the basic information on functional lateralization of the brain. Face perception belongs to the functions that are hemispherically lateralized (Ferneyhough, Stanley, Phelps, and Carrasco 2010) with the dominance of the right hemisphere (Luh, Redl, and Levy, 1994; Thomas et al. 2008; Yovel, Tambini, and Brandman 2008). However, this hemisphere dominance and the lateralization of brain function is not universal; it applies mainly to right-handers. Left-handers show more intersubject variability in these lateralized brain functions (e.g., Dronkers and Knight 1989; Luh, Redl, and Levy 1994). Some authors even suggest, that the hemispheres of ambidextrous and left-handed people's brains are almost symmetric and that the equal use of hands in ambidextrous subjects is a marker for failure to develop cerebral dominance of either hemisphere (e.g., Crow, Crow, Done, and Leask 1998). It seems, that the results of our study are in concordance with these ideas – whereas the right-handers showed a statistically significant preference for the left half of the chimeric face (and thus for the LVF), left-handers and ambidextrous participants did not. Presumptions about the importance of the effect of handedness on visual field preference within the face perception (Jung et al. 2017) seems to be legitimate. We therefore suggest the further research in the area of handedness and face perception.

When we focused on the sex of the evaluators, the results did not differ, except for one case. In ambidextrous participants the significant preference for the left half of the face has been present in female participant. According to a very low number of ambidextrous women (N = 76) compared to the right-handed female (N = 1,154) in our sample, the interpretation of this finding should be very cautious. Some authors (e.g., Denny and Zhang 2016) suggest, that the dominance of the hemisphere (and consequent hand dominance) is not a nominal variable, but is rather cardinal. From this point of view, the handedness is a continuum ranging from right handedness to left handedness. Within this perspective, ambidexterity is a middle step, therefore the fact that it showed a greater preference for the left half of the face than in left-handed females seems logical. When we rank the values of significance of the preferences for the left side of the face in female participants gained in the Chi-Square Test, the order is left-handed (Asymp. sig. = 0.351), ambidextrous (Asymp. Sig. = 0.022), and right-handed (Asymp. Sig. = 0.000), which corresponds with the continuum left-handedness – ambidexterity – right-handedness. However, this fact does not explain the finding, why the preference for left half of the face in ambidextrous participants was present on significant level in female, but not male participants. We can further assume, that except the different functional lateralization of the brain according to the dominance of the hemisphere, it is known, that also the sex of the subject plays an important role. It is possible, that a specific combination of sex and brain dominance resulted in such a preference. However, further evaluation of this suggestion is definitely needed. Also, within such a small sample of ambidextrous women, already mentioned intersubject variability of functional lateralization in ambidextrous subjects (Dronkers and Knight 1989; Luh, Redl, and Levy 1994) could play the crucial role.

However, there are more possible explanations, too that point to the limits of our study. We did not detect the situational context under which ran the evaluation process of chimeric faces. The participants were not asked whether they evaluated femininity of presented faces in neutral context, or whether they considered this task as connected with attractiveness task or as the evaluation of potential sexual partner. As Franklin and Adams (2010) state, face evaluation in a nonsexual context is depended more on the right than on the left half of the face. Also, the prevalence of ambidextrous participants was atypical in our sample. Similar studies executed at the same time recorded proportions of right, left or mixed handed subjects 82.8%, 10.3% and 6.9% (Denny and Zhang 2017). In our sample, the portion of left-handed and ambidextrous participants was nearly the same (6,8% and 6,5%). One possible explanation lies in the fact, that even though in Slovakia there are not anymore trends to convert left-handers to right-handers, there are still some conditions present that favour right-handed subjects. This fact could lower the number of

left-handers. Also, we did not ask subjects, whether they did not convert from left-handedness to right-handedness in childhood. Specialized researches show, that even when there could be no differences in the manual performance of "natural" vs. "converted" right-handers, the differences in brain activity still persist even in adulthood (Siebner et al. 2002). This finding correspondents with the fact, that many aspects of face perception are biologically set and have an inborn character (Maguinness and Newell 2014). Also several other studies point to the fact, that face processing is more closely related to innate factors (Reiss and Reiss 1997). More recent (Grabowska et al. 2012) magnetic resonance studies show, that switched individuals share features of both lefthanders and right-handers regarding their motor control architectures of brain.

Another limit of the study is, that the hand dominance has not been tested; data were gained by the self-evaluation of subjects. It is possible, that self-detected handedness does not correspond with the real facts. Therefore, we suggest in future research to test the handedness by one on available tests (e.g., Sheard 1957; Oldfield 1971 or its updated version by Cohen 2008). Within the subject of consequences of hemispheric dominance, an evaluation could be also targeted to eye dominance as this variable has been proved do correlate with the preference of the visual field (Jung et al. 2017). From the previous studies it is also obvious, that a mental health of participants may play an important role, too. E.g., individuals with autism are known by deficits in attending to faces and in their face-processing abilities. Detailed research showed, that they begin to explore the face by looking at the eye in the visual field ipsilateral to their dominant eye, whereas healthy adults begin to explore the face by looking at the eye in the visual field contralateral to their dominant eye (Hernandez et al. 2009). Also, patients with schizophrenia prefer to view the right side of the face first (Phillips and David 1997). It therefore seems, that research focused on the preference of perception of faces has to be complex and should take into account many variables.

**Conclusion**

Within the brain functioning, the processes of the face perception are mostly lateralized and dominantly connected with the right hemisphere. However, the hemispheric dominance that is manifesting externally by e.g. the contralateral handedness or by the dominance of bilateral pairs of structures in the body is not the same for all subjects. Therefore, the investigation of the face perception, of the preferences and specificities of such examination should include also variables as handedness, or eye dominance. Our research on the sample of 2,207 participants showed a clear, statistically significant left visual field superiority in face perception in right-handed participants. This strong preference was not proved in left-handed and ambidextrous subjects

except the group of ambidextrous women. We suggest future investigation within the area of preference of left visual field in face perception focused on other variables.

**Acknowledgements**

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# Decentralisation of Financing of Self-Government Units in the Republic of Croatia

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**Abstract**

Since its independence the Republic of Croatia has commenced a thorough reconstruction of its taxation system according to the market economy taxation policy. Essential taxation reforms have brought the system closer to EU systems i.e. it has been being harmonized with taxation systems of developed European countries. The Republic of Croatia has adopted solutions that are used by the majority of European countries. Current tax system of the Republic of Croatia can be viewed through three fiscal levels, but this paper deals with decentralization and revenue, especially tax revenue of local and regional self-government units. The paper will present importance and a way of collecting revenue, especially tax revenue and satisfying public needs in terms of counties, cities and municipalities. The local and central characteristics of the certain types of taxes and the specialities thereof, as well as the applied functional differences are also scrutinized, and a widely accepted opinion of the taxpayers is explained. Taking these into account, the scientific contribution of this paper is that it provides a basis for further research on tax system development.

**Keywords:** Decentralization, self-government units, regional and local taxes

**Introduction**

The trend of decentalisation of the state is strengthening in the whole world. Usually it is defined as transfer of political power and influence from higher level of government (cental state) to lower levels of government (regional and local self-government units). The process of decentralisation differs from state to state, but the one thing they all have in common is the need for more successfull public sector. With the process of decentralisation of public services we decide how to please in the optimal way residents of each local self-government unit because the local government has the best insight  for pleasing different local interests needs fir public goods and

105

services. Consequently, one of the most important benefits is the higher efficiency of providing public needs and services.

The others goals that can be achieved by fiscal decentralisation are reduction of share of public sector in the whole economy, mobilising public revenue and at the same time reducing costs of provision of public services, adjustment of responsibilities for local expenditures with available financial means, strengthening of own revenue of local self-government units and promoting the cooperation of different levels of government in providing public services.(Jurlina Alibegović, 2003, pp. 93-94)

**Fiscal decentralization in the Republic of Croatia**

The goal of every state decentralisation is to recognize and please the public needs and to encourage local and regional development. Only by achieving those goals of decentralisation can the state create motivation and satisfaction of its citizens for contributing to accomplishment of public affairs. In the Republic of Croatia decentralisation presents itself through three levels of government. We talk about the highest level, i.e. the state, the middle regional level, i.e. counties (20 of them) and the third local level, i.e. cities and municipalities (556 of them). Each of the fiscal levels has its powers and responsibilities.

The Croatian self-government systems belong to the intermediate model of the three basic types of self-governments according to economic autonomy and funding aspects. Croatian model follows the European trends, since the types move toward each other, and, as a result of European unification, the elements, which could be separated earlier, converge due to the unifying principles.

The local government models show a number of differences, however, certain similarities, some traditional values occur in all countries. Certain values are specified by the legal regulation of every EU Member State, and are also declared by the European Charter of Local Self-government (hereinafter referred to as the Charter) accepted by the Council of Europe.

Article 9 – which includes eight sections – (Financial resources of local authorities), the longest part of the Charter, regulates the finances of local governments. It provides detailed guidelines on local self-governments, and contains the following financial and economic management principles:

- principle of income: the local authorities are entitled to their own financial resources, of which they may dispose freely within the framework of their powers;

- local authorities' financial resources shall be commensurate with the responsibilities provided for by the constitution and the corresponding law (the principle of entitlement to the financial resources adequate to the responsibilities);

- the principle of local taxation powers (local taxation rights, and the right to introduce other local payment obligations; part at least of the financial resources of local authorities shall derive from local taxes and charges of which, within the limits of statute, they have the power to determine the rate);
- reduction of financial disparities between the local self-government units (so-called equalization principle);
- the use of funds as per the statutory limits (the principle of expenditure);
- as far as possible, grants to local authorities shall not be earmarked for the financing of specific projects (the limitation of earmarked funds);
- the autonomy of management decisions within their own jurisdiction (principle of discretionary powers);
- participation in the central decision-making concerning local self-government finances (principle of participation).

The most important principle is the entitlement to appropriate financial resources, which means, on one hand that the volume of municipal funds shall be commensurate with the extent of local government responsibilities set forth in the corresponding law in the legislation and, on the other hand, the amount of funds allocated at the local self-governments can be considered as appropriate, if they keep pace with the cost of carrying out their tasks (Paragraph 4 of Article 9 of the Charter). (Ercsey et al., 2010, p. 155)

It is in accordance with the single European principles and unifying trends, that Croatia developed its tax system in compliance with the requirements of the European Union, by fulfilling the related harmonization tasks. The current Croatian tax system can be examined through three fiscal levels. This paper deals especially with tax revenue of local and regional self-government units, by presenting the way of realizing tax revenue, levying and collecting taxes, furthermore satisfying public needs on state, county and city levels. (Jerković, 2017, p. 359.)

Since the declaration of its independence, the Republic of Croatia has commenced thorough reconstruction of its tax system as well, since it had to meet the requirements of the new political system terminating the war period, as well as the challenges of market economy closing the socialist character. Essential tax reforms have brought the system closer to systems of the EU Member States, through its harmonization with taxation systems of developed European countries.

Croatian system of financing local units can be divided into two periods: first, from 1994 to 2001 and the second, from 2001 to present. In the first period, the financing system of the self-government unit is centralized and local units have limited autonomy in collecting in collecting revenue and allocating its expenses. This period is marked by the adoption of legal solutions in which the powers of financing have been established, as well as

the allocation of fiscal and administrative powers between central state and self-government units. There are three levels of government in Croatia: central government, counties and local units (municipalities and cities). The counties, besides having the status of local self-government, were also administrative units. Since 2001, all local units and more clearly defined powers and scope of local units can be performed by the administrative and self-governing functions. (Bajo et Bronić, 2004, p. 446)

Fiscal autonomy denotes the ability of local units to independently determine the bases and rates of tax but also non-tax revenue. Self-government units in Croatia are not fully autonomous in determining the basis and rate of tax revenue. Self-government units in relatively small extent determine the rates of local tax revenues. The tax rates of shared taxes (shared between municipalities, cities, counties and counties) and county taxes are entirely determined by the central government. The rates of municipal and city taxes are mainly determined by municipal or city authorities, but within the limits set by the central government. Only for one type of municipal or city tax (tax on public land use) the local authorities fully independently determine the tax rate. (Bajo et Bronić, 2004, p. 448)

| | Central government | Local government-autonomous | Local government-limited |
|---|---|---|---|
| Shared taxes | X | | |
| Personal income tax | | | |
| County taxes | | | |
| Inheritance tax | X | | |
| Tax on motor vehicles | X | | |
| Tax on boats | X | | |
| Tax on gaming machines | X | | |
| Municipal and city taxes | | | |
| Surtax to income tax | | | X |
| Tax on consumption | | | X |
| Tax on holiday homes | | | X |
| Tax on sales on real estate | X | | |
| Tax on public land use | | X | |

Table 1: Allocation of authority to determine tax rates

In the distribution of tax instruments among the levels fiscal authorities it is necessary to:
- define local types of taxes
- determine which subject chooses the tax base, which value is taken as a tax base and which subject estimates it
- which subject determines the tax rate
- which subject is administering the tax administration.

Non-tax revenue are autonomous revenue of self-government units that have a predetermined purpose. The tax rate of non-tax revenue is determined locally by the local self-government units which independently perform their collection as well. The central government determines the maximum rate of non-tax revenues that may be introduced by self-government units. The main non-tax revenue are utility charges and contributions by which local self-government units finance the construction and maintenance of communal and utility infrastructure. Utility charges and contributions are at the same time the highest revenue of local self-government units. (Bajo et Bronić, 2004, p. 450)

**Scope of authority of local and regional self-government units**

Law on Local and Regional Self-Government regulates the scope of functions of municipality and city separated from the scope of functions of county. Pursuant to the provision of Article 19 of the Law, local and regional self-government units in their self-governing scope perform the tasks of local importance, and especially see to jobs that are not constitutionally or legally assigned to government bodies, relating to the planning of settlements and housing, spatial and urban planning, social welfare, primary health care, education, etc.

**The powers and responsibilities of counties**

County conducts services of a regional importance, and which are not assigned by the Constitution and laws to the national authorities. The incidence of county can be original (self-governing) and entrusted to (services of state administration).

County in its self-management scope performs services relating to:
- education
- health care system
- spatial and urban planning
- economic development
- transport and transport infrastructure
- maintenance of public roads
- planning and development of a network of educational, health, social and cultural institutions
- issuing construction and location permits and other documents related to construction and implementation of spatial planning documents for the county outside the big city
- other activities in accordance with special laws.

By the decision of the representative body of local self-government unit in accordance with its statute and the statute of the county, some jobs of

self-government scope of the municipality or city can be transferred to the county.

Entrusted services relate to services of state administration which are carried out by a county and are defined by law. The costs of these services shall be paid from the state budget.

## The powers and responsibilities of cities an municipalities

Municipalities and cities in their self-governing domain (scope) perform the services of local importance which directly actualize the needs of citizens, which are not assigned by the Constitution and laws to the national authorities and in particular services related to:
- planning of settlements and housing
- spatial and urban planning
- utility services
- childcare
- social care
- primary health care
- education and primary education
- culture, physical culture and sport
- consumer protection
- protection and enhancement of natural environment
- fire and civil protection
- traffic in their area
- other activities in accordance with special laws.

To meet its duties, counties, cities and municipalities have to find means of finance- mostly deriving from public revenue. When we talk about financing local and regional self-government units most often we talk about fiscal capacity and its strenght. Fiscal strenght of these units varies a lot especially when it comes to municipalities and cities.

## Revenue of local and regional self-government units

Financing of local and regional self-government units in decentralized countries is of great importance, both for the development of the overall economy, as well as for the development of local and regional self-government units which carry out the logic of polycentric development. To satisfy this postulate it is necessary to find the optimal method of financing-Local and regional self-government units in their budgets have to ensure revenue which are proportional to expenditures, from its own sources, of shared taxes and grants from state and county budgets.

Revenue of local self-government units can be collected through:
- self-collecting revenue
- revenue allocation.

110

The autonomous right to collect revenue is defined and prescribed by law, and includes the right of local self- government units on creating their own source of funding.

The model of financing of local self-government units consists of two basic forms of fiscal revenue:

- Own sources of revenue: local taxes and user fees.
- External sources of income: aid, participation in shared tax and non-tax revenue and revenue from borrowing.

The model of financing of local self-government units can also be differently divided  (within the main sources of local self-government unit revenue):

- Tax revenues
- Non-tax revenue
- Capital Revenue
- Grants.

Revenue of local and regional self-government units in the Republic of Croatia is divided as follows:

1. Income from movable and immovable objects in their possession
2. Income from companies and other entities owned and revenue from concessions granted by local self-government units
3. Revenue from the sale of movable and immovable objects in their possession
4. Gifts, inheritances and legacies
5. Municipal, town and county taxes and fees and duties, whose rates, within the limits specified by law, are determined independently
6. Government assistance and grants provided by the state budget or a special law
7. Compensation from the state budget for performing services of the state administration, which were conveyed to them
8. Other revenue determined by law.

**County and municipal/city revenue**

Law on Financing of Local and Regional Self-Government Units and Law on local taxes determine the resources of funds and financing services from the scope of the counties, municipalities and cities.

a) County revenue

**Revenue from own property**

a) Income from movable and immovable objects in the possession of the county

b) Income from companies and other entities owned by the county

c) Revenue from the sale of movable and immovable objects in the possession of the county
d) Gifts, inheritances and legacies

**County taxes**
a) Inheritance tax
b) Tax on motor vehicles
c) Tax on boats
d) Tax on gaming machines

**Fines and confiscated assets for the offenses that are prescribed by the county itself**
Other revenue determined by special law.

b)      Municipal and city revenue

**Revenue from own property**
a) Income from movable and immovable objects in the possession of the municipality or town
b) Income from companies and other entities owned by the municipality or town
c) Revenue from concessions granted by local self-government units
d) Revenue from the sale of movable and immovable objects in the possession of the municipality or town
e) Gifts, inheritances and legacies

**Municipal and city taxes**
a) Surtax to income tax
b) Tax on consumption
c) Tax on holiday homes
d) Tax on sales on real estate
e) Tax on public land use

3. Fines and confiscated assets for the offenses that are prescribed by the municipality or town themselves.
4. Administrative fees in accordance with a special law
5. Residence fees in accordance with a special law
6. Utility charges for the use of municipal or city facilities and institutions
7. Utility charges for the use of public or municipal urban areas
8. Other revenue determined by special law. (Srb and Perić, 2004, p. 93)

**Shared taxes**

There is one very important category of public revenue that we must emphasise- shared taxes. Shared tax is personal income tax. The most important remark dealing with shared taxes is revenue belonging, so which unit of the public administration the revenue belongs to.

Personal income tax is the most significant revenue especially when it come s to cities and municipalities.

Revenue from income tax is divided between:
- municipality/city - 60%
- county - 16,5%
- part for decentralized functions - 6%
- part for position for aid of accommodation for decentralized functions - 16%
- part for position for aid for project co-financed with funds of European structural and investment funds, project managers being municipalities, cities and counties  - 1,5%.

Decentralized functions are social care, education, health care and fire department. But it is very important to emphasize that the operational side of these functions is financed through Personal income tax. When it comes to personal income of people employed or taking care of these functions, their income derives from state budget. Operational side includes mostly material costs (buildings, equipment, furniture etc.) in connection to performing these functions. (Jerković, 2017, p. 362)

Primary goal of every local self-government unit is to provide satisfactory level of public services to its citizens, but we have to bear in mind that many of the  local self-government units do not dispose of  adequate own revenue for financing locel public services. So the central state has to ensure adequate system of fiscal accomodation which needs to settle part of the means that are missing to succesfully satisfy all of the local public needs. Issues of fiscal accomodation are being delt with in the way that part of revenue collected from the personal income tax is extracted for decentralized functions in primary and secondary education, social care, health care and fire department (i.e. 6%). Local self-government units that do not earn enough revenue for financing those decentralized functions  get part of the revenue collected from the personal income tax for position for aid of accommodation for decentralized functions (i.e. 16%)(Jurlina Alibegović, 2003, pp.96-97)

**Structure of total revenue of local and regional self-government units**

Total revenue of local and regional self-governement units amounted to 16,1 billion HRK in 2014 which represents an increase of 1,1 % by comparison with 2013.

Most aboundant revenue of local and regional self-governement units are tax revenue. Tax revenue reached 11,5 billion HRK which makes 71,8% of total revenue of local and regional self-governement units. By comparison with 2013. tax revenue increased by 0,8%. Revenue relised from state aid reached 2,3 billion HRK, i.e. 8,6% more than in 2013. So their share in the total revenue of local and regional self-governement units amounts to 14,1%.
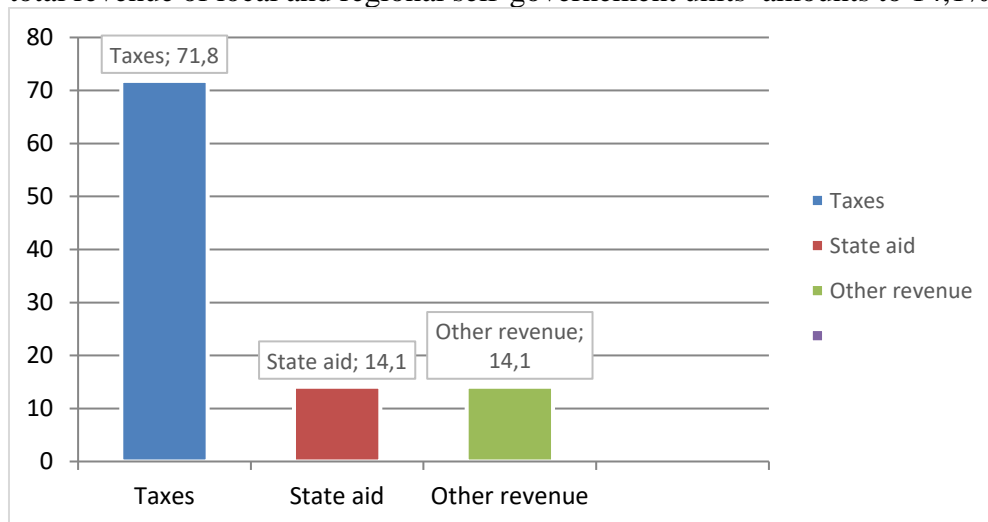


Chart 1: Structure of total revenue of local and regional self-government units in 2014. ( Ministry of finance: http://www.mfin.hr/adminmax/docs/Godisnjak%202014..pdf, p. 66.)

**Special criteria concerning local taxes**
1.      Tax basis shoud not be mobile because it can encourage tax payers to relocate to other  local self-government unit.
2.      Abundance and stability- local taxes should generate enough revenue or avoidance of vertical fiscal inequality
3.      Alocation and location neutral taxes_ taxes should not be the reason for tax payers decision to relocate to another area.
4.      Low administrative costs of collection of tax revenue should be imperative.

When we look at the structure of tax revenue we can see that the biggest share hold the revenue from personal income tax and revenue from surtax to personal income tax – 78,7 %. They are followed by property tax that amounts to 16,1% of total tax revenue of local and regional self-governement units.
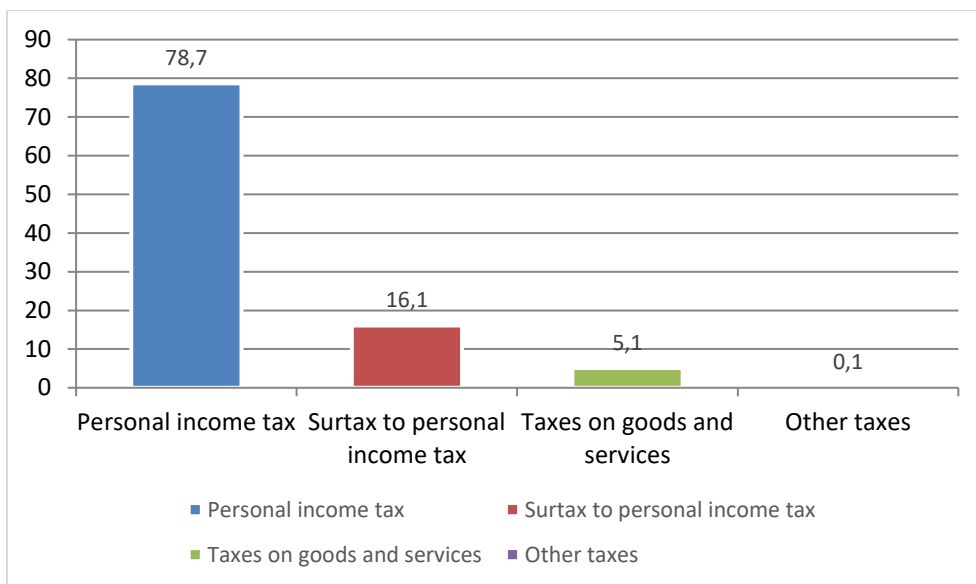
Chart 2: Structure of tax revenue of local and regional self-government units in 2014. ( Ministry of finance: http://www.mfin.hr/adminmax/docs/Godisnjak%202014..pdf, p. 66.)

## Conclusion

Fiscal decentralisation has both economic and political effects. It can serve as one of the mechanisms to promote democratic institutions and expanding the quality, quantity and diversity of public services that suit the priorities of local populations.

Fiscal decentralisation alone would not bring improved governance and ensure economic development at the local level without essential democratic institutions that responds to local priorities and preferences. Hence, fiscal decentralisation requires a favourable environment of democratic political system to operate as accountable, credible and efficient manner of mobilizing and utilizing fiscal resources, i.e. public revenue derived especially from local taxes.

The autonomy of self-governments, from the conceptual point of view and particularly from the practical approach is the assessment of the economic opportunities, the amount and structure of resources, and the freedom of use of the resource. The actual operating conditions of each system depend not on the legal regulation, but instead on the the local economic circumstances of the self-government and their involvement of local economic development, furthermore on the economic and fiscal policy of the state.

Local self-government units generate revenue for the following reasons:
- to perform self-managing functions
- to settle by the law defined public needs

- to provide the local population with the level of goods and
  services according to their needs.

The Croatian model, due to the important county and municipality taxes, is closer to the welfare and economic development models of self-governments, in which, besides the central dependence, a structure was established with more active self-governments providing notable services.

One of the most important things is to ensure fiscal autonomy of local and regional self-government units in executing expenditure and acquire revenue. Doing that they must ensure nearly equal possibilities for providing services to its residents and that is possible only by constant redefining aids of accommodation for decentralized functions. Also norms have to be determined in a way that current practice by which the central state regulates norms that concern units of local and regional self-government is avoided. That means that central state should not directly influence local and regional self-government units concerning their scope of authority.

Coming from the fact that degree of development of regional and local self-government units mostly differs, it is neccessary to find new models of financing by which we could satisfy local needs of citizens and achieve bigger equalisation of standards. In other words it is neccessary to achieve higher level of fiscal decentralisation, and that is possible only when local self-government unit has enough of own sources of financing for providing all public services  within its scope of authority.

The autonomy of local self-government units in Croatia is relatively limited in determining the tax base and rates of tax revenue, but not non-tax revenue. There is also limited autonomy in defining the purpose of expenditure. Namely, local self-government units have to use most of the expenditures for legally defined purposes.

Furthermore data concerning public and local revenue are not as public and transparent as it should be. Units of local self-government do not inform citizens about efficiency of revenue collecting or its purpose and influence on economic development and improvement of life conditions. These information should be available to every citizen simply by publishing them on city or county web pages.

Also it has been established that 49% of 555 local self-government units did not impose all the revenue they could have by existing legal regulation and 29% of local self-government units did not undertake all the measures of ensuring the payment of existing debt. (Bajo, Primorac, 2013)

It is therefore important that the practice of fiscal decentralisation in Croatia be reoriented to improve the reach and quality of public services, to ensure fiscal discipline in the manner of not only paying but collecting revenue aswell, to cultivate democratic and effective institutions and in the process to

contribute to address the fundamental economic, social and political development of the local self-government unit. (Jerković, 2017, p. 366.)

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# On Some Recently Discovered Translations from Edgar Allan Poe's Work - by Ștefan Petică – at the End of the 19th Century

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**Abstract**

The first authentic Romanian Symbolist writer - poet, novelist, playwright, journalist, sociologist, Ștefan Petică (1877-1904) - was also a skilled translator, as most of the Romanian writers at the end of the Nineteenth century used to be. For more than 120 years, there was no information on the translator of two volumes rendered into Romanian from Edgar Allan Poe's work and published in 1896 and, respectively, in 1897, at "Samitca" Publishing House in Craiova.

**Keywords:** Ștefan Petică, translations, Edgar Allan Poe, Samitca Publishing House

**Introduction**

Our paper brings to light some recent considerations around the personality of the first authentic Romanian symbolist writer, Ștefan Petică, and is the result of the research of many years on the multiple aspects of his life and activity. Born on the 20th January 1877 (Bucești, Galați), Ștefan Petică, poet, novelist, playwright, journalist, sociologist, was also a talented translator, as most of the Romanian writers at the end of the Nineteenth century used to be.

**I.**

Even during the last year of his high school (between 1892-1896 he attended the courses of the "Nicolae Bălcescu" High School from Brăila) his interest in translation, and not only in writing, is extremely relevant.

In 1896 he had already had his literary debut in one of the most prestigious publications from Bucharest - where the Romanian literary elite of the time was publishing, "Lumea Nouă literară și științifică"– whose constant collaborator he became.

As editor of the Omnia edition of this author, published at the prestigious National Museum of the Romanian Literature Publishing House, I have tried to identify all the writings and translations of Ştefan Petică that were not published in previous editions - that of Nicolae Davidescu and Eufrosina Molcuţ. The starting point of this research was the Library of the Romanian Academy, the place where most of the manuscripts are being preserved, together with books and articles in the publications of the time: "Literatorul", "Literatură şi artă română", "Noua revistă română", "Lumea Nouă", "România Junâ", "România Ilustrată", "Dorobanţul", "Depeşa", "Economia Naţională" – and even his original translations from Edgar Allan Poe, that were published in 1896, entitled *Nuvele extraordinare (Extraordinary Short Stories)*, at Institutul de Editură "Ralian şi Ignat Samitca" Publishing House from Craiova, within the Collection *Biblioteca de Popularizare* – Literatură, Ştiinţă, Artă, no. 19 (*Library of Popularization – the Collection of Literature, Science, Art*) and *Scrisoarea furată (The Purloined Letter)*, in 1897, at the same Publishing House, in the same Collection, nr. 30[18].

Samitca Publishing House was one of the oldest and greatest publishing houses in Craiova; it started its activity in 1835 and it was for almost a century the beacon for the intellectuals of Craiova. It was like a workshop for those who loved literature and knowledge; Samitca family was enthusiastic, either if we take into consideration the father (Iosif), or the two sons (Ignat and Ralian) that continued his work, always in a close contact with the intellectuals of the city; as publishers, they were eager to participate in the idealistic fervor of their customers, and of the cultural life of Craiova.

Deep thoughts for a long time were manifested to this extent only through small actions such as the "Little Library of Interesting Histories" / "Mica bibliotecă a istorioarelor interesante" started in 1885, then crystallized in a concept and in a well-defined work plan - such as the *Library of Popularization – the Collection of Literature, Science, Art* (*Biblioteca de Popularizare* – Literatură, Ştiinţă, Artă) and the *Collection of Famous Novels (Colecţia Romanelor Celebre)* - founded in 1895, two epochal initiatives, which have greatly contributed to the development of the reading taste, facilitating through translations the contact with the young generation, with the universal literature and its great writers.[19] The collection entitled by the

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[18] Edgar Allan Poe, *Nuvele extraordinare (Extraordinary Short Stories)*, translation by St. P., Ralian and Ignat Samitca Publishing Institute, Library of Pouplarization – the Collection of Literature, Science, Art, no. 19 Craiova, 1896, p. 114;
Edgar Allan Poe, translation by de St. P., *The Purloined Letter and other extraordinary stories* Library of Pouplarization – the Collection of Literature, Science, Art, no. 30 Craiova, 1897, p110.
[19] Dumitru Tomescu, *Contribuţiuni la istoricul tipografiei oltene „Samitca" (Contributions to the history of Samitca pulbishing house), 1835-1922*, Scrisul Românesc Publishing House, Craiova, s.a., p. 41.

publisher *The Library for Popularization*, created during the *Belle Époque* period, contains some of the most in vogue names of European and American writers; its owner and editors meant to be, through the translations published within, the guiding light for artistic education of the people of Craiova. It is the place where great literary works were published and used either as auxiliary material for students, or as guide for the cultural life in the city and always in competition with those existing in Bucharest.

Important works - from the universal literature will have been translated and published here - belonging to: Vladimir Korolenko, Björnson, Lev Tolstoy, Balzac, Guy de Maupassant, Pushkin, Brandes, Heine, Ibsen, Francois Coppée, Alexandre Dumas, Wolfgang V. Goethe, Edgar Allan Poe, Hans Schmidt, Sully Prudhomme, Bret Harte, Dostoevsky, Shakespeare, Molière, Bourget, Benjamin Constant, Emile Zola, Alphonse Daudet, Georges Sand, Charles Dickens, Daniel de Foe, Oliver Swift, but also Dante Alighieri, Cervantes and Homer.

To conceive and realize in a provincial town, almost 150 years ago - in a state that had had recently gained its independence - such a distinguished and audacious editorial plan with aims so high and so less commercial, at the moment when not even the Capital, Bucharest, did not manage to raise above small initiative, is a huge responsibility and an admirable proof of great courage, that is worth to be admired as of illustrious precursors.

The work of the Samitca family at their Publishing and Printing House was so remarkable, that in 1900 the institution received two silver medals at the Universal Exposition in Paris for the quality, elegance, graphic art and cultural value of the volumes.[20]

Petică translated the two volumes from Edgar Allan Poe's stories within the first year since the launch of this valuable collection. As his closest friends and collaborators stated, he thoroughly studied French, German and English, already knew Russian and Italian; in addition, he obtained almost all the catalogues of the bookshops in the country and abroad (some of them are still preserved at the Museum of History Galați, Ivești subsidiary), from which it was supplied; the titles of the books ordered abroad show a huge thirst for knowledge, covering a wide range of interests, from literature to philosophy, from mathematics to psychology, from criticism to art history, from sociology to history, making him aware of everything in connection with contemporary culture: "[…] He made me the impression of a man who was not only aware of the entire literary movement of the time, but who had tried to find the solving of the aesthetic problems that had been discussed at that time, and to

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[20] Dumitru Tomescu, *op. cit.,* p. 41.

make new ways to accomplish the beauty. He had an overly rich vocabulary and expressed himself with amazing ease and grace."[21]

Ștefan Petică's first biographer, a close friend, Grigore Tăbăcaru, mentions: "he had a vast culture and he was perhaps the one of the most cultivated man of letters of the time[22]". The cultural opening demonstrated by Petică still impresses: the German, English, Italian and French poetry and the Pre-Raphaelism promoters had been studied with a depth that very few of his contemporaries would have been able to do. Petică absorbed the culture with avidity, and even though in 1898 he enrolled - but without obtaining the degree - at the Faculty of Letters and Philosophy and later on at the Faculty of Mathematics in Bucharest, he could not have become an ordinary student, because his job as a journalist would not have allowed him to pass all his examinations in time; besides, he was simultaneously interested in philosophy, aesthetics, mathematics, foreign languages and politics, trying to encompass as much as possible from each. The time for the study at the University remained precarious.[23]

It is very interesting how, for more than 120 years, there was no information on the translator of these two Poe's volumes. We initiated our research form a postcard that belonged to the Ștefan Petică, exposed to the History Museum Galați, Ivești subsidiary), dated 22 April 1896, sent by Ralian and Ignat Samitca, the two editors from Craiova (the signature belongs to them – see Image nr. 1, and the postcards has the printed header of the Publishing House – see Image nr. 2) to Ștefan Petică at his address in Brăila, while he was in the last year of study in high school. This is the text of it:

"*April 22nd 1896*
*To Mr. Șt. Petică*
*Bulev. Cuza, 69, Brăila*

*We have received your postcard form 18/30, as well as your manuscript, that we have already sent to Mr. Hussar in Munich, in order to express his opinion on it. As soon as we will get His answer, we will let you know.*
*Respectfully yours,*
*R. and I. Samitca*"[24]

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[21] George Tutoveanu: *Ștefan Petică,* in "Freamătul", Bârlad, II, no. 1-3, 1912, p. 5

[22] Grigore Tăbăcaru apud Gabriel Drăgan, *Un prinț al poeziei (A Prince of Poetry)*, in "Univers literar" (Literary Universe), year XLV, no. 33, 1929

[23] Mihai Zamfir, *Ștefan Petică, unicul (Stefan Petica, the only one)*, in *Întoarcerea la cărți (Return to Books)*, în "România literară" (Literary Romania), year XLIX, no. 30-31, 14 July 2017, p. 19

[24] The postcard nr. 21 from the exhibits of the Cultural Society "Ștefan Petică", The Museum of History, Galați, Subsidiary Ivești.
*22 Aprilie 1896*
*D-lui Șt. Petică*

Iosif Hussar was Samitca's editor for the Collection of translations, the person who approved and revised the works to be published. Even if Petică knew English, as his closest friends and the high school curricula bear witness, most probably the translation was accomplished through the French version of the book, namely Baudelaire's[25]. It is known that Petică had an interest for Baudelaire's entire activity. Moreover, we have reasons to believe that, had it not been for the interest of Charles Baudelaire, Stéphane Mallarmé and Paul Valery – writers in search of a tutelar spirit – Poe would probably have been an obscure author, since his work was not too appreciated by his American contemporary writers or critics. They held against him the grotesque themes, the deviant behavior of the characters, the lugubrious insides of the described house and the lack of aesthetic value of the works. The popularity in France, then in Europe and in Romania (due to the fact that French was for the Romanian intellectuals some kind of *lingua franca* at that time) of Edgar Poe's stories was due presumably to Baudelaire's translating talent. The translation of Poe's work by Baudelaire has a great importance in the field of translation studies and particularly in literary translation not only in France, but also in Europe. Baudelaire's translations of Poe have enjoyed an uncommon longevity, since the first one was published in 1839.

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*Bulev. Cuza, 69, Brăila*
*Am primit carta Dv. Poştală din 18/30 p.t. precum şi manuscrisul Dv., pe care l'am trimis d-lui Hussar la München, ca să se pronunţe asupră'i. Imediat ce vom primi răspunsul D-sale, vi lu vom comunica.*

       *Cu tòtă stima,*
       *R. şi I. Samitca*

[25] *Edgar Allan Poe, La Chute de la maison Usher, Traduction par Charles Baudelaire. Nouvelles Histoires extraordinaires, A. Quantin, 1884, pp. 85-108. Here is a fragment:*

       *Son cœur est un luth suspendu;*
       *Sitôt qu'on le touche il résonne.*
       *De Béranger*

       *Pendant toute la journée d'automne, journée fuligineuse, sombre et muette, où les nuages pesaient lourd et bas dans le ciel, j'avais traversé seul et à cheval une étendue de pays singulièrement lugubre, et enfin, comme les ombres du soir approchaient, je me trouvai en vue de la mélancolique Maison Usher. Je ne sais comment cela se fît, — mais, au premier coup d'œil que je jetai sur le bâtiment, un sentiment d'insupportable tristesse pénétra mon âme. Je dis insupportable, car cette tristesse n'était nullement tempérée par une parcelle de ce sentiment dont l'essence poétique fait presque une volupté, et dont l'âme est généralement saisie en face des images naturelles les plus sombres de la désolation et de la terreur. Je regardais le tableau placé devant moi, et, rien qu'à voir la maison et la perspective caractéristique de ce domaine, — les murs qui avaient froid, — les fenêtres semblables à des yeux distraits, — quelques bouquets de joncs vigoureux, — quelques troncs d'arbres blancs et dépéris, — j'éprouvais cet entier affaissement d'âme, qui, parmi les sensations terrestres, ne peut se mieux comparer qu'à l'arrière-rêverie du mangeur d'opium, — à son navrant retour à la vie journalière, — à l'horrible et lente retraite du voile. C'était une glace au cœur, un abattement, un malaise, — une irrémédiable tristesse de pensée qu'aucun aiguillon de l'imagination ne pouvait raviver ni pousser au grand.*

We don't know whose proposition was the translation of Poe's stories into Romanian – and the approaching of this literary genre - if the editor or the translator's, anyway, the decision to choose Poe's works for the above-mentioned collection of the Publishing House from Craiova was bold, challenging, and maybe a surprise for the Romanian reader at the end of the Nineteenth century.

The two volumes of translations into Romanian include only a few titles from the American writer's stories: *The Gold-Bug / Cărăbuşul de aur, The Pit and the Pendulum / Puţul şi pendula, / The Murders in Rue Morgue / Îndoitul asasinat din strada Morgue, / The Purloined Letter / Scrisoarea furată, The Fall of the House Usher / Ruina casei Usher,* The *Black Cat / Pisica neagră, The Oval Portrait / Portretul oval, The Facts in the Case of M. Valdemar / Adevărul asupra cazului d-lui Valdemar, Hop – Frog / Hop-Frog, The Raven / Corbul.*

It is known that due to his precious and complex vocabulary, Poe's texts are very difficult to translate into another language, being a true challenge for the translator. Since Poe dismissed the notion of artistic intuition and argued that writing is methodical and analytical, not spontaneous, the translations from his work should have followed the same principles. We will briefly analyze a fragment, which is the first paragraph translated from Poe's *Fall of the House of Usher.*
*„Son cœur est un luth suspendu;*
*Sitôt qu'on le touche il résonne.*
*De Béranger*

*During the whole of a dull, dark, and soundless day in the autumn of the year, when the clouds hung oppressively low in the heavens, I had been passing alone, on horseback, through a singularly dreary tract of country, and at length found myself, as the shades of the evening drew on, within view of the melancholy House of Usher. I know not how it was — but, with the first glimpse of the building, a sense of insufferable gloom pervaded my spirit. I say insufferable; for the feeling was unrelieved by any of that half-pleasurable, because poetic, sentiment with which the mind usually receives even the sternest natural images of the desolate or terrible. I looked upon the scene before me — upon the mere house, and the simple landscape features of the domain — upon the bleak walls —upon the vacant eye-like windows — upon a few rank sedges — and upon a few white trunks of decayed trees — with an utter depression of soul which I can compare to no earthly sensation more properly than to the after-dream of the reveller upon opium—the bitter lapse into every-day life — the hideous dropping off of the veil. There was an iciness,*

*a sinking, a sickening of the heart — an unredeemed dreariness of thought which no goading of the imagination could torture into aught of the sublime[26].*

The translation of the title is accurate, since the Romanian noun "ruina" includes the sense of the fact of being defeated or losing your power, which expresses and describes the atmosphere of decadence of the Usher family. However, from the very beginning we can notice that in Ştefan Petică's version, De Béranger's motto (*Son cœur est un luth suspendu; Sitôt qu'on le touche il résonne.*) is missing.

Even if, in general, Ştefan Petică's transposition has almost the same musicality and reveals the talent and sensibility of a person who is a writer himself, there still are, at least at a lexical level, some differences. Within the passage *dull, dark, and soundless day* - translated into Romanian as *zi întunecată şi posomorîtă* – the transposition of one of the adjectives, respectively *soundless* is missing. The same happens with the fragment "there was an *iciness, a sinking, a sickening of the heart"*, where the term *sinking* does not have a correspondent into Romanian: *"simţeam inema gheaţă, o lîngezeală nedescrisă"*.

The term *gloom* - which according to the Cambridge Dictionary means: "*1. without hope 2. feelings of great unhappiness and loss of hope 3. sadness and regret*" (Cambridge Dictionary) - is translated as *melancolie* (melancholy), losing something from the concept and from the strength of the feeling that the author would have preferred to render. The syntagm *as the shades of the evening drew on* is also simplified through *pe-nserate abia*, which loses the idea of *shade*, but also the idea that the night is installing gradually.

The same happens with an entire expression that in the source language is *the after-dream of the reveller upon opium — the bitter lapse into every-day life — the hideous dropping off of the veil* - which is transposed into the target

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[26] Edgar Allan Poe, *Ruina Casei Usher,* în <<Scrisoarea furată şi alte povestiri extraordinare>>, traducere de St. P., Biblioteca de Popularizare - Literatură, Ştiinţă, Artă, nr. 30, Craiova: Institutul de Editură „Ralian şi Ignat Samitca", 1897, pp. 31-46.

 „*Călărisem singur o zi întreagă de toamnă, zi întunecată şi posomorîtă, cu nouri ce se lăsau greoi jos pe cer, prin nişte locuri foarte triste şi pe-nserate abia am ajuns în faţa melancolicei case Usher. Nu ştiu cum se făcu, că de la prima aruncătură de ochi spre clădire, mă coprinse un adînc şi nesuferit sentiment de melancolie. Zic nesuferit, căci această tristeţă nu era de fel liniştită prin sentimentul poetic ce sufletul nostru simte în faţa celor mai posomorîte imagini de tristeţă sau groază. Priveam tabloul ce se afla-naintea mea, casa şi prespectiva ce mi se înfăţişa, zidurile reci, ferestrele asemenea unor ochi distruşi, cîteva tufişuri de trestie, cîteva trunchiuri de copaci albi şi goi – toate acestea mă făceau să simt o sfîrşeală care, printre senzaţiile pămînteşti, nu se poate mai bine compara decît cu enervata reîntoarcere la vieaţă a mîncătorului de opium. Simţeam inema gheaţă, o lîngezeală nedescrisă, eram abătut – mă coprinsese o tristeţe de gîndire fără leac, şi nimic pe lume n-ar fi putut s-o facă mai mare.*"

language with *enervata reîntoarcere la vieaţă a mîncătorului de opium*. The *after-dream* is not exactly the state, the condition of *coming back to life* (*reîntoarcere la vieaţă).*

It is certain that the value of the translations has a mere didactic and cultural value rather than a literary one for the young generation of the crossroads of centuries, since it was one of the first translation of Poe's work into Romanian. Even if the volumes do not include the entire literary creation of Poe, and they seem to be at some extent some interpretations of the American writer's texts than a very accurate translation (the translation of another translation will never be an accurate text), drawing the attention of the Romanian lecturer on such an interesting, original and unique writer – at that time, the intention itself of translating Edgar Allan Poe's work was an important act of aligning the Romanian reader's conscience to the valuable universal literature.

The names that he used in signing the articles, poems and manuscripts were: Stephan Petică, Ştefan, St. Petică, St. P., S. P., P. Ştefan, Erics, Trubadur, Sentino, Narcis, Senez, P. Stiopca, Step., Stepen, Caton, Fanta-Cella, M. Pall, Sapho, S., but as a translator, he used only St. P.

Other translations of Ştefan Petică that can be consulted at the Manuscripts Department of the Romanian Academy Library, from: Walt Whitman, Bodenstedt, Turgheniev, Heine, Th. Moore, but also in literary publications (Walt Whitman, *În noaptea clară*, in "Ateneul Cultural", I, no. 3, 1925.

**Conclusion**

Unfortunately, being sick of tuberculosis, he returned to his native village, in Buceşti, to spend the last period of his life, where he passed away on October 17, 1904, only 27 years of age. The other translations that could have been finished and published remained only as drafts in his manuscripts.

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# Implementation of Quality Models in the Third Sector in Spain

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**Abstract**

The Third Sector of Social Action in Spain has been the object of numerous studies. These studies were conducted in order to discover its reality and to favor its visibility and for the permanent improvement of the work processes with different groups generally at risk of exclusion. In 2015, the data provided by the Social Action N.G.O Platform and the Third Sector Platform at the national level indicated numerous difficulties which were to be resolved, including the adequate development of quality management systems. At the same time, the results of a research thesis were presented in the city of Granada so as to discover the level of implementation of quality management systems in N.G.Os, N.P.Os, and associations of the First Level. We followed a methodology of mixed research with the use of questionnaires and interviews on a sample focused on offering community and educational services in non-formal education. After reviewing different aspects, this document presents the continuation of this thesis of research in this occasion at national level. It also aims to complete the panorama that was initiated and was offered to the different administrations and organizations, information for the improvement of its educational management and intervention processes, and equating the fundamental rights of Spanish society. The expected results will require the development of different initiatives for the implementation of quality management models adapted to each area of intervention, following models already combined in European countries, including the Great Britain.

**Keywords:** Quality control, non-formal education, social justice, third sector

**Introduction**

According to the data obtained from the research carried out on the Third Sector of Social Action in Spain by Villafranca, Ramírez del Río, Delgado and Gómez González (NGO Platform for Social Action, 2015), the trend on the implementation of models of quality management in non-

governmental organizations, non-profit organizations and associations (hereinafter abbreviated as N.G.Os, N.P.Os and associations) suffers paralysis and stagnation.

According to these researchers, and as found in our research thesis focused on the province of Granada (Spain), the investment that have to be made by organizations of first level (small or very small organizations with an annual budget up to €30,000.00), when implementing these systems, models, norms and/or codes of ethics and manuals of good practice, is of an amount that is often inexpensive. This is both in terms of the economics and at the time of training of the personnel, leaving time for work and intervention with the groups at risk (Conde, 2016).

However, in spite of the few investigations to this respect in our country, voices continue to emerge and call for the need to develop management models, appropriate to non-profit organizations, so as to be oriented towards excellence (Tico, García & Gallego, 2016). At the same time, it aims at solving other problems related to the poor visibility of the work of this type of organizations; also, the provision of services or the possible alliances give rise to a collaborative work in the network (NGO Platform for Social Action, 2016).

One aspect that is still not taken into account and which we considered to be relevant in characterizing all the members of the Third Sector of Social Action is the inclusion in the investigated sample of organizations with religious and sports associations or others that do not meet up to any of the requirements. Thus, this will enable them to be incorporated in the list of organizations and/or associations and would nevertheless help them to perform functions of giving attention to groups at risk of exclusion, community development, educational, etc. In the course of this study, we were able to verify outdated and/or duplicated organizations under different criteria at the local, regional, or national level.

Back to the theme of the current discussion, in the diagnosis made for the elaboration of the 3$^{rd}$ Strategic Plan of the Third Sector of Social Action in Spain (2016), the maximum use of its resources is a requirement on the part of the society that is made available to them today i.e., to N.G.O's, N.P.O's and associations. Subsequently, it is for this reason that aspects such as the professionalization and the implementation of these instruments are precise. These aspects can be found in our research thesis with the improvement of the educational, training or promotional services of the community. This, however, is in addition to the people in those few organizations that had implemented (9%) or were implementing (12%) some quality management systems or standards.

Small and very small N.G.Os, N.P.Os and associations with minimal budgets, but with a great motivation and involvement with the social groups

that are not equal with the rest of society, are a crucial cohesive and compensating element. From our point of view, it also includes those that carry out educational and training activities outside the regulated systems and that contribute to the socio-community development of the people. That is why another of the aspects that we investigated through our questionnaire is the different methodologies used in the work with these groups.

Within these social and educational agents studied, the E.F.Q.M. model is the most extended. This is together with the ISO Standard and the N.G.O Standard with 'Quality in the province of Granada' being palpable in the rest of organizations surveyed by ourselves due to the lack of knowledge of these tools to improve their work.

According to the results found in our research thesis, which can be consulted entirely in the institutional repository of the University of Granada, as well as in the national thesis database (Teseo), we were only able to establish trends, and not generalizations, due to the difficulties of access to the sample.

The lack of support for the implementation of quality management systems as well as similar instruments for the evaluation and improvement of work processes by the different central, regional, and local administrations is another great barrier to be broken. Furthermore, we then proposed the extension of the study carried out by ourselves, this time at a national level, and with the help of the research group Ithaca (H.U.M. 983) of the University of Granada.

**Methodology**
**Design**

The design that we have developed is framed within the research with descriptive, applied quasi-experimental analysis based on the main objective of the study:

*"To investigate the degree of implementation at national level of systems quality management in N.G.O's, N.P.O's and defined associations' first level by the T.S.A.S (small or very small) that develop activities of non-formal education with groups at risk of exclusion ".*

As secondary and complementary objectives, we propose:

*"To identify the main elements of the educational - training work developed by this type of organizations with their users".*

 *"To analyze working protocols of this type of organizations in relation to quality assessment systems and instruments through the responses of staff and volunteers"*

**Sample**

The selected sample will be extracted from the databases at national, regional, and local levels. Here, we focused on our research interests that was raised in the initial thesis on N.G.O's, N.P.O's and associations that work with groups at risk of exclusion and that respond to the following areas:

• Educational organizations.
• Care for the disabled.
• Socio-cultural organizations.
• Directed to childhood.
• Aid to the suburbs and social promotion.
•Non-governmental organizations.
• Social-beneficial.
• Attention to groups at risk.
• Religiously.

Consequently, the sample has an intentional character, seen as a criteria besides that of the social and educational functions to be developed, which refers to organizations that respond to the definition that the Third Sector of Social Action do at First Level organizations. They have a low budget and, at least, 3 years of experience in serving these groups. In particular, it will consist of the managers, professionals, and volunteers who are part of these organizations.

**Instruments**

The instrument used for the study is the electronic version of the Questionnaire for Evaluation of the Level of Application of Quality Standards to Non-Formal Education (Conde Lacárcel & López Núñez, 2013). This instrument was designed for the research thesis that has already been exposed previously and validated both by a panel of experts from the University of Granada and professionals related to the subject of our research. In addition, they have followed the validation protocol developed by Bustos (2006) and by the research practice itself.

The questionnaire was designed with the intention to collect information not only on the process of implementation of different models, systems, tools, or standards of quality management, but also about the operation of the organization (ideas, operating protocols, communication, etc.) and the educational partner actions carried out.

It follows a 5 point Likert scale from 1 to 5 that correlates from lower to higher degrees of congruence with the statement being made, as well as elements NS (do not know) and NA (not suitable). This is alongside an open-ended space for any other indications. In its final version, it has a Cronbach Alpha coefficient from .979 to 168 elements.

**Results**

We are currently in the phase of data collection. So until we have a complete and substantiated analysis, we will not present them in this document. The online questionnaire will be carried out with the help of the Qualtrics Platform that is used by other university and research institutions, such as Harvard University.

**Conclusions**

In our previous study, we found a series of evolutionary patterns in regard to the implementation of these systems, rules, and instruments of quality management at the local level very discouraging. This is seen both in the access to the sample and in the situation in which we continue to find with respect to N.G.O's, N.P.O's and associations.

In our view, there is still a lack of professionalism in these small organizations in the intervention processes, which is not contrary to their effectiveness. That is, the work they are currently developing as educators and social developers is effective and functional, but equally improvable.

On the other hand, and in relation to our main objective of the investigation, we intend to establish a real panorama that makes tangible the needs for change in the Third Sector of Social Action. It is not possible to develop the objectives proposed by the different platforms and federations, confederations, and singular entities if there is no real awareness for the rest of the non-registered organizations, or if there is a lower level of the need for improvement and a proposal of different types of aid to the first level of organizations.

It is due to this that we aim to obtain throughout this year the necessary data to carry out grounded proposals for improvements that are complementary to those that have already been done before.

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# Man's Journey Through Space, Time and Logos. Reflections of Narcissus' Myth in *Solarium* by Jordan Zandi

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## Abstract
The paper is meant to be a text analysis of the poem *Solarium* by Jordan Zandi in point of the significance of space, time and logos dimensions. The pragma-stylistic perspective adopted will allow us to identify how Narcissus' myth is reflected in Zandi's poem by comparing it to the complex reference text which is Ovid's *Metamorphoses (Book III)*. Like Narcissus, the poetic voice in *Solarium* makes a journey through time and space. Primordial elements (fire, air, water, earth) with their infinite concrete manifestations are symbols of the continuous change chain that life and death are part of. Man himself becomes not only the (gradually aware) subject, but also the symbolic expression, of a total metamorphosis of matter into conscience through logos.

**Keywords:** Metamorphosis, space, time, logos, matter vs. conscience

## Introduction
Human life is by definition a journey through space and time, and Narcissus' myth is the expression of the continuous quest for (self)-knowledge at any price, sacrificing the perfect appearance valued within a limited space for the sake of discovering one's essence.

Starting from the idea, shared by the materialist philosophers of the antiquity, that matter and conscience are independent, the latter reflecting the former, Ovid added new significances to the three fundamental forms of manifestation of matter: space, time and change. Ovid is known to have been mostly interested in and even adopted, Heraclitus' philosophical system, re-interpreting or adding to its significations, some turned into myths. Dana Marinescu (2003: p.1, para 3) talks about Ovid having the 'obsession of Heraclitus' flux, a succession, but also something beyond form, a change at both the level of the living world and of the human psyche' (our translation). It is exactly what the myth of Narcissus reinterpreted by Ovid expresses.

At the same time, the poetic voice in Jordan Zandi's poem *Solarium* is a contemporary Narcissus interpreting the space and time coordinates of his everyday universe as reflections of his own change.

Though space and time should be seen as a continuum, for the sake of our analysis we shall try to discuss them separately, in point of their common and different values in the two poems.The opposition body-mind, better said the monist view which 'puts' mind inside matter, is at the basis of our interpretation.

**The human journey through space: from appearance to essence, from outer to inner space. Space and God/gods**

In our view, *space*, like time, should be seen as including *physical* space, belonging to the external world and perceptible through senses and *psychological* space, i.e. physical (real) or imagined spaces, interpreted/created by people according to their rationality and affectivity. Both types of spaces are dominated by forces and barriers and together, they constitute the realm of the living and that of the dead; the latter is a symbolic, mythical space, a reflection of the former which is knowable. According to some ancient beliefs, both realms are governed by supernatural forces, by gods, implacable in their perpetual people's temptation to excess (*hybris*), which is severely punished afterwards.

Space is perceived in the form of concrete elements which exist governed by celestial time (i.e. physical time), controlled by God(s) and in (an attempted) harmony with nature's time; these elements make up the physical space of nature itself (including humans). Therefore, physical space is dominated by the four primordial elements, fire - air - water - earth, symbols of both life and death. Fire, air, water and earth take various concrete forms, make up sub-worlds valued as part of the cosmos and of the human universe, as a result of their reflection in the mind and soul of the human beings.

*Earth* is viewed by Heraclitus as the basis of the ascendant chain of metamorphoses, and also the last in the downward cycle of changes undergone by the principle *fire*. It is associated to the beginning, to roots, to materiality. Plants, animals, humans, all objects depend on and are realizations of, the principle *earth.* For a human being, *earth* means anything connecting him to the physical dimension of existence: family, family house, the yard, the garden, the fruits of the earth, the familiar ground.

The title of Jordan Zandi's poem, *Solarium* < Lat. 'terrace', 'porch' is in itself a metaphor of an intermediary space which makes the transition from the outer space, *this* space of earthly life, to the space of afterlife. The porch is a space of tranquil reflection meant to facilitate the beginning of the inner quest for God, for the essence. The solarium is also the intermediary space

136

between the confining walls of the house (and mind) and the implicit garden representing the universe to be discovered.

In *Solarium* physical spaces are organised as two opposite areas: the area of the house having the features [+protective], [+familiar], [+nostalgic], but [+limiting], and the area outside the house – the field, the city – with the features [+menacing], [+tough] but also [+challenging], [+attractive], separated by the river, seen as a symbol of the barriers which limit knowledge, spiritual life.

The poet makes a journey from the private space, the inner space of the family and family house to the external space, crossing the barrier which separates the known (boring, limiting) from the unknown (stimulating. liberating). The barrier is the river that he must cross, in a way another form of the Styx; *across the river* the train sound is reflected in the poet's mind as the catalyst of his quest: *I've heard the train horn bawl out again from across the river, first sound/ I remember,[...]* (Zandi, n.d., https://www.jordanzandi.com/poems).

In Ovid's *Metamorphoses* it is the nymph *Echo* who stands for the reflection of sounds; she is the transition element from the known materiality to the unknown spiritual essence. Once she is possessed by 'the inner fire', she is no longer a recipient, she actually becomes the active principle that turns sounds into logos causing Narcissus to fulfil his destiny and surpass his condition: *Echo only repeats the last of what is spoken and returns the words she hears. […]but she is ready for what it will allow her to do, to wait for sounds, to which she can return words* (Ovid, *M, B III: 359-401, para 1*).

Ultimately, the most concrete physical space is one's body and the two poems reveal the intricate relationship matter-spirit. In *Solarium* the poet becomes reflection and enters the bodies of God's Creation forms, from the mouse to the quinces. Hunger for food becomes 'an inner fire' manifested through matter. Thus, the poet enters the animals' instinctual spaces and the realm of plants, tasting their prey/them, 'tasting' their/his victory and *reflecting them/on them.*

To Zandi−the child, survival by killing the prey, as a condition of materiality, appears surprising, repugnant but catching one's attention, a moment to be shared with the family. It is an image of victory: '*Quick – to the window, Mother/ come see – the coyote/ he's dragging a haunch by the bone*'. The coyotes coming loping over across *the frost-flocked rows of the field* are the symbol of flesh, of instincts at work and the poet is 'sinking his teeth' into reality to get to its sap, like the coyote *dragging its prey, laying it down, lying down and sinking its teeth into it.*

The poet 'enters' the body of the tireless mouse turned into his alter-ego and, possessed by hunger as a form of change, chews paper but also wires, which are the symbol of light, of fire, because the man−mouse wants to get to

the light. The mouse's victory is also his, but the image of the deserted room like a banquet hall signifies hunger for permanence opposed to the decaying matter devoured by time.

Last but not least, there is the symbol of quinces, the act of chewing the quince pulp turned him into a spiritualized fruit, i.e. giving beauty and joy to the others: *Beautiful ones—I see you everywhere./ Hiding inside yourselves.* Material world is known through experience and turned into *logos*, but the others' inability to understand the essence makes the poet (as a child) withdraw into a world of his own, mocked at by ordinary people who reduce all to appearance: *Remember summer, Jordan?/ Eating quinces, spitting the seeds?/ And how you never ate quinces again/ when they laughed when you called them quinces?* Reality which is not known through logos can perish, because it is a product of reflection: *And now there are no more quinces?*

If Zandi experinces life and spiritual quest outside his human body, Narcissus goes even further, ʿsinking his teethʾ into his own body, a symbol of perfection and also a part of nature. He is not afraid of destroying appearances that hide or block the search for essence:

> *While he weeps, he tears at the top of his clothes: then strikes his naked chest with hands of marble. His chest flushes red when they strike it, as apples are often pale in part, part red, or as grapes in their different bunches are stained with purple when they are not yet ripe* (Ovid, *M, B III: 474-510*, para1).

Zandi acknowledges that the mouse's appearance, which is the counter-example of perfect beauty, is matter but also spirit manifesting itself through matter; it can be his alter-ego, whose destruction would mean his destruction: *The dream is big, the dream is fancy:/ The dream is big and fancy./ The rodent: cuddly; but a little dirty./ I'll keep him as a pet, I'll pet him like/ a luck-charm—.*

Within the physical space limits, Narcissus and Echo undergo a complete change. He changes into *a flower, instead of his body, with white petals surrounding a yellow heart,* she changes into a stone. A whole pseudo-myth was created around Narcissus' metamorphosis (Kernbach, 1989: 414), and we will later refer to the significance of Echo's change in relation to the opposition matter-conscience.

Physical spaces are all also spiritual spaces, psychological spaces, created as a result of the emotional experiences and informational load associated to them; they emerge according to the poet's activated inner resources.

The myth of Narcissus in Ovid's poem expresses the forced entry (the rape of nymph Liriope *whom once the river-god Cephisus clasped in his winding streams, and took by force*) (idem, B III: 339-358, para 1) into the inner space of reflection (*under the waves*). Water is the primordial element

having the physical property of reflection, further interpreted metaphorically as triggering human spiritual evolution. Narcissus' mother is described as *dusky Liriope, the loveliest of nymphs,* her dark colour signifying absorption of light, inclination towards the invisible, towards mystery.

Spirituality is present from the beginning of the poem *Solarium*, the image of the roses can be interpreted as a metonymy for the Garden of Eden because of the wished presence of God; the poet assumes the identity of an ordinary human being who tries to see beyond the beauty of a summer morning, beyond the splendour of the earthly space and experience the vision of God; it is a spiritual space which is a projection of the human mind, a reflection of human spiritual needs:

*And daybreak! The sun*
*sitting up—*

> *Oh God*
> *I thought I saw God spread out*
> *in the roses again—* (Zandi, n.d., op.cit.)

ˋA deep piety, the reflection of a strong religious belief emerges from the image of God spread onto His Creation, apparently counterbalanced by the inappropriate use of the invocation term *God* become part of an everyday structure; the succession interjection+Vocative, a lexical bundle, whose functional behaviour as a unit is stressed by the lack of the comma after the interjection, combines its value as an emotive function marker and a phatic marker. The amazement meant to draw the reader's attention connotes desacralization, but, at the beginning of the poem, and equally throughout it, the sacred essence remains transparent beyond the common structures and pragmatic functions'(Pisoschi, 2017: 155).

An animistic philosophy transpires from the structure *spread out in the roses*; the preposition *in* expresses the presence of the divine essence not as something external, but as the inner nature of all things. At the same time, the preposition marks the borders of a closed, protected space, that of the rose calice, the material beauty beyond which the human soul longs to find spiritual grace. But spiritual evolution is desired to take place here, on Earth, whose splendid symbol of fruitfulness roses are.

Animism is evident in Ovid's poem: *nymphs of the rivers and mountains* live among humans, sharing the same spiritualised space: *remote fields, hills* where shepherds graze their flocks or mountains where youths hunt. The physical space is the background with which humans seem to live in harmony, without excluding killing. There is a clear opposite symbolism of natural elements: open spaces are dominated by sun, by light and instinctual forces are at work there; dark spaces are mysterious and protective, favouring reflection, the active principle of fire operates there at the level of the human

139

mind and soul; both Echo and Narcissus enter these isolated, pure and purifying spaces:

> *Scorned, she [Echo] wanders in the woods and hides her face in shame among the leaves, and from that time on lives in lonely caves. [...]There was an unclouded fountain, with silver-bright water, which neither shepherds nor goats grazing the hills, nor other flocks, touched, that no animal or bird disturbed not even a branch falling from a tree. Grass was around it, fed by the moisture nearby, and a grove of trees that prevented the sun from warming the place* (Ovid, *M, B III: 359-401*, para 4)

Returning to the anthropic world of the poem *Solarium,* in childhood one would appreciate the presence of a series of elements subsumed to the family house world: *the back porch, the rose garden, all the flowers, the quinces* make up a world of textures, colours, aromas and tastes. 'They are a closed world that enchants the child, but bores the young man hungry for knowledge and adventure' (Pisoschi, op.cit.: 160). Materiality is associated to death, a spiritual death, experienced by all people who allow themselves to turn into dead things, void of their essence. The poet abruptly questions them, us and himself at the beginning of the poem:

*Dead things gumming the sidewalk*
*Hello,*
   *dead things.*
*Tell me: What good is a life that wears away?* (Zandi, n.d., op.cit.)

The space of the city seems to be populated with beings that have lost their human essence, the desire to search their souls, to know what is beyond matter: they become sheer materiality, amorphous substance covering the sidewalks, like a layer of soft tissue. For the poet, such a life is synonymous to death. He was initially also part of this non-spiritual space, but he associates it primarily to the countryside landscape of his childhood and youth and not to the urban space where he is also surrounded by such 'dead things'. He realizes that his journey in space might have been, at least up to a point, a journey towards involution, since he had become one of the *dead things.* He becomes aware of that and begins his true spiritual quest which makes him reconsider all the spaces he lived in or went through and their significance:

*I was a dead thing once.*

*On the back porch once –*
   *facing the square*
*of my mother's rose –*
   *garden, with the northfacing windows*
*full-opened in June, and other flowers,*
   *the names I've forgotten, all gone*
*into bloom,[…]* (idem)

   The names of the flowers are forgotten ([…] *and other flowers,/ the names I've forgotten, all gone/ into bloom*). Beauty turns into ugliness, the protective and cosy space into a scary one, life into death: the arrangement of the lines, their abrupt pauses, create for readers expectations linked to the interpretation of concrete elements: you imagine someone literally lying dead on the porch, the square is automatically associated to a grave with a rose on it, the greenhouse is like a fragile shelter exposed to north winds, hoping for summer sun. It can be a metaphor of our life. Even the verbal expression *gone into bloom* sounds strange since it makes one think of going into a state of decay, depreciation, oblivion etc, not into a state of full development.

   Maybe the poet lived in a house like the one he describes, broke free and now ʿcasts the stone' of raising our awareness of the spiritual dimension of life. In the end, the house is a deserted space, like an empty shell and all its defining symbols turn into items perceived negatively: the flowered wallpaper looks like a pale image of real flowers, it is an attempt to edulcorate the physical and spiritual space of one's home; *the charming table* is a collocation sending an ironical message, since it should be the symbol of unity and harmony, but it remains just a space subject to decay and to the silence of a deep, permanent isolation, like *the walls of an empty house;* noise means life, and once life exits this space, it leaves place to death, associated to silence:

*Oh! Look at this charming table:*
*already set; built for a mouse;*

*and silent as a banquet hall*
*after the guests have gone.* (idem)

   Lack of spirituality makes people turn into dead things, familiar rooms turn into deserted banquet halls, childhood houses turn into empty rooms *tolling the echo of the train howl*.

   Materiality means desire, instinct, the condition of one's surpassing his condition and surviving spiritually. Both Narcissus and Zandi love life beyond its material dimension, but through it.

The familiar image of the family house, a concrete manifestation of stability and protection, becomes a space of the mind, a border zone, between life and death. The door with the *red curtain flapping* can be associated, due to its color, to the bood pulsating in one's veins, but it is also similar to the river Styx, threatening and mysterious, because no one ever returns after crossing it. In spite of people's fear of death Heraclitus stated that „ʻ*For men who die there await things they do not expect or anticipate*' (B27). *Some of these remarks tend to suggest an afterlife with rewards and punishment, [...]. In any case, Heraclitus views the soul as the moral and cognitive center of human experience"*(Graham, Daniel W., 2015: part 6, para 2).

Ovid seems to share this view and his Narcissus welcomes his own death as the condition of continuing his quest, while Zandi states *I will not die here*, that is in a despiritualized space, because *the one who is going is going,* i.e. entering another type of space, never returning to what he knows. It is rebellion and pride in his attitude (*What good is a life that wears away?*), as it is pride in *the delicate form* of Narcissus, *worn away little by little by the hidden fire*. The latter's physical perfection made him separate himself from the others (the *faithful band of followers,* girls, youths, nymphs) whose desire seemed inferior to him. And, like Narcissus, who *even when he had been received into the house of shadows, he gazed into the Stygian waters* (Ovid, *M, B III: 474-510*, para 4), the poet Jordan Zandi expresses compliance with God's (i.e. *logos,* the active principle) order of things and implicit gratitude for sharing His 'inner fire': *The dream is big, the dream is fancy:/ The dream is big and fancy.*

Human heart becomes a metaphor for fire, a space integrating all Creation and containing as its core the world's active principle; Narcissus' metamorphosis into a flower expresses the unity of all Creation as changing forms by *logos*:
*I wish my heart was as big as the world,/but bigger*—(Zandi, op.cit.)
*[...]there was no body. They came upon a flower, instead of his body, with white petals surrounding a yellow heart.* (Ovid, op.cit., *B III: 474-510*, para 4)

**Time. Physical vs. psychological time**

Time should be analysed at different levels: above all, there is Time seen as an organizing principle, as a property of all things, represented as a god in ancient mythology; in monotheist religions Time becomes a dimension intrinsically associated to humans, God being not subjected to spatial-temporal limitations. Divine power is manifest in all phenomena, believes Heraclitus: ʻ*God is day night, winter summer, war, peace, satiety hunger, and he alters just as <fire> when it is mixed with spices is named according to the aroma of each of them' (B67)* (Graham, Daniel W., op. cit., part 4, para 14)*. Again

Heraclitus seems to stress the unity of divine power, even if humans assigned different names and attributes to it. Time is seen first of all as *physical time*, perceived as a succession of days and nights, of seasons, and then, later, 'tamed' and levelled, in a way, by segmenting it into equal subdivisions: seconds, minutes, hours, days, weeks, months, years; nevertheless, each time unit is experienced differently according to its content (events) and to the emotional value of that content, thus becoming *psychological time*.

Time and space make up complex networks, turned into worlds, real or imaginary, the difference between real and imaginary, between what is observable, on the one hand, and what is imaginable and understandable through the power of the mind, on the other, becoming questionable, if not illusory. Imaginable worlds are, in their turn, also the result of intentions and desires; therefore reason, through imagination, volition and ability, contribute to the setting of the relationship mind-world.

Much of what can be said about time dimensions in the two poems was discussed in relation to space, since space is a concrete dimension which can be perceived and interpreted implicitly in relation to time coordinates: calendric days can be seen as spaces containing events evaluated emotionally and rationally, life and death can be imagined as two realms associated to what we know vs. what we can only hope/fear, but these two facets of existence are a function of time.

Pragmatically, we should distinguish between the coding time, i.e. present, and the reference time, associated to the moment, event/state considered as the anchor in relation to which all the other events are organised and, in the case of psychological time, interpreted.

For Zandi's poem the coding time is associated to a calendric time marker, absolute in nature, July 16, 2013, this date being mentioned at the beggining of the poem, which leads to interpreting the ideas of the poem within the situational context of contemporary time, the subjective connotation of this period for the poet being at best implicit. The whole succession of events is presented as instances of *psychological time*, internal time, in relation to oneself and in relation to other referents − one's roots, family, ancestors, symbolic everyday objects and beings.

Zandi begins a dialogue over time and space: at present with the readers, with the relevant people/beings in his past from the perspective of his present status, and with himself moving freely along the time axis and assuming the identity of the omniscient speaker or of the referents representing the personae of the possible (subjective) worlds described.

Zandi introduces the reference to *daybreak*, when Sun *is sitting up*, as a symbol of the beginning in life, with amazement and hope, in a quest for essence, for God. At the end of the poem, Sun is *sitting up ever so slowly,* time

seems to change its rhythm, but this is because at the end of their earthly life humans change their perception of time.

The poem is also about the eternal beginning, beyond life and death, as long as Sun is sitting up: *today* is the reference moment for the poet because no obstacle blocks his quest for knowledge. In terms of human life periods, childhood should mean the beginning of life, whereas old age means the end of it at the level of matter. The poet might be closer to the end and his present disappointment at his fellows and his memories of the remote past imply that.

The Present Tense marking the reference time (the anchor event/state) is associated to Zandi's revolt against despiritualized matter – dead things – and his determination to find the creating principle beyond flesh in all its concrete forms. Pragmatically, his questions addressed to his fellows, to us or to himself, have a directive function and are combined with primary performative utterances containing imperatives; both devices are meant to force people to react:

*Tell me: What good is a life that wears away?*
*Oh! Look at this charming table:/already set;*
*Quick – to the window, Mother/come see – the coyote*
*Remember quinces, Jordan?*
*At the door, the red curtain is still flapping./Who will go in?* (Zandi, op.cit.)

People's reaction means reflection, they should act upon time even if it seems inflexible matter, so as to get its echo sound, the mysterious *whoosh*:
*Sometimes time is iron. Swing it hard/ hear it whoosh.*

Present Tense forms also express the poet's convictions extracted from his experiences and sufferings: *I do remember quinces./Beautiful ones – I see you everywhere./ Hiding inside yourselves. Summer* has an ambiguous significance: the summer when he tasted quinces, understood their essence and suffered could be the summer of his childhood holiday or the season of his becoming a mature person as a result of suffering.

The poet has flashbacks whose images retain the relevant elements for his present mind frame, those elements making up spiritualised spaces previously analysed in this paper. These flashbacks, generally considered to precede one's death, in *Solarium* acquire the reverse significance, as if *Earth returns* to mark a new beginning. Memories are just the pretext to deny the end, its permanence (*The one who is going is going)*, to defeat matter by spirit, that 'inner fire':

*No, I do not die here.*
*The year is wrong.[…]*
*And today no cloud cover.*(Zandi, op.cit.)

The poet reached that maturity of the spirit that allows him to detach himself from the past which holds him back: *here* means the condition of pure matter and he aims at reaching *the empyrean* (according to The Merriam-Webster Dictionary 'the highest heaven or heavenly sphere in ancient and medieval cosmology usually consisting of fire or light'), i.e. spiritual accomplishment (*I wish my heart was as big as the world,/but bigger -*). He fights fate and re-creates its own destiny.

Death is seen by the poet as a state of mind, not of the body (*I was a dead thing once*), even if the latter may be frail: *the rodent: cuddly; but a little dirty./I'll keep him as a pet, I'll pet him like/a luck-charm.* The state of the body is irrelevant, it is secondary to the spirit, what matters at present is the reflection which gives the poet the vision of God spread in the roses, the vision of his reaching heaven and of reflecting on his vision; some might think it is unattainable and pure imagination; their implicit lack of confidence makes the poet even more convinced:

*The dream is big, the dream is fancy:*
*The dream is big and fancy*

*Momentarily,*
*I'll be taken up*
*Like flame in a cloud like a cinder in fire*
            *To outflap the empyrean* – (Zandi, op.cit.)

Consumed by time, Man becomes essence, proving, as Heraclitus said, that *a man's character is his guardian spirit* (Graham, Daniel W., op. cit., part 2, para 11), therefore his fate. Relativity of time is expressed by Heraclitus in his objective and cryptical way: *As the same thing in us are living and dead, waking and sleeping, young and old. For these things having changed around are those, and those in turn having changed around are these* (B88) (idem, part 3.2, para 7).

Expressing general truths in the form of a story, Ovid does not explicitly manifest his own subjectivity, but views the succession of events with detachment and omniscience, since gods govern human lives. The connection between past and present in the light of Heraclitus' words lies in the fact that men's character is their fate and can be foreseen, as Tiresias did with Narcissus when he made his prophesy: Narcissus would live a long life if *he does not discover himself*.

The young man was the fruit of a violent immersion into the unknown and this trauma predisposes him towards the quest for essence for what is beyond form. Ancestry and pride are prerequisites that mark his destiny.

Born from a river god and a water nymph, 'Narcissus is water, i.e. he is flow, mystery, depth; the world of the depth is attractive to him to the same

extent to which his mystery and depth are attractive to others, young men and women, who fall in love with him precisely for that reason. Nevertheless, his story is the story of living in danger of being physically drawn under water and of drowning, which, in ancient beliefs signified losing one's image assimilated to the soul. This is a spiritual loss which corresponds to the concrete loss of Narcissus' mother, abducted by his father and forced to submit to him under water. The Naiad Liriope lost control of her material existence because of her abductor's fire of desire. […] Their son, Narcissus, was thus "genetically" bound to repeat their experience, on another scale. He is a human devoured by the fire of discovering himself in depth' (Pisoschi, 2017: 159).

Dual, he is past and present, boy and man. His adolescence makes the transition towards maturity. Physical perfection is completed by self-sufficiency, intense pride 'fills' that delicate form, hence the rejection of the others, at the same time learning to listen to Echo, Narcissus' inner voice. His psychological maturity comes as a result of suffering, of assuming his condition and going all the way in his quest for the self.

The defining actions and communicative behaviour of Narcissus and Echo, their stages in the process of change, are expressed by verbs in the Present Tense as general truths, whereas what represents the causal frame, i.e. projections from the past into the future, is rendered by Past Tense verbs. The use of time markers is irrelevant unless linked to the role of logos, the active principle.

**Logos**

Life means a journey in space and time and understanding the essence of the world, through words, but, accoding to Heraclitus, '*Although this Word is common*, he warns, *the many live as if they had a private understanding* (B2). (Graham, Daniel W., op.cit., part 2, para 5) [...] *Sound thinking is the greatest virtue and wisdom: to speak the truth and to act on the basis of an understanding of the nature of things* (B112)' (Graham, Daniel W., op.cit., part 6, para 1).

Zandi's poem is in itself the illustration of putting the essence of the world into words, that is why it is impossible to separate matter from the active principle, the spirit that causes the change. Zandi becomes consciousness, spirit and enters various forms of matter manifested through logos.

In Ovid's poem, the word, *logos*, is Echo. But she suffers a metamorphosis herself, since in the beginning, she was indeed word, *logos,* i.e. order, knowledge, but the order concerning mainly matter, the body: 'her „inner fire" is a reflection on a lower plane of Narcissus' fire. Her ascendence justifies that: Echo is a daughter of Gaea, Mother Earth (Zimmerman, 1966: 91), goddess of fertility, an association which doesn't actually contradict the variant of Echo's origin from water deities, because Gaea comprises

everything connected to the material world. Secondly, the connection between Echo and the primordial element *earth* is expressed by her metamorphosis into stone, connoting [+permanence], [+stability], [+durability]. But stone is also inert matter, it signifies the lack of seeds, and symbolizes that Echo could not fulfil her instinctual drive. Hiding her body in the woods after being rejected by Narcissus is another proof of her belonging to the world of nature, dominated by the element *earth*' (Pisoschi, 2017: 163).

'Echo is Narcissus' counterpart, the passive element, she is reflection, but not the reflected; she is the hidden witness of Jupiter's passion for nymphs and encourages them, as she encourages her own passion for Narcissus, a purely sensuous passion' (ibidem). She breaks an essential principle stated by Heraclitus: that of sound thinking, of wisdom which implies speaking the truth. Initially, words were a game to Echo, she was not aware of their power. To protect gods, and, above all, love, she changes into spiritual excess (deceiving, hiding the truth) because of others' (gods') physical excess.

Therefore, her punishment is that she becomes reflection, a reflection of other people's words; she gradually loses her body, her materiality, since she reflects words, even sounds and gives them sense:

> *O how often she wants to get close to him with seductive words, and call him with soft entreaties! Her nature denies it, and will not let her begin, but she is ready for what it will allow her to do, to wait for sounds, to which she can return words.* (Ovid, *M., B III: 359-401*, para.4)

Love becomes a gift, once Echo can make sense of what she hears. Her punishment (*Echo only repeats the last of what is spoken and returns the words she hears*) means simplicity, but also deep meaning and ambiguity. What she loses in point of matter she gains as consciousness. She protected physical love and now she stirs love in Narcissus, but love for himself, for his inner nature that cannot express itself in words. Increasing reflection, *sleepless thoughts,* makes Echo hide her body and gradually become one with the nature, turning into a stone.

As for Narcissus, he also manifested excess, hybris, since he scorned love, which was considered an offence. He is blind to human love, and human blindness is one of Heraclitus' main themes. Narcissus' awareness increases when love becomes a burden, a punishment, and the only way out is detaching from his object of passion, separating the spirit from the body, being fully aware that it means death: *I desire that what I love to be distant from me.*

**Conclusion**

Understanding one's condition and attempting to surpass it means reaching harmony through the conflict of the opposites; it is continuity through change for eternity. All things that happen are good, even if human beings do

not perceive them as such: '*To God all things are fair, good and just, but men suppose some things are unjust, some just (B102)*'(Graham, Daniel W., op. cit., part 4, para 14).

Kahn's description of Heraclitus'style and goal (1979: 89) seems to us to perfectly match those of the two poets' texts analysed above. Descending from the cosmic realm deeply into the human world, without actually ever leaving the cosmos, both Ovid and Zandi, following Heraclitus' system and style, choose literary forms which to give the impression of objectivity, expressing independent truths:

*He [Heraclitus] may be most concerned with the human relevance of philosophic theories, but he is an elitist like Plato, who thinks that only select readers are capable of benefitting from his teachings. And perhaps for this reason he, like Plato, does not teach his philosophical principles directly, but couches them in a literary form that distances the author from the reader. In any case he seems to regard himself not as the author of a philosophy so much as the spokesman for an independent truth.*

Of the three fundamental forms of manifestation of matter, space, time and change, it is the last that moulds the human psyche through the creative principle, logos, the result being the configuration of unique worlds (spiritual spaces and psychological time spans). Between the known earthly dimension and the unknown (God's realm), man is in a perpetual quest for the essence through logos. With Zandi, spiritual evolution is desired to take place here, on Earth, by loving life beyond its material dimension, but through it. Thus, matter is defeated by spirit, man fights fate and re-creates his destiny, even if by just assuming it. With Ovid's Narcissus, essence is eternal and, once discovered, it defines man whenever and wherever.

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# The Romanian Youth's Contact with the West in the 19th Century: Education, Connections and Political Formation

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**Abstract**

In the 19th century, Western Europe became a landmark for the future Romanian leaders, and the developed West European countries constituted a model to be followed in terms of state organization. From this point of view, the young Romanians who studied in various cultural and political milieus, such as the French or the German etc., were influenced by the societies of the respective countries, acquiring a scientific knowledge and forming an intellectual and political thinking which was distinct from that of their parents. When they returned home, with a new mentality and with desire for modernisation, many of these young people became involved in the political life, militating for the organization of the state on the basis of the European model, adopting reforms on all levels: social, political, economic and cultural.

**Introduction**

Throughout the 19th century there were several periods when young Romanians went to study in Western European states, leading inevitably to the formation of the Romanian elites. In the first two decades of the century, few Romanians studied abroad, but their number increased gradually, so that we can identify a first phase, when several young people from boyar families were sent to study abroad – mostly in the 1830s and 1840s; another period was in 1850s and 1860s; and towards the end of the century, in the 1870s and 1880s, we can distinguish a third period.

Our scientific research aims to examine *the extent to which the contact of the Romanian youth with the West, through the studies conducted by them in Western European countries in the 19th century, contributed to the formation of Romanian political leaders*. From this perspective, we will look at several **research directions**:

-        *What determined many young Romanians from wealthy families to study abroad?*
-        *How did the links between young Romanian students undergoing study in different university centres in European capitals or other cities developed?*
-        *How did these young Romanians manage to make friends and to develop contacts with important personalities from those cultural and political milieus?*
-        *How did these friendships and contacts influenced the Romanian students in their political formation?*

Under these circumstances, the case study reflects the life course of these young Romanian students abroad, following their education, formation, contacts and networks created between them, and between them and various Western cultural and political personalities. As a result of these contacts and intellectual and political influences, these young people gradually became important political leaders in Romania in the second half of the 19th century and the first part of the 20th century, contributing to the formation and modernisation of the Romanian state.

Thus, examining this subject, relevant in the field of social sciences, we will investigate the life course of some young Romanian students who became important political leaders and who undoubtedly constituted the Romanian elite during Alexandru Ioan Cuza's reign (1859-1866), and especially during the reign of Carol I (1866-1914). The present study is centered on a series of useful sources and analyzes historical facts/events in the register of political science, thus offering a more interdisciplinary approach, motivated by the desire to illustrate in a new manner the Western influence on the formation of the modern Romanian state's political leaders.

Regarding the historiography of this issue, over time several authors have approached this topic from different perspectives (Nastasă, 2006; Nastasă-Matei, 2016; Sigmirean, 2000; Siupiur, 2014; Vlad, 2014 etc.).

This article focuses on the young Romanians who studied in Western European countries and gradually became leaders in the Romanian political regime in the second half of the 19th century and the beginning of the 20th century. It is true that during the 19th century there were hundreds of young Romanians studying in the West, but our investigation focuses only on some cases which are illustrative for the political regime at that time.

**I.**
**Studying in the West in the 19th century – determining factors for the Romanian youth**

For the members of the Romanian boyar families, the West constituted, at the beginning, an attraction and a scientific and cultural curiosity. The new contacts with the cultural-political milieus in the West European countries

offered the possibility of achieving a higher educational level than in Eastern Europe. In addition, one of the purposes was the maturing of these young people in an unfamiliar environment and, consequently, the creation of professional and friendly ties. Also, another aim was to cultivate further the cultural and political relations with personalities from other European countries, thus gaining social recognition and prestige in their country and abroad. Accordingly, a number of boyars from Wallachia and Moldavia "start to suspect early on that in their Principalities things are not going smoothly, they start to dream of a better life" (Eliade, 2006, p. 288) and, as a result, "the admiration for the West determines some boyars to travel to Europe, namely to Austria, Italy or France" (Eliade, 2006, p. 288). Gradually, "the boyars are especially attracted to the French language. It represents for them the secret of the chosen manners, of French civilization in general: to be civilized, you must necessarily know French /.../ in their homes, the number of French preceptors and servants increases. French becomes the language of the salons" (Eliade, 2006, p. 279). Especially after the events of 1848, the young Romanian students struggled to promote the *Romanian issue* abroad (they wanted to transform the *Romanian issue* into an international issue – a subject of European concern), and consequently the accomplishment of the national desideratum, the formation of the Romanian state and the need to start the process of Romanian society's modernisation. In that moment, the modernisation of the Romanian society on European model became a pressing matter, that had to be resolved quickly.

Therefore, in early 19th century, at educational level, in the Romanian society, one can observe Western influences through the presence of French preceptors or professors brought from different western states and through foreign governesses for the boyar families' children, who had the role of educating them. A similar role was played by private boarding schools from various Romanian cities, where the boyar children were sent to study; some of them attended the courses of the Saint Sava College in Bucharest or the Mihăilean Academy in Iaşi (1835-1847). Later, the University of Iaşi was established in 1860 and the University of Bucharest in 1864. The first contacts made in the Romanian Principalities (Wallachia and Moldavia) were between Romanian young people and foreign professors. The contact with the West took place during the years of study in different European university centres, where various links developed between Romanian students, with students from other countries, with their professors, and with cultural and political personalities of the respective states. Some Romanians even studied at secondary and higher education institutions in Western European countries. Nevertheless, young Romanians studying in Paris in the 1840s attended the courses of the famous historians Edgar Quinet, Jules Michelet and Adam

Mickiewicz (at Collège du France), who published articles on Romanian history and supported the *Romanian issue*.

In the second part of the 19th century, for most young Romanians, the motives for studying abroad have undergone some transformation, their perspective changing slightly compered to their predecessors. They wanted to continue the political actions in order to achieve the national desideratum, by publishing articles and books on the Latinity of Romanians, on the unity of language, nation, traditions of the Romanians from the two Principalities (Wallachia and Moldavia), and through contacts with political leaders from the respective states which could become involved in transforming the *Romanian issue* into an European issue; therefore, political leaders such as: Count Alexandre Walewski and, in particular, the Emperor of France, Napoleon III. Towards the end of the 19th century, the Romanian students pursued both intellectual formation, and the formation of new connections, friendly and professional contacts, and the achievment of symbolic values: prestige, social recognition and, especially, political and social ascension upon their return to the country.

In these circumstances, we join the assertion that "almost the entire intellectual and political elite of the second half of the 19th century and the beginning of the next century had conducted their studies abroad" (Nastasă-Matei, 2016, p. 21).

## Young Romanians studying in the West – education, connections and formation

As mentioned above, the young Romanians studying abroad (coming from families of boyars, intellectuals or wealthy merchants) established from the beginning certain contacts with the societies they joined. In the first instance, an essential desideratum was the formation of the Romanian state, but it was difficult to achieve it in the first part of the 19th century. In this manner, these young students wrote articles in the foreign press about the Romanians and its social and political problems, and they also set up associations that had the role of creating contacts, social networks, various connections with personalities from abroad, and of strengthening the Romanian community outside the country.

In the first part of the 19th century, most Romanian boyars sent their children to study in France, especially in Paris (at high schools such as: Louis-le-Grand College etc., and at universities: Collège de France, University of Paris, Ecole d'Etat Major etc.). *Why Paris?* Because Paris was the *city of lights*, being an important cultural, social and political centre in that era, with innovative, revolutionary ideas; the young Romanians felt close to the French spirit. Most likely the Romanians' Latinity, as well as the Latinity of the French, was a determining factor in choosing the university centre in which to

study. Another reason had to do with the private teachers the boyar children had, and in addition all French influences were supported and appreciated by the Romanians in Wallachia and Moldavia. The French influence proved to be essential in the Romanians' mentality (Eliade, 2006).

Thus, their education and formation started in Romania during their first years of study, but their social-cultural and political development was perfected abroad. At home, many of them chose to attend the Saint Sava College, one of the oldest and most prestigious educational institutions. In the 1830s and 1840s, some future Romanian political leaders were studying in Paris (in various prestigious libraries or educational institutions), such as: Nicolae Bălcescu, Ion Bălăceanu, Ion C. Brătianu and Dumitru Brătianu, Eugeniu Carada, Barbu Catargiu, Alexandru Ioan Cuza, Ion Emanoil Florescu, Alexandru Golescu, Ion Ghica, Nicolae Kretzulescu, Petre Mavrogheni, Constantin A. Rosetti etc. In the same time, others preferred German milieu, attending courses at the universities in Berlin, Heidelberg, Bonn, or at prestigious military schools, such as the Munich School of Cadets. Here studied Dimitrie Ghica, Manolache Costache Epureanu etc. There were also young people who studied in more than one country, such as: Constantin Brăiloiu (Switzerland, France), Mihail Kogălniceanu (he studied in France, then in German milieu, away from the revolutionary ideas), Constantin Kretzulescu (France, England, Italian milieu). Most of them studied law and attended various high-class intellectual and political circles from the respective societies (Nicolescu, Hermely, 1895-1899; Rosetti, 1897; Rădulescu, 1998; Neagoe, 2007; Eremia, 1912). There were also some exceptions, such as Nicolae Kretzulescu, who studied medicine in Paris in the 1830s (Rosetti, 1897, p. 110); Ion Ghica, who earned a degree in mathematics in Paris, then graduated in 1840 from the School of Mines (Neagoe, 2007, p. 318) etc.

In this respect, Dumitru Onciul (member of the Romanian Academy) recalled, in those times, that: "in this milieu of the French and German society, the young Kogălniceanu, with the vivacity and vigor of his youth and talent, was educated up to the beginning of his university studies" (Onciul, 1918, p. 6). Like any young person studying abroad, Kogălniceanu was keen to know, to see how other states were ruled: "spending once the summer holidays at the Schweinsburg castle, on Count Schwerin's estate, he was able to acknowledge /.../ the progress made under the emancipation regime /.../ The impressions he made thus during his studies in Germany influenced his thinking and the ideals with which the young Kogălniceanu returned to his homeland" (Onciul, 1918, p. 16). Moreover, while studying in Berlin, he wrote a series of books on the history of the Romanian people. For example, in 1837, concerned with the problems of the Romanians, Kogălniceanu published *Histoire de la Valachie, de la Moldavie et des Valaques transdanubiens*, and many other works on this

subject (Kogălniceanu, 1946, p. 8). Also, abroad, in Paris, around 1845, he developed all kinds of friendships, "with C. A. Rosetti, Nicolae Bălcescu and Ion Ghica" (Onciul, 1918, p. 16), some of them from Wallachia, others from Moldavia. They all had a series of ideas on state formation, some supporting a radical liberalism (Ion C. Brătianu, Constantin A. Rosetti etc.), others promoting a moderate liberalism (Ion Ghica, Mihai Kogălniceanu etc.). Mihail Kogălniceanu and Constantin A. Rosetti (one of Romanian elite's core members), both liberals, contributed to the creation of the Romanian political regime in the second half of the 19th century. Regarding Constantin A. Rosetti's formation, Ștefănescu Galați wrote that: "by the end of 1845, Rosetti is in Paris /.../ gathering as much knowledge as possible on the world and life /.../ In Rosetti's soul there is a strong struggle between his young nature, with the habits of partying and cheerfulness of the boyars in the country, and the desire born in him in the middle of the city of light, of cultivating himself, of learning as much as possible, of becoming a useful person to his country" (Galați, n.d., pp. 3-4). In this hypostasis, the young Romanian state (established in 1859, through the union of Wallachia and Moldavia, forming the United Principalities) needed precisely useful people. At that time, there were several young boyars who wanted to get in touch with these developed societies, building friendships among them (both Moldavians and Wallachians) and, at the same time, building friendships with various foreigners. Hence, "the making acquaintance between Moldavians and Wallachians in Paris in those years immediately following the 1830 revolution, and full of agitation that will lead to the revolution of 1848, was very useful through its cultural, but also political, consequences. It is beyond doubt that the idea of the union of the two Principalities grew then and there in the minds of these young people, who were impatient to become useful to the people in their country, whom they wished to help in the accomplishment of their aspirations" (Ghica, 1967, p. 15). On the other hand, "Paris mediates for [Ion] Ghica also other relationships which play an important role in his formation /.../ he has French friends who invite him to hunt with them and who introduce him into intellectual circles" (Ghica, 1967, p. 15); gradually, he consolidates his relationships with various influential European personalities, and hence his political education is shaping up.

At that time, the young Moldavians and Wallachians abroad managed to organize themselves, establishing various associations, writing articles in the foreign press, or simply publishing various works. In this context, "under Cîmpineanu's leadership, the young Romanians in Paris created, in August 1839, the *Society for the Teaching of the Romanian People*, the first Romanian cultural association, with political aims, founded abroad. The society's activity was to take place in the country" (Ghica, 1967, p. 18), but it did not have the expected outcome. After that episode, a secret society was established by the

three friends: Nicolae Bălcescu, Ion Ghica and Christian Tell, having the motto *Justice and Brotherhood*: "in the autumn of 1843, the secret society Frăţia (Fraternity), organized by Ion Ghica and Nicolae Bălcescu, was founded after the model of the *Cărvunari*. Its motto, *Justice and Brotherhood*, remained the guiding slogan also for the 1848 Revolution, in the preparation of which it took part" (Lupaș, 1937, p. 243). At the same time, in Paris, the ties grew stronger among the young Romanians, and between them and various French personalities, with notable results. There was undoubtedly also "the privileged relationship with the noble, generous triad of illustrious masters of democracy and civism from Collège de France, Michelet, Mickiewicz, Quinet" (Delureanu, 2000, p. 173). They were important personalities, who influenced the education of several young Romanians, who returned home and fought for visible and major changes in the Romanian society. These leaders, former students of these eminent professors, were Ion and Dumitru Brătianu, Constantin A. Rosetti, Eugeniu Carada etc. (important liberal leaders of the era). These contacts continued over time, having an impact on the formation of the young Romanians, who in the meantime became important political leaders in Romania.

Returning to that historical context, "in this pre-1848 time arc took place the encounter between the Romanian national movement and the Mazzinian movement / ... / the encounter will become even deeper after the establishment, in Paris in 1845, of the Romanian Students' Association from Place de la Sorbonne, the external branch of the Frăţia (Fraternity) /.../ whose motto 'Justice-Brotherhood' summarized a Mazzinian slogan" (Delureanu, 2000, p. 172). Indeed, the Romanian Students' Society operated in Paris since 1845, having as purpose the consolidation of the Romanian community and the strengthening of the networks between the Romanians and various personalities from abroad, and, of course, the promotion of the political unity of the Romanian Principalities (Wallachia and Moldavia). Several young Romanians were part of this Association, including Ion Ghica, Constantin A. Rosetti, Ion C. Brătianu, Dumitru Brătianu, Mihail Kogălniceanu, Nicolae Bălcescu, and later Nicolae Ionescu. They all studied in Paris in that period, and later became important leaders and contributed to the formation of the modern Romanian state. At the same time, efforts have been made also in the foreign press. A relevant example is that of the young Dumitru Brătianu, who, under the pseudonym Regnauld, "published an extensive article – a study on the Danubian Principalities, called, significantly, Romania or Moldo-Walachia, in *La revue indépendente* from June 25, 1843", in order to "familiarize the French public opinion with the name of Romanian and Romania" (Iordache, 2003, p. 66).

As we can perceive, the young Romanians who studied abroad gained a substantial and important education for those times, they created all sorts of

societies, either in the Romanian Principalities or abroad, and thus "in the decade before the revolution of 1848 there were at least three secret societies in Wallachia: the secret society founded by Dr. Tavernier and led by I. Câmpineanu, the secret society established by J. A. Vaillant and led by Mitică Filipescu, and the society known as "Frăţia (Fraternity)", founded on the initiative of Ion Ghica and N. Bălcescu. At the same time, on the model of the second one, there was a similar secret society in Iaşi in 1841" (Zane, 1975, p. 178). "When the French Revolution broke out in 1848, the society Justice - Brotherhood, which now included all young people embracing reform, decided to take action" (Bibicescu, 1898, p. 59), and thus, young people from reputed families mobilized, such as: Ion Ghica, brothers Golescu, brothers Brătianu etc. At that difficult time for the Romanians "Dumitru and Ion Brătianu returned from Paris and joined the Justice - Brotherhood Committee" (Bibicescu, 1898, p. 61). The Committee was now composed of 13 members, devout activists in the revolutionary movement of 1848 in the Principalities: "Ştefan Golescu, Nicolae Golescu, Radu Golescu, Alecu C. Golescu, Dumitru Brătianu, Ion Brătianu, N. Bălcescu, C. Bălcescu, Al. G. Golescu, C. A. Rosetti, C. Boliac, Ion Ghica", and „some time later Ion Eliade" (Bibicescu, 1898, pp. 61-63).

The relations between the Moldavian and the Wallachian young people were highlighted in a letter from Ion Ghica to Vasile Alecsandri from 1881 (Ion Ghica, *Letters to V. Alecsandri*):

"*Beloved friend,*

*Do you remember when we first met, about 45 years ago, in Paris, around 1835? /.../ I don't know how or in what way, but we suddenly found ourselves together, arm in arm, a Wallachian with a Moldavian, each speaking the language of our province and yet understanding each other as if we were speaking the same language /.../ Since that moment we stopped being Wallachians or Moldavians. We were all Romanians*!" (Ghica, 2014, p. 119). Ion Ghica was writing to his friend, the great poet Vasile Alecsandri (active himself as political leader and diplomat throughout his life), reminding him of those times. Vasile Alecsandri, Nicolae Bălcescu, Ion Ghica, the brothers Brătianu (Ion and Dumitru), the brothers Golescu (Alexandru, Nicolae, Radu), Mihail Kogălniceanu etc. participated in the revolutionary events in the Romanian Principalities in 1848, and some of them were active in the Paris Revolution in February of the same year. After the defeat of the Romanian revolutions, these young people – and others – continued their work in exile, mostly in Paris. In the second half of the 19th century they became important political leaders, holding key positions in the Romanian state.

Back from the exile, mostly after 1857, these young people struggled for the fulfillment of the national desideratum, which led to the change of Romanians' situation with the union between Moldavia and Wallachia, in

January 1859, under the name of The United Principalities, ruled by Alexandru Ioan Cuza. Subsequently, after the abdication of Alexandru Ioan Cuza, in February 1866, representatives of the first generation of Romanian students who studied in the West, in 19<sup>th</sup> century, contributed to bringing the foreign prince, Carol de Hohenzollern-Sigmaringen, as ruler of Romania in May 1866. The necessary steps were made by Ion Bălăceanu, Romania's agent in Paris, and by Ion C. Brătianu, both having connections in the French society. Then, Brătianu continued the negotiations with the Prince's father, Karl Anton, and with Carol, who finally accepted the throne. Carol's nomination was informally supported by the Emperor of France, Napolean III. France's support in the formation and then consolidation of Romania was essential.

Meanwhile, other young Romanian students, from important boyar families, continued to study abroad in the 1850s and 1860s, thus ensuring the formation of the Romanian elites.

At that time, a number of Romanian young people studied in the West, their influence being visible and strong during Carol I's reign. We mention here only some of them, the most important ones, dividing them into three categories – first, the ones who studied in France, such as: Vasile and Constantin Boerescu, Nicolae Calimachi-Catargiu, Gheorghe Grigore Cantacuzino, Nicolae Dabija, Constantin Grădişteanu, Nicolae Ionescu, Alexandru Lahovari, Mihail Pherekyde, Eugeniu Stătescu, Anastase Stolojan, Gheorghe Vernescu etc.; second, the ones who were educated at German universities, for example: Petre P. Carp, Gheorghe Manu, Dimitrie Alexandru Sturdza etc., and third, the ones who studied in several countries, among which: Petre S. Aurelian (France, Italy), Gheorghe Costaforu (German milieu, France), Dimitrie Gianni (German milieu, France), Titu Maiorescu (Austrian and German milieu, France), Theodor Rosetti (Austrian milieu, France) etc. (Nicolescu, Hermely, 1895-1899; Rosetti, 1897; Rădulescu, 1998; Neagoe, 2007; Eremia, 1912).

As in the past, a series of contacts with personalities from various developed milieus were established, as well as friendships between young Romanians and those from other countries. A representative example continued to be France, most of the Romanian elite's children studying especially in Paris at that time. Thus, for example, Titu Maiorescu kept a strong friendship with Theodor Rosetti throughout his political career; proof of this friendship is the foundation of the *Junimea society* (a cultural and scientific society) in 1864; later, its five founders (Petre P. Carp, Titu Maiorescu, Iacob Negruzzi, Vasile Pogor and Theodor Rosetti) decided to go into politics, in 1870-1871, as members of the Junimea group – later, the Constitutional Party (formed in 1891), led by Petre P. Carp. The exception was Petre P. Carp, who studied in German milieu, while other founders of *Junimea* had studied in Paris. As in previous years, important families sent their

children to study in the West because it was an aspect of prestige, social recognition, and also the symbol of the Romanian elite's need to have access to high circles in various European societies. Petre P. Carp, an eloquent example of a young man who came from an old boyar family, attended Gymnasium in Berlin, then enrolled at the Faculty of Law and Political Science in Bonn; he "passed his baccalaureate /.../ with the highest overall average, the first of all, primus omnium" (Gane, 1936, p. 68). He "was accepted in the student society called Borussia or Preussen - a special honor for foreigners" (Gane, 1936, p. 69); he was thus received in closed and elevated circles, probably because of his studies and his family. Another exception was Titu Maiorescu, who came from a family of intellectuals from Transylvania, who completed his high school studies in Vienna (1851-1858), then university studies at Bonn and Giessen (where he obtained his doctorate in philosophy in 1859 with *magna cum laudae* distinction). He continued his studies at the University of Sorbonne, where he gained a BA in letters, philosophy and law, in 1861 (Neagoe, 2007, p. 424).

The third wave of Romanian young people who studied abroad in the 1870s and 1880s and who became famous in the political life at the end of the 19th century and the beginning of the 20th century were: Nicolae Fleva (Italy), Take Ionescu, Vasile Lascăr, Ion (Ionel) I. C. Brătianu, Alexandru Marghiloman (all of them former students of Law in France, except for Ionel Brătianu, who graduated from the Polytechnic School, then from the National School of Bridges and Roads, being an engineer), Alexandru C. Cuza (Belgium); Spiru Haret (Paris, doctorate in mathematics in 1878), Nicolae Filipescu (France, Switzerland) etc. Spiru Haret, a liberal, was perhaps the most important reformer of the Romanian education; as a very young man, he gained a scholarship to go to study in Paris. He was not coming from a boyar family. Thus, also in those years, the Romanian young people preferred to go to study in Western European countries: "some who went again to the West, to a West of 1870, and especially to a West after the year of the great conflict between the Germans and the French" (Iorga, 1937, p. 11).

During this period, the young Romanians who went to study abroad had a different agenda than their predecessors. They already knew each other, and their formation abroad offered them prestige and, of course, social recognition in the Romanian society. An eloquent example is that of the political leader Take Ionescu who, although not from a boyar family but from a family of wealthy merchants, went to study also in France, being highly appreciated by his professors (Xeni, n.d., pp. 29-30). In addition, "his colleagues do not know any of his walks other than to museums or historical spots, they never surprised him going to parties other then to conferences and, rarely, to classical operas at the French Comedy" (Xeni, n.d., p. 29). In Paris, he "made friendships that would last for life: C. Dissescu, C. Arion, Al.

Djuvara. Al. Marghiloman was also in Paris at that time" (Xeni, n.d., p. 28). Once they came back from abroad, they were drawn to politics and to the need to consolidate the Romanian state, as did their predecessors. Take Ionescu is an example of a politician who built himself gradually a beautiful and long career, reaching the highest level of Romanian politics. "During the seven years that he stayed in Paris – besides from the holidays he spent in the country – Take Ionescu suffered various influences, either because of the milieu or because of various readings and of the intense Parisian life's great show" (Seișanu, 1930, p. 18). He also participated intensively in the circle of the Romanian students and in other circles, discussing the Romanian problems in public, at the events he attended, so that they could be heard, understood and solved.

At the same time, in those years, Romania underwent a process of modernisation on all levels and several national desideratums were fulfilled: obtaining and having its independence recognized (1877, 1878), the proclamation of Romania as Kingdom on 14 March 1881, joining the Triple Alliance in 1883 (Austro-Hungary, Germany, Italy, since 1882). At a symbolic and informal level, the Romanian students in different corners of Europe were a kind of emissaries, representatives of the Romanian spirit and culture; obviously, at a formal and diplomatic level, Romania had after 1866 diplomatic ties with different European states, especially after obtaining its state independence and proclaiming as Kingdom. The Romanian entered into a new stage of its foreign policy. An important episode was the Berlin Peace Congress from June-July 1878, during which the independence of Romania was recognized (Minister of Foreign Affairs was none other than Mihail Kogălniceanu, who had studied in Berlin in his youth; this choice was not accidental). An important role was also played by the Prime Minister at that time, Ion C. Brătianu.

There were also Romanian political leaders who were not educated abroad, such as the conservative Lascăr Catargiu (important Romanian political leader). An important case was represented by a Romanian woman who attended the courses of the Faculty of Law in Paris, Sarmiza Bilcescu, who was the first woman to earn a doctorate in law, in 1887 (Bacalbașa, 1928, p. 121).

These young people, returning home with new ideas of reform in Romania, gradually became involved in the organization of the state in order to modernise it on all fields: in education, architecture, clothing, leisure activities, politics, economy, culture etc. Over time, Paris still remained a favorite place for the Romanian elites, in the second half of the 19th century: "The elite was either going to their estates, or to Paris, or to the baths in Austro-Hungaria" (Bacalbașa, 1935, p. 72). The attachment towards what Paris symbolized was so strong, that some of the Romanian leaders lived or died

there. One example was that of Constantin A. Rosetti, who lived in Paris for some time; political leaders who died there were: Vasile Boerescu, Ion Emanoil Florescu, Mihail Kogălniceanu, Alexandru Lahovari etc.

At international level, when studying abroad, the Romanian leaders have strengthened their connections, establishing various friendships that will prove useful over time, France being a model for most Romanian leaders. Also, the Romanian society at that time was profoundly Francophone. Their efforts in those years spent abroad had results in time.

## Western-European political influences in the formation of Romanian political leaders who studied in the 19th century

In the Romanian society there were several political groups, of liberal or conservative character, formed in the middle of the 19th century, which led to the establishment of the two most important political parties in the second half of the century: the National-Liberal Party (1875) and the Conservative Party (1880). Regardless of the period we took into consideration, during the 19th century, the Romanian students who studied abroad, mentioned in this article, became politicians of great importance during the reign of Alexandru Ioan Cuza and Carol I (Damean, 2016). Whether liberal or conservative, they were prominent in the second part of the 19th century and the beginning of the 20th century, occupying important state positions (Prime Minister, minister, president/vice-chairman of the Assembly of Deputies or Senate etc.).

Many young Romanians who went to study abroad and returned to the country, each at different times, became remarkable personalities of the political life, having a big influence within the political regime. First-generation of political leaders have fought for the modernisation of the Romanian society: "by coming into contact with the Western civilization, the descendants of the old boyars introduced in the country the liberal reforms that were stirring up in France, at that time called *des années quarante*" (Papacostea, n.d., p. 171).

The process of modernisation and consolidation of the Romanian state has taken place over a long period. In the first instance, we appeal to the *first generation of politicians* (with studies in the West, influenced by the political context in the respective states, they adopted liberal or conservative ideas that they applied later, when they occupy political positions in the modern Romanian state), such as the liberals, of different nuances: Vasile Boerescu (parliamentarian, minister), Ion C. Brătianu (Prime Minister on several occasions, minister, parliamentarian, president of the Assembly of Deputies, president of PNL), Dumitru Brătianu (Prime Minister, minister, parliamentarian, president of PNL), Eugeniu Carada (founder and director of the National Bank of Romania), Alexandru Golescu (parliamentarian, minister, diplomat), Nicolae Golescu (army general, minister), Dimitrie Ghica

(parliamentarian, president of the Assembly of Deputies, president of the Senate, minister, mayor of the capital), Ion Ghica (Prime Minister several times, minister, parliamentary, diplomat), Mihail Kogălniceanu (Prime Minister, minister, parliamentarian), Nicolae Kretzulescu (parliamentarian, Prime Minister), Constantin A. Rosetti (president of the Assembly of Deputies, parliamentarian, minister, mayor of the capital) etc.; and the coagulation of all liberal groups took place in May 1875, when the National-Liberal Party was officially established. In parallel, we also mention some conservative leaders of different nuances: Barbu Catargiu (Prime Minister, minister, parliamentarian), Manolache Costache Epureanu (parliamentarian, president of the Assembly of Deputies, Prime Minister, minister), Ion Emanoil Florescu (parliamentarian, president of the Senate, Prime Minister, minister), Petre Mavrogheni (minister, parliamentarian, diplomat) etc. (the Conservative Party was established in February 1880, and the merger between it and the Constitutional Party (the Junimist group) was finally accomplished in 1907).

Along with other leaders who did not study abroad, like the conservative Lascăr Catargiu (parliamentarian, Prime Minister several times, president of the Conservative Party), they were all involved in organizing the institutions of the modern Romanian state, preparing in the same time a new generation of politicians capable of continuing their achievements.

The new generation of young Romanians with studies abroad, who returned to the country and became politicians, ensured the *generation change* within the Romanian political regime at the end of the 19th century and the beginning of the 20th century, and consolidated the state. They studied abroad in the second half of the 19th century, and they gradually became famous in the Romanian political life, some in the 1860s, 1870s, others in the 1880s, such as the liberals: Petre S. Aurelian (parliamentarian, president of the Assembly of Deputies, president of the Senate, Prime Minister, minister), Nicolae Fleva (parliamentarian, minister, mayor, diplomat), Nicolae Ionescu (parliamentarian, minister), Vasile Lascăr (parliamentarian, minister, mayor), Mihail Pherekyde (parliamentarian, president of the Assembly of Deputies, president of the Senate, minister, diplomat), Eugeniu Stătescu (parliamentarian, president of the Senate, minister), Anastase Stolojan (parliamentarian, minister, mayor), Dimitrie Alexandru Sturdza (parliamentarian, president of the Senate, Prime Minister several times, minister, president of PNL), Gheorghe Vernescu (parliamentarian, president of the Assembly of Deputies, minister, co-president of the Liberal-Conservative Party) etc. Among the conservatives, it is necessary to mention: Alexandru Lahovari (parliamentarian, minister), Gheorghe Grigore Cantacuzino (parliamentarian, president of the Assembly of Deputies, president of the Senate, Prime Minister several times, minister, president of the Conservative Party), Petre P. Carp (parliamentarian, Prime Minister

several times, minister, president of the Constitutional Party, later president of the Conservative Party), Nicolae Filipescu (parliamentarian, minister, mayor of the capital), Take Ionescu (parliamentarian, Prime Minister, minister, president of the Conservative-Democrat Party, since 1908), Titu Maiorescu (parliamentarian, Prime Minister, minister, president of the Conservative Party), Gheorghe Manu (parliamentarian, president of the Assembly of Deputies, Prime Minister, minister), Theodor Rosetti (parliamentarian, president of the Senate, Prime Minister several times, minister, president of the National Bank of Romania), etc. Later, the following conservatives became prominent: Alexandru Marghiloman (parliamentarian, Prime Minister, minister, president of the Conservative Party), Constantin Argetoianu or the liberal Ion (Ionel) I. C. Brătianu (parliamentarian, Prime Minister several times, minister, president of PNL) etc.; among those mentioned above, all of them had a major influence in the Romanian political regime, but there were some who oscillated at that time between liberalism and conservatism, such as: Dimitrie Ghica, Nicolae Fleva, Take Ionescu, Gheorghe Vernescu etc.

**Conclusion**

As for our analysis of Romanian young people who studied abroad and became politicians, we can conclude that most of them studied in France, choosing to study Law (bachelor or doctoral studies). On the other hand, the conservatives chose the German universities (the members of the Conservative Party came from important and old boyar families). However, there were also some conservatives who studied in France. In parallel, most of the liberals chose France as place of study, while some of them completed later their education at German institutions of higher education. During the 19th century, there were also young people who did not belong to illustrious boyar families, but had enough financial resources to study abroad and became prominent in the Romanian political life, holding key positions in the state apparatus.

Throughout the 19th century there have been many waves of young Romanians who chose to study in the West for various reasons – curiosity, professional formation, promotion of the national desideratum and building connections, networks, in order to increase their prestige and social recognition. Back home at different times, regardless of their political convictions, they all aimed to contribute to the formation, modernisation and strengthening of the young Romanian state. The contact of these young Romanians with the Western European societies was strong, and they acquired a solid education abroad, building later a Romanian political and cultural elite capable of leading the state and providing a model for their descendants.

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# Pedagogues and Social Workers - Challenges of Collaboration

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**Abstract**

In their work, pedagogues and social workers respond to many pedagogical and social challenges that children and/or their families face. In order to successfully address these challenges, it is necessary to achieve a quality collaboration between the school and the social welfare centre. Seeking an answer to the question of quality of the collaboration, three research questions were asked in this research. The answer was reached using a semi-structured interview. The results showed that research participants assessed the following as important: collaboration (they also offered suggestions on how it could be improved), their own education and training, personality traits and personal views of "helpers", the need to harmonise legislation and to employ social workers in schools as members of professional counselling services.

**Keywords**: Quality, pedagogue, social worker, collaboration

## Introduction

The contemporary world abounds in challenges for both children and adults. There is an apparent increase in the number of divorces, family structures are changing, there is more poverty and insecurity because existence has become jeopardized, population migration are more frequent and the like. These are all the reasons that destabilise the members of the family unit. As a consequence of these "shakes", family psychopathology, poor parental control and lack of self-control in children and young people, substance abuse, increased addiction to modern technologies and gambling, and the like emerge (Kumpfer and Bayes, 1995; Thompson, Pinney and Schibrowsky, 1996; Vulić-Prtorić, 2002; Raboteg Šarić et al., 2002; Perrone et al., 2004; Farrington, 2005; Sullivan, 2006; Vrselja and Glavak Tkalić, 2011; Dodig and

Ricijaš, 2011). These types of behaviour of children and young people, and their parents as well, are becoming a more common socio-pedagogical challenge which socially responsible actors (institutions and individuals) are trying to address. In addition to these, we might say "more contemporary challenges", the "traditional" ones, such as school stress, academic failure, peer and family violence, aggressiveness, juvenile delinquency, etc., are still of topical interest. It seems that today it is really hard to grow up, but is even more difficult to raise children. Every day professionals (kindergarten teachers, primary-school teachers, pedagogues, psychologists, etc.) and social workers meet, raise and educate children and young people who have failed to find effective strategies to face these (and other) challenges and try to help them find a way out of sometimes almost dead-end life situations. The final outcome of these efforts is uncertain, but when families and professionals (pedagogues and social workers) manage to build a quality collaborative or partnership relationship and join their forces, it is very likely that they will help children and the young to successfully overcome the challenges they face in life. This paper focuses on the research of the quality of collaboration between primary schools and social welfare centres in order to reveal the critical points of that collaboration and to offer possible solutions.

**Pedagogue's role and tasks in the contemporary school curriculum**

Contemporary school is aware of its limitations, but is trying to keep up with new knowledge on education in line with humanistic values (spiritual, ethical, and moral ones) and developmental curriculum and thus actualises the need to change the entire school system to "suit the pupils". School, as a fundamental educational institution of particular social interest must follow social change and respond to the challenges that the contemporary world brings (Giesecke, 1993; Stoll and Fink, 2000), but what makes these schools successful are their clear focus, high expectations, effective leadership, quality collaboration and communication, compliance with standards, monitoring of learning and teaching, professional development, stimulating learning environment, and family and community involvement in its activities (Shannon and Bylsma, 2007). Good collaboration and communication on the one hand, and family and community involvement in school's activities on the other are extremely important aspects especially for those pupils who are at risk (poor / neglected pupils), and come from a deprived environment (Edmonds, 1979, quoted in Marsh, 1994). Providing support for each child depends mostly on how much the school community is focused on individuals, how much it acknowledges contemporary knowledge and resources and how much it is directed to the quality collaboration of all participants of the educational process (Crandall et al., 1983, quoted in Marsh 1994; Berman and McLaughlin, 1997). Various experts are included in creating the curriculum

in particular, pedagogical employees in schools, but at the practical level of *implementation*, in addition to teachers, pedagogues (and other professional staff, if the school has them) play a special role. The role of the pedagogue in achieving collaboration between all the factors of the educational process, both within and outside the institution, stands out in particular. Pedagogue is one of the members of the professional counselling service whose job requires that he/she connects different knowledge and skills and collaborates with other experts in order to find the best solutions to specific situations and challenges. He knows the pedagogical theory and practice, and is therefore considered both a practitioner and a theoretician who knows the basics of psychology, biology, sociology, ethics, and of a number of other sciences (Milat, 2005). In addition to working directly with pupils, a pedagogue also performs many different tasks and duties and is also a consultant, coordinator and counsellor in a variety of activities of the educational programme (Jurić, 2004). Considering their competences and the type of work they do, and also insufficient staffing of professional services in many schools, pedagogues often also perform some tasks that border psychologists' and social workers' professional tasks. Therefore, Jurić (2004) points out that the pedagogue is a person who works in a dynamic environment and is in constant interaction with others and must adapt, continuously learn and work in collaboration with other partners. Other experts, who are not necessarily school employees, but who are indispensable for ensuring the necessary conditions for children who are at risk, help pedagogues in achieving certain tasks. Pedagogues enable the social workers, who are one of their partners, to collect information about the child, his behaviour in school, academic success, difficulties, peer status, and the like.

**Social workers – roles and tasks**

Understanding the profession of social work is inseparable from notions - social change and development, social cohesion, empowerment of people, respect for human rights, and the like. These notions determine the purpose of social work, i.e. they emphasize the social well-being of individuals, social groups, and communities, support social cohesion in the period of change and help vulnerable members of the community by providing protection (Council of Europe, 2001, quoted in Bouillet and Uzelac, 2007). The key factor in the field of social work is the social worker who is the main and responsible person in organising and providing social services to individuals and groups in need who are often just because of their status discriminated. Some of the main duties of the social worker is to provide consulting services to the users of some of the aspects of social welfare, to represent them, to help them get their legal rights, etc. (Urbanc, 2006).

Čačinovič Vogrinčič et al. (2007) point out that social workers in their professional activities must respect several principles in order to successfully carry out the tasks of social work. Those principles are: comprehensive advantage - agreed solution that everyone will benefit from; contact - establishing communication with all those who are involved in the problem; interposition - include empathy and compassion, but also the distance that is necessary for operation; negotiation – a social worker creates the process leading to an agreement; participation - "third" parties who are needed to solve the problem; establishing there is a problem - admit when you cannot find a way forward and seek help from another expert, and social-ecological principle - social worker strengthens the natural social networks (family, friends, co-workers, neighbours).

In accordance with the international regulations, the Croatian Social Welfare Act (2015, Article 21) defines the beneficiaries of social welfare as: *orphans, children without adequate parental care, young adult, child victims of domestic, peer or other violence, child and young adult with behavioural problems, and family which require professional assistance or other support because of broken relations or other adverse circumstances,*.

As social workers are not only service providers, developing a collaborative relationship with the client is one of their fundamental tasks. It aims to develop clients' *internal* motivation and encourage them to take an active role in creating better conditions necessary for a successful life (Social Welfare Act, 2015). Therefore, Moon (2001) emphasises that the essence of generating interlocutor's intrinsic motivation is the desire to become an active agent in his own life and create better conditions that will be more appropriate for his needs and those of his family. The goal of counselling is to guide the interlocutor into taking responsibility for his own choices by supporting, encouraging and strengthening him in the process, but also by guiding him to accept the natural consequences of his own irresponsible choices. The social worker achieves this during a professionally guided, structured and goal-oriented counselling conversation while maintaining an empathetic attitude, but does not take interlocutor's responsibility upon oneself. The ultimate goal of changing an individual's behaviour is a successful integration into society and only then the service users feel complete, appreciated, coherent, and socially connected (Adams et al., 2009). The process of social inclusion of users of services provided by the social welfare centres is often long lasting and uncertain and it is, therefore, important that the user is guided through the process by a professional (reflective practitioner) who is always ready to improve their own competences through a process of lifelong learning.

When it comes to social workers' tasks and activities related to younger clients (primary and secondary school population) and/or their families, then in order to reach quality solutions together the collaboration

with professionals in educational institutions, mostly pedagogues, is imperative in their work (Urbanc, 2006).

**Pedagogues and social workers - protocols of collaboration**

The level and quality of collaborative relationships between a pedagogue and social worker depend on a number of personal and social factors such as, for example, legislation, professional atmosphere, the personality of the individual, the willingness to take an active part in collaboration, and the like.

Mutual collaboration is not explicitly stated in the Social Welfare Act (2015), but the Family Act (2015) includes the provisions on measures to protect the rights and welfare of the child, which pedagogues and social workers are also responsible for. Their collaboration is explicitly stated in article 132, paragraph 3:

*(3) The court and social welfare centres, parents and other persons or social welfare institutions that were entrusted with childcare are obliged to mutual collaboration and shall inform each other of the actions taken under paragraph 1 of this Article.*

The Ministry of Family, Veterans' Affairs and Intergenerational Solidarity adopted the Rules of Procedures in Cases of Family Violence (2004),[27] which require that a collaboration between competent bodies and other factors involved in identification and elimination of violence, including schools and social welfare centres is promptly established. Under this protocol, the social welfare centre must, upon receiving information on the violence (from the school or other source) or on the expressed suspicion of violence, report it to the police, and write an official note containing information on the victim. If a child who attends school is in question, the school pedagogue is very helpful in providing information. The second step is to establish contact with the victim of violence and inform him/her on the relevant legislation and the measures the social welfare centre plans to take (placing the victim in a shelter or home for victims of family violence, planning his/her safety protection, assistance in accessing free legal and medical aid). At this stage, school staff plays an important role, in particular the pedagogue who provides additional information that can help a social worker to clarify and solve a particular case (Rules, 2004).

If violence is committed in school, schools are under the Rules (2004) obliged to call a doctor. If a child is injured, they must notify the principal who will report the case to the police and inform the social welfare centre on the circumstances of the case. If in school there is an indication that the violence has been lasting for a longer period of time, then the employees must ask the

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[27]Hereinafter Rules.

experts from the professional counselling service and experts from the social welfare centre for advice. School employees also make an official note on the established violence, activities performed, interviews and statements by participants and eyewitnesses as well as personal observation, which is, if necessary, submitted to other competent bodies, including the social welfare centre.

Violence in the family and school requires that all state bodies cooperate because the responsibility for preventing, recognising, and effectively addressing it cannot be left only to the school or only to the social welfare centre. Such an approach to solving a case of violence would be partial, superficial, and ineffective. Therefore, quality collaboration is a prerequisite for a comprehensive and efficient protection of all family members. In addition to family and school violence, sexual violence is also common. Under the Rules of Procedure in Cases of Sexual Violence in Schools (2014), sexual violence is one of the most serious crimes but is reported the least, is most complex, is often invisible, and less recognized. In schools, sexual harassment is the most present form of sexual violence, but forced sexual acts and rape, as one of the worst forms of sexual violence, are also possible. The data show that between 23 and 58% of girls have been sexually harassed in schools. It is likely that effective prevention programmes and a more quality collaboration between schools and social welfare centres (Rules, 2014) can reduce these numbers.

If a child has been exposed to sexual violence or has witnessed violence in the family, the centre takes appropriate legal measures to protect the family, i.e. the child is removed from the family if the violence was committed against him/her. If sexual harassment or sexual violence happened in school, members of the professional counselling service first talk to the victim and provide him/her with adequate assistance and protection, and inform the principal who reports the case to the police and writes a report. It is pointed out that the school is not required to submit a report to the social welfare centre when the school has information on domestic or sexual violence. It is urged that the school nevertheless notifies the parents, competent social welfare centre, the police, and also, if necessary, the school doctor and the Ombudsman for Children. In a case of sexual harassment in school, the school must notify pupils' parents and the social welfare centre (Rules of Procedure in Cases of Sexual Violence in Schools, 2014).

Bouillete and Uzelac (2007) argue that cooperation between primary schools and social welfare institutions is necessary. Primary and Secondary School Education Act (2014) confirms that argument and orders primary schools to, in cooperation with social welfare institutions, observe social problems and adverse developments of pupils and take measures to remove

the causes and consequences of social problems and phenomena in pupils as explicitly stated in Articles 57 and 67.

In addition, under the Primary and Secondary School Education Act (2014), all school employees are duty-bound to protect the rights of pupils, and if these rights are violated or some sort of violence occurs, they must report it to the principal who must inform the social welfare centre (Article 70).

In line with the obligation to protect the rights of pupils, educational staff can impose pedagogical measures (admonition, reprimand, severe reprimand, transferral to another school according to the Ordinance of the Criteria for the Imposition of Pedagogical Measures, 2015), whose purpose is to change pupils' behaviour, and which are imposed for breaches of duty, failure to meet obligations, bullying, and other inappropriate behaviour. Under the Primary and Secondary School Education Act (2014), if the pupil is by a formal order temporarily removed from school, and a written decision on imposing educational measures was not issued, the principal must inform in writing the parents and social welfare centre (art. 83). In cases where a parent does not fulfil its obligations and neglects the child (PTA meetings, individual meeting with the teacher(s), childcare) the school reports it to the social welfare centre (Primary and Secondary School Education Act, 2014; art. 136).

The social welfare centre collaborates with ministries, cities, and municipalities as well as with all the bodies that need to obtain information. Among them are *educational institutions* that must provide the social welfare centre with necessary information about the ward, and the social welfare centre must write a note (Family Act, 2014, art.276).

It is clear that legislation explicitly states it is necessary that all the relevant factors in the community collaborate with the aim of helping children, young people, their families, and the like more efficiently and better. However, it would be desirable that the collaboration between educational institutions and social welfare institution is established even when there are no emergencies, no deviant behaviour of the individual/pupil and/or his family and the like. Organising humanitarian activities (volunteering, donations, humanitarian actions, etc.) could be a possible incentive for collaboration. In addition to collaboration among institutions (schools, social work, etc.), greater attention should be paid to the role of quality collaboration between parents and schools (Pahić et al., 2010) which is one of the crucial factors of a comprehensive child's development and success.

**The importance of quality collaboration between the pedagogue and the social worker**

Quality collaboration of (at least) two systems – a school and an institution of social work, and with the aim of the welfare of the third - the

family, is imposed as an imperative. Teršelić and Mladineo (2006) point out that pedagogues and social workers can achieve significantly more when working together than they could achieve by working separately. In order to ensure a quality collaboration between these two factors and achieve the intended objective it is necessary to meet the following prerequisites: there has to be motive and interest to undertake such a venture; the community in which the change is planned to be implemented must be ready for it; a programme of changes that will lead to the desired result must be prepared; there have to be professional and motivated people who will devote themselves to the venture, and there must be enough time (Janković, 2002) to achieve the objectives, and willingness to invest energy. When the collaboration between a pedagogue and social worker is achieved, other relevant factors *in* and *outside* the school and institution of social work depending on the type and complexity of the challenge are included (doctor, social pedagogue, psychologist, and others). A quality collaboration between pedagogues and social workers can be a good example to pupils and indirectly have an educational role, because it gives them an insight into how collaboration has a synergy effect in dealing with difficulties; it is mandatory that the rights of pupils are respected during the process. One of the fundamental rights of pupils is active participation and freedom to express opinions when issues related to and / or having on impact on his/her life are addressed. The social worker and school pedagogue should take into account the child's view of the problem in accordance with his age and maturity, and together decide what is best for him (the Convention on the Rights of the Child, 2001). Mutual relations, quality collaboration and communication are the key to solving problems in the child's current historical, social and cultural context (Urbanc, 2006). Therefore, Shannon and Bylsma (2007) point out that in successful schools there is an intense collaboration, communication and teamwork between professionals and other relevant members of the community. They are all connected and intensively collaborate with each other in order to timely identify and solve a problem which has arisen. Quality collaboration among professionals is inseparable from their efforts to include and engage pupils' parents (families), because without their participation the results would not be complete. However, practitioners most often complain that parents of children who have certain difficulties in adapting, in their behaviour and/or academic achievements are the hardest ones to be persuaded to collaborate. Unmotivated and uninterested parents can be "won over" by informing them about the possibilities of participating in school life, and by offering them activities (thematic meetings and lectures, creative and educational workshops, school open days, school activities and the like) that help them get a better insight into their current life situation, and also gradually raise the level of their pedagogical competences. These are all favourable opportunities for establishing a less formal, more

intimate, and closer communication between the pedagogue, social worker and parents, with the aim of building a better future collaboration (Ljubetić, 2013). Individuals can sometimes find collaboration to be a threatening experience, because it requires a certain adaptation, modification of the rhythm and the way their own work, sometimes even giving up on part of their own power and the like, but quality collaborative relationships include developing awareness of the equality and importance of each person in the team (Čudina-Obradović and Težak, 1995) who, within their scope of work, contributes to achieving the set goal.

**Research methodology**

As the need for collaboration between school pedagogues and social workers is unquestionable, a research was conducted to determine the quality of collaboration between the two profiles of experts. For this purpose, three research questions were asked:

1.     Pedagogue's and social worker's satisfaction with the chosen profession and their satisfaction with the collaboration;
2.     Planning and methods of collaboration between a pedagogue and a social worker;
3.     The perception of one's own competences and recommendations for improving future collaboration between pedagogues and social workers.

**Research method - semi-structured interview**

In order to achieve the research objective, the qualitative methodology was chosen in which the unit of analysis was the interview (Lacey and Luff, 2009). The prerequisite for a quality conduct of an interview is a well-prepared interviewer. Therefore, in this study, the interviewer at the beginning of the meeting informed the participants of the nature and purpose of the interview, explained how the responses would be recorded, and got the participants' permission to record the conversation. "At all times, interviewers must remember that they are data collection instruments who must try to prevent their own biases, opinions, or curiosity from affecting their behaviour" (Tuckman, 1972, quoted in Cohen et al., 2007 p.279). The aim of the qualitative approach is to carefully investigate the participant's individual perceptions of the topic being researched. Unlike quantitative research where pre-set theses are checked (Milas, 2005), in qualitative research theory is developed on the basis of the information and knowledge gathered during the research (Mejovšek, 2007). In qualitative research "respondents are chosen deliberately based on personal decisions, because they have a certain quality, experience, opinion, information and the like which is assessed will contribute to the purpose of research" (Tkalac Verčič et al., 2013 p.79). The authors of

this paper also point out that the validity, reliability and meaningfulness of the results do not lie in the size of the sample, but the wealth of information.

In this research, data were collected by chain reaction ("snowball sampling"). The research involved three social workers and five pedagogues. Three social workers recommended five pedagogues, but only three of them agreed to be interviewed. The remaining two rejected the interview stating that they were ill and did not have time. The semi-structured interview was carried out during the period from April to July 2016 in institutions in which the respondents work - social workers were interviewed at the Centre for Social Welfare Split (the Head recommended three social workers who work with pedagogues and they were interviewed), and pedagogues were interviewed in primary schools in the city of Split.

A semi-structured interview was used to collect data. Researchers' goal was to explore the research problem area as much as possible and focus on research participants' interpretations and perspectives, rather than the number of respondents. Therefore, data is not reduced to a numerical form.

**Data analysis**

The analysis of qualitative data includes the unique processing and interpretation, and is researcher's unique design (Tkalac Verčič et al., 2013) making an interpretative and reflexive interaction between the researcher and the collected data. According to Cohen et al. (2007) there are several stages in the analysis of qualitative data: generating natural units of meaning; classifying, categorising and ordering these units of meaning, structuring a narrative to describe the content of the interview, and interpreting data obtained by the interview.

In this paper, data was processed to minimise ethical dilemmas in qualitative research, to maintain the objectivity and to avoid selectivity in the analysis and interpretation of collected data (Code of Ethics, 2007). From the interviews conducted, a large amount of data was obtained by transcription which was analysed by coding (Cohen et al., 2007). Coding was done in order to avoid the usual data overload in qualitative studies (Miles and Huberman, 1994, quoted in Cohen et al., 2007). Bearing in mind the above stated, Kerlinger (1970, quoted in Cohen et al., 2007) defined coding as a procedure in which the responses and information obtained from the respondents are translated into specific categories, i.e. responses are converted into results. In this paper, the coding started after the transcript of the interview although Tkalac Verčič et al. (2013) state that coding can be begun during the data collection process.

**Research results**

**1. First research question: Pedagogue's and social worker's satisfaction with the chosen profession and their satisfaction with the collaboration**

Having talked to the pedagogues and social workers, it is concluded that all of them are happy with their choice of study and profession. Both groups were guided by altruistic motives when they were choosing their profession (working with children, the helping profession): "*But certainly some kind of work with children, yes. Probably something similar ... I was torn between languages and pedagogy and I chose pedagogy* "(pedagogue A). The results also showed participants' intrinsic motivation (work energy, goal orientation, and training): "*Yes, because it is a combination of various knowledge and skills, because this is a very noble vocation, and because this is a job that enables us to really change things*" (social worker B). The obtained results are consistent with a research by Marušić, Jugović and Pavin Ivanec (2011, quoted in Šimić Šašić et al., 2013), which explored the motivation for choosing the teaching profession, which is similar to the profession of the pedagogue. Marušić et al. (2011, quoted in Šimić Šašić et al., 2013) reported the same altruistic (working with children, helping children to succeed, wellbeing of the society) and intrinsic reasons (interest in transferring specific knowledge). Šimić Šašić et al. (2013) in their research on the teaching profession also stated extrinsic motivations (long holidays, salary, social status) which the participants in this study do not stress.

In the city of Split there are twenty-seven schools and every social worker is responsible for two or more city districts as well as for schools located in the particular district. The analysis of responses leads to the conclusion that collaboration exists, but it could be better and that it takes place if necessary. Pedagogue A said that she collaborates: "*With social workers and with the centre "when the problem occurs", that is when violence or abuse are reported, when there are difficulties related to collaboration with parents and that's it.*" Pedagogue B explains: "*Actually, I collaborate with the centre in relation to pupils who have behavioural problems most often, with our competent social worker for this area. And with the supervisor, as we have pupils who have control or family has control over the execution of parental rights and is then necessary to collaborate with them as well.*"

Pedagogues and social workers collaborate most often in relation to children who are under increased care and supervision [28] of the social welfare centre. This measure is carried out by a qualified person appointed by the social welfare centre depending on the place of residence of the child.

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[28] Increased care and supervision is one of the correctional measures in the *Juvenile Courts Act* (*Official Gazette*, Nos. 111/97, 27/98 and 12/02)

Social workers provided answers similar to those by pedagogues: they collaborate only when there is a problem, and pedagogues are always ready for collaboration. However, pedagogues have certain objections regarding the feedback from the social welfare centre on the individual child. Pedagogue C notes: "*I think that our law requires that we get feedback, but they (the Social Welfare Centre[29]) say that according to their law it is not mandatory, so we never get any information in writing*." The need for feedback is justified and expected, and is regulated by the Family Act (Art. 132): *the social welfare centre shall immediately upon receipt of the report from Paragraph 1 of this article investigate the case and take measures to protect the child's rights and notify the complainant.*

Pedagogues and social workers tend to use the traditional forms of collaboration (short briefings) that they both justify by heavy workload, which is the reason they do not manage to do more than the basic tasks. Pedagogues state that schools have over 500 pupils, but only one pedagogue in the professional counselling team.

Social workers agree with their opinion, but also point out that it is important to react in time and not when it starts "burning under their feet". Social worker C states: "*The problem is that I would sometimes receive inquiries too late, at the end of the school year. School could have contacted us at the beginning of the school year. We don't really have to cooperate at the last stage. And also, which I also find surprising is that schools generally do not want to apply measures and seem to be apologizing to me for it*." Pedagogical measures in primary school according to the Ordinance of the Criteria for the Imposition of Pedagogical Measures (2015) are: admonition, reprimand, severe reprimand, and transferral to another school. Pedagogical employees in schools often do not impose pedagogical measures on time and pupils continue with unacceptable behaviour, so social worker A emphasizes: "*We had a case when a child was threatened to be expelled because of a fight, but no prior measures were used so we sent an official letter to the high school. We talked to the school's psychologist and we soon solved the problem. The fact is that the school has its own system of measures and sanctions that need to be applied, and we very much support it.*" When there are uncertainties and dilemmas, it would be desirable that before imposing pedagogical measures the school's professional team consults with the competent social welfare centre. Unwanted consequences could be thus avoided.

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[29] Authors' note

**Second research question: Planning and methods of collaboration between a pedagogue and social worker**

In the annual school action plan under the category of "other work", pedagogues plan to collaborate with social workers, but for example, even though schools develop and implement school prevention programmes (primary and secondary prevention), social workers do not participate in their implementation. Pedagogue A: "*We have school prevention programmes that are the prevention of violence, conflict prevention, violence awareness, awareness of some difficulties, neglect of the educational function of the family and all that*." We believe that quality collaboration between the social welfare centre and the school could yield positive results in the primary prevention area.

Interviewed pedagogues emphasise that they know the rules and regulations on situations in which they must contact the social welfare centre particularly in situations when children's rights are violated. According to the *Primary and Secondary* School *Education Act* (2014, art. 70): *Primary-school teachers, subject teachers, professional staff and other employees in educational institutions are obliged to undertake measures to protect the rights of pupils and to report immediately on every infringement of those rights, particularly on all forms of physical or psychological violence, sexual abuse, neglect or negligent behaviour, maltreatment or exploitation of pupils, inform without delay the principal of the educational institution who is duty-bound to report it to the relevant social services body or other competent authority.*"

On the basis of the report, the Centre determines whether control needs to be imposed. According to Poredoš et al. (2006) the social welfare centre gets most information from the school (40%), family members (20%), health care institutions, the centre itself (15%), anonymous reports, and the police (5%). A research by Hrabar and Korać (2003) carried out across Croatia showed that unlike the police, schools most often do not act appropriately. Our research shows that social workers believe that pedagogues are reluctant to report a problem and that they act only when it is too late as illustrated by the example which was put forward by social worker B: "*We inform you that our pupil A.B. who is in the sixth grade has not been attending classes regularly for unknown reasons. The pupil often comes to school without the necessary supplies, the textbooks and notebooks are messy. The pupil often comes sloppy and sleepy to school. Parents do not respond to our call to come to talk about this. Please look into the situation and inform us on the information received.*" When a social worker receives such a request, he discusses it and collaborates with the school or other institutions where the pupil spends his time, and then with the child and his parents and social anamnesis is done. Social anamnesis is a document that contains information about the pupil and why he came and

179

is relevant for future steps that will be undertaken for the benefit of the child. If it is recognised that there are disadvantages that prevent the normal development of the pupil, the family is warned, and if the warning is ignored, the social welfare centre imposes supervision of parental care.

This research has shown that social workers do not plan the collaboration with pedagogues, but they collaborate when a problem is detected. Social worker C points out: "*We do not have it in the plan at all, although we should, but we have these social pedagogues who collaborate a bit more with schools. They are the members of our professional team, and that's why ... We collaborate when it starts "burning under their feet", either the school turns to us, or we turn to them with some questions.*" However, one of the three interviewed social workers (B) goes to school regardless of whether a problem has occurred: "*Well, I usually at least once a month go to school then together with pedagogues, if necessary with class masters or psychologists depending on the team at school, talk about some things. Sometimes before a problem occurs, sometimes when a problem has occurred, it all depends, the job is such that it is unpredictable and sometimes we have information from schools that there are families, that is a child, who could possibly go into treatment of the centre because of certain reasons. And at those meetings we always look at the progress of children who are already in treatment, and agree on further collaboration with schools*."

This research has also shown that social workers and pedagogues usually communicate by telephone, official letters and e-mail, and the least in person (social worker A): *"Oh yes, letters and phone, but most often the phone and then an official note is made after each telephone conversation."* Social worker B gives an example of how a collaboration should not look like, and refers to sending confidential information via other people: *"What can I say, it happened to me in primary school XY that over the phone I communicated (what I had to) and then they literally sent me an official letter with the required information by the cleaning lady."* Under article 18 of the Social Welfare Act (2015) the user must be ensured the confidentiality and protection of personal data and under article 19 of the same Act the user has the right to respect of privacy. Circumstances permitting, the priority is always given to personal meetings of experts. In direct communication, they can inform each other more thoroughly, discuss, arrange, and plan not only future actions and activities, but also ways of monitoring results and jointly develop an effective strategy to problem solving (Jurić, 2004). Primary and Secondary School Education Act (2014, Art. 57) also emphasises collaboration: *Schools also collaborate by receiving services from the social welfare institutions and health facilities, especially regarding the rehabilitation services and amenities.*

**Third research question: The perception of one's own competences and recommendations for improving future collaboration between pedagogues and social workers.**

Data collected in this research show that pedagogues and social workers perceive themselves as professionally competent, apart from one social worker (C), who sincerely expressed a genuine uncertainty because she has not been working for a long time: "*Well what do I know, I'm pretty new at this, there should definitely be more effort, knowledge, skill and ability, more training.*" Other research participants base the perception of their own competence on their long experience or professional training they are currently attending or have attended. Pedagogue B says: "*I think that after thirty years of working in primary school I am competent for quality collaboration.*" Research participants (pedagogues and social workers) assess knowledge acquired in seminars and courses as important and emphasise their usefulness in personal or professional life and work, which is in line with a research by Cindrić et al. (2016). In addition, Shannon and Bylsma (2007) point out that every professional should place emphasis on education and training in areas most needed for the job. Participants in this research recognise this need and are already included in some type of professional development, or plan to do so in the near future, knowing that quality training is one of the protective factors, in particular because of the threat of burnout. Therefore, pedagogue B says: "*I think it's important to work on oneself because the job is such that we very quickly burn out and then forget why we came here, various types of training help us remember."* In schools there can be a gap between the leading pedagogical goals and instructional practices leading to job *dissatisfaction* and burnout (Gudjons, 1994). Therefore, a continuous and well-designed professional development is necessary and welcome. When not attending formal professional training courses, pedagogues and social workers learn informally from professional literature, and that is very often their only mode of training due to lack of funding. Social worker A says: "*I would enrol into something new if I had the money, I still yearn for knowledge. Just, the money is my biggest problem.*" Milat (2005) emphasises that the need and interest for continuous learning is not just a matter of adult students, but is also a need and in the interest of companies in which professionals work.

Participants in this research offered suggestions for improving collaboration considering it is necessary to amend the Social Welfare Act which would make feedback compulsory with the aim of improving collaboration between pedagogues and social workers and welfare of the child. Pedagogue A says: "*Well, this feedback is insufficient, and maybe there should be some additional regulations so that this collaboration is more open in terms of some sort of procedures that would be known, not like this, on some kind of voluntary basis.*" Pedagogue C besides the need for feedback indicates the

need to harmonise both, Social Welfare and Family *Act*, and points out: "*They refer to their act - Social Welfare Act, which does not oblige them; however, in our Act it says that the Centre is obliged to give us feedback. And that's the problem.*" It is clear that the legislation is inconsistent in some aspects. Therefore, it should be pointed out that the Family Act (2014) obliges educational institutions to provide the social welfare centre and guardian with all important information relating to the ward. However, according to the Rules of Procedure in Cases of Sexual Violence in Schools (2014) school is not required to submit a written report to the centre, but is obliged to verbally inform the parents, social welfare centre, police, and Ombudsman for Children.

Researching the position and role of professional experts in primary schools, Margetić and Krapac (1992) found that teachers and the professional team continuously aim at completing the professional counselling service at school. It has been 25 years since this research was conducted and primary school system has developed considerably. However, in this aspect significant progress has not been noted, although the National Pedagogical Standard for Elementary Education (2008) explicitly states what profiles of professionals are needed for educational work of primary school which are as follows: pedagogue, psychologist, education and rehabilitation specialist, a librarian, and a health worker. Later research (Vrgoč, 2000) suggested that the collaboration would be even better and more efficient if the social worker was an integral part of the school team. Primary school Lapad[30] is one of the shining examples of the employment of a social worker. The social worker at primary school Lapad by telephone confirmed to the researcher that she is the member of the school team and she got the job through the project of the City of Dubrovnik whose goal is the employment of different profiles of professionals in primary school than the usual ones.

In accordance with the Ordinance on Compulsory Weekly Working Hours of Teachers and Assistants in Primary School (2014), this social worker from Lapad plans and programs work, is in direct contact with pupils, parents and school employees, takes care of the social status of pupils and their families, collaborates with the local community, if necessary, places pupils in other families and institutions, procures supplies and textbooks for socially disadvantaged pupils, conducts individual and group work with children and families, and participates in the creation of school-based prevention programmes. There are many reasons why the practice of employment of social workers should become a reality in primary schools: social worker on site can assess the situation and hold the necessary consultations with other experts, can create case studies that will help in future work with pupils,

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[30] http://www.os-lapad-du.skole.hr/

parents and families, and can collaborate with institutions in the local community. The social worker may also include school mediation as a possible approach to problem solving. Unfortunately, we have witnessed that professional teams in primary schools are staffed very slowly and that social workers as internal members are rarely hired.

On the other hand, the results of a longitudinal study in the period from 1993 to 2003, show a fall in the number of professional staff in primary schools for about 30%, while at the same time, for example, in Slovenia a growth of 60% has been recorded (Mrkonjić, 2003).

## Instead of a conclusion – a SWOT analysis of the results

A SWOT analysis based on the research results was performed. It provides an insight into the protective and risk factors of achieving collaboration between pedagogues and social workers (Table 1).

| | POSITIVE | NEGATIVE |
|---|---|---|
| **INTERNAL ANALYSIS** | **STRENGTHS**<br>● specific knowledge and skills<br>● child comes first<br>● motivation (intrinsic)<br>● altruism<br>● flexibility and adaptability<br>● openness to collaboration and dialogue<br>● awareness of the need for real collaboration<br>● direct contact<br>● positive view on solving social problems (poverty, abuse, cutting classes, addiction ...)<br>● collaboration with other bodies at the local and national levels<br>● teamwork (pedagogue in his team, social worker in his team)<br>● perception of the usefulness of working on oneself | **WEAKNESSES**<br>● problems of information flow<br>● ignorance of the law<br>● extrinsic motivation<br>● slow reaction<br>● lack of staff in school and the social welfare centre<br>● lack of feedback between schools and social welfare centres<br>● lack of professionalism when exchanging information<br>● job burnout<br>● non-existence of teaching methods for a social worker in schools |
| **EXTERNAL ANALYSIS** | **OPPORTUNITIES**<br>● organising professional meetings<br>● changes in legislation | **THREATS**<br>● non-implementation of laws<br>● ambiguity of the law |

| | | identifying problems on time <br> • better connections between the school and the social welfare centre <br> • financial support for professional training <br> • quality collaboration between the school, the family, and the social welfare centre <br> • intensive collaboration <br> • building quality relationships <br> • employing a social worker in school | • lack of laws on collaboration between schools and the social welfare centre <br> • slow response in certain cases <br> • lack of regular exchange of information <br> • negative public opinion on the school and social welfare centre <br> • lack of mutual trust <br> • negative and bombastic titles in the media where the school or the social welfare centre are reported on in a negative context <br> • increasing number of complex cases that require more time and specific knowledge <br> • collaboration mainly when it starts "burning under their feet" <br> • lack of joint planning on time and tracking the results <br> • different experiences and different views on the issue (school perspective / perspective of the social welfare centre) |
|---|---|---|---|

Table 1. SWOT analysis

A review of Table 1 shows that research participants (pedagogues and social workers) assessed and explicitly stated as positive (strengths and opportunities) the factors relating to: **collaboration** (identifying problems on time, better connections between the school and the social welfare centre; quality collaboration between the school, the family and the social welfare centre; intensive collaboration; building quality relationships; openness to collaboration and dialogue; awareness of the need for real collaboration; direct contact; collaboration with other bodies at the local and national level; and teamwork (pedagogue in his team, social worker in his team); **education/training** (organising professional meetings; financial support for professional development; perception of the usefulness of working on oneself); **personality traits and personal views** (specific knowledge and

skills; child comes first; intrinsic motivation; altruism; flexibility and adaptability; a positive view on solving social problems (poverty, abuse, cutting classes, addiction ...) and the need to **change the legislation** and **employ a social worker in school**, as something that can be relatively easily solved  and would probably have positive results.

Research participants point out several negative factors, i.e. threats and weaknesses (we will list only a few): problems of information flow, ignorance of the law and slow reaction, lack of staff in school and the social welfare centre, job burnout and lack of support from the media and the public. All of the above shows the commitment of the profession to build a quality collaboration of the two systems (school and the social welfare centre), because it is aware that the ultimate goal - the welfare of the child (in the end, of the family and society) largely depends on their collaboration. The relevant social factors (Ministries, Agencies, media, etc.) should make efforts and provide appropriate assistance and support in achieving the ultimate goal.

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# Design and Implementation of a Digital Bracelet to Regulate the Rhythm of the Heart

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**Abstract**
  The aim of this present study is to help people suffering from cardiovascular diseases by designing and implementing a digital bracelet that allows keeping a record of cardiac behavior to generate a more optimal diagnosis of the patient's current state and the evolution of the heart rate of the same patient. The research used the evolutionary methodology. This methodology consisted of three stages: specification, development, and validation. In this study, 95% reliability was used. The results obtained with the present study were favorable. In addition, the digital bracelet has an important acceptance both in the patients and in the doctors who attended the people with cardiovascular disease.

**Keywords:** Cardiovascular diseases, digital bracelet, cardiac behavior

**Introduction**
  Epidemiological research on the causes of cardiovascular diseases (CVD) began at the beginning of the century. The influence of diet on the development of arteriosclerosis was first described in 1913 by Anitschkow. The incidence of CVD increased from the beginning of the century to the point where it became the leading cause of death in industrialized countries. However, this was because each country changed its traditional lifestyles. In the United States, this happened in 1920; in Spain, it did not happen until the end of the decade of the 50 (UNED, 2017).

The World Health Organization (WHO) (2013) argues that life expectancy at birth has increased substantially in recent decades worldwide. Concurring with the same ideas of the World Health Organization (2013), this organization has registered that it has gone from 64 years on an average in 1990 (62 in men and 67 in women) to 70 years in 2011 (68 in men and 72 in women).

In regards to the 34 states that make up the Organization for Economic Cooperation and Development (OECD), an average of 80.1 years was reached in 2011. This average represents an increase of 10 years compared to the 1970 data.

Spain was more than two years above that average with 82.4 years and is only below Switzerland (82.8 years), Japan (82.7 years), and Italy (82.7 years) (OECD, 2013).

**Cardiovascular Diseases**

Barrera (2015) argues that cardiovascular diseases are a group of disorders of the heart and blood vessels. The term "cardiovascular diseases" is used to group different types of diseases related to the heart or blood vessels (arteries and veins). The said expression describes any condition that compromises the cardiovascular system. Also, it is commonly used to refer to atherosclerosis. These pathologies have causes, mechanisms, and related treatments.

The World Health Organization (2015) mentions that cardiovascular diseases (CVD) are a group of disorders of the heart and blood vessels, including:

• Coronary heart disease: disease of the blood vessels that supply the heart muscle;

• Cerebrovascular diseases: diseases of the blood vessels that supply the brain;

• Peripheral arteriopathies: diseases of the blood vessels that supply the upper and lower limbs;

• Rheumatic heart disease: injuries of the heart muscle and heart valves due to rheumatic fever, a disease caused by bacteria called streptococci;

• Congenital heart disease: malformations of the heart present from birth;

• Deep vein thromboses and pulmonary embolisms: blood clots (thrombi) in the veins of the legs, which can detach (emboli) and lodge in the vessels of the heart and lungs.

Likewise, the World Health Organization (2015) argues that heart attacks and strokes are usually acute phenomena that mainly occur due to obstructions that prevent blood from flowing to the heart or brain. The most frequent cause is the formation of deposits of fat in the walls of the blood

vessels that supply the heart or brain. CVA may also be due to hemorrhages of cerebral vessels or blood clots. Heart attacks and strokes are often caused by the presence of a combination of risk factors, such as smoking, unhealthy diets and obesity, physical inactivity, harmful alcohol consumption, high blood pressure, diabetes, and hyperlipidemia.

**Cardiovascular Diseases Worldwide**

According to the data of the World Health Organization (2015):

• CVDs are the leading cause of death worldwide. Every year, more people die from CVD than from any other cause.

• It is estimated that 17.5 million people died in 2012, representing 31% of all deaths worldwide. Of these deaths, 7.4 million were due to coronary heart disease, and 6.7 million due to stroke.

• More than three quarters of deaths due to CVD occur in low and middle income countries.

• Of the 16 million deaths of people under 70 years of age attributable to non-communicable diseases, 82% correspond to low and middle income countries and 37% are due to CVD.

• Most CVD can be prevented by acting on behavioral risk factors, such as tobacco use, unhealthy diets and obesity, physical inactivity or harmful alcohol consumption, and using strategies that cover the entire population.

• For people with CVD or with high cardiovascular risk (due to the presence of one or more risk factors, such as high blood pressure, diabetes, hyperlipidemia or some CVD already confirmed), early detection and early treatment are essential. This can be done through counseling services or drug administration as appropriate.

**Main Risk Factors**

Association (2017) mentions that the most important causes of heart disease and stroke are an unhealthy diet, physical inactivity, tobacco consumption, and the harmful consumption of alcohol. The effects of behavioral risk factors can manifest in people in the form of high blood pressure, hyperglycemia, hyperlipidemia, and overweight or obesity. These intermediate risk factors, which can be measured in primary care centers, are indicative of an increased risk of heart attacks, strokes, heart failure, and other complications.

**Common Symptoms of Cardiovascular Diseases**

Association (2017) mentions that the underlying disease of the blood vessels often does not present symptoms, and its first manifestation can be a heart attack or a stroke. The symptoms of heart attack consist of:

- Pain or discomfort in the chest,
- Pain or discomfort in the arms, left shoulder, jaw or back.

In addition, there may be difficulty breathing, nausea or vomiting, dizziness or fainting, cold sweats and paleness. Shortness of breath, nausea and vomiting, and pain in the jaw or back are more frequent in women. Continuing with the same ideas of Association (2017), the most common symptom of CVA is the sudden, usually unilateral, loss of muscle strength in the arms, legs or face. Other symptoms consist of:
• The sudden onset, usually unilateral, of numbness in the face, legs, or arms;
• Confusion, difficulty speaking or understanding what is said;
• Visual problems in one or both eyes;
• Difficulty walking, dizziness, loss of balance or coordination;
• Severe headache of unknown cause;
• Weakness or loss of consciousness.

**Cardiovascular Diseases in Mexico**

According to data from the World Health Organization (2014), he argues that cardiovascular diseases are responsible for 54 percent of deaths that occur every year in Mexico, and some of them are due to lack of adherence to treatment .

According to the National Institute of Public Health (INSP), 68.5 percent of Mexicans have problems of obesity and overweight; 58 percent have diabetes; 21% has dyslipidemia; and another 43.2% hypertension. These conditions compared to the last 13 years have grown by 22 percent. Around the world, at least one in three people lose their lives due to a pathology related to cardiovascular diseases. This was according to statistics disseminated here by the INSP and the Mexican Society of Cardiology.

**Evolutionary Theory**

Ortega (2013) points out that the evolutionary methodology was proposed by Mills in 1980. He suggested the incremental approach to development as a way to reduce the repetition of work in the development process and give an opportunity to delay decision-making based on the requirements until it acquires experience with the system.

Evolutionary development is a software development methodology closely related to, but clearly distinct from, development by prototypes. Therefore, emphasis is placed on the importance of obtaining a flexible and expandable production system. Thus, if the requirements change during the development of the system, then a flexible work system can be developed with a minimum effort and time.

The fundamental difference between evolutionary development and software prototypes is that evolutionary development seeks to replace the old

system with a new one that would have the property of satisfying new requirements as quickly as possible. In contrast, prototypes use an iterative approach only to determine generational requirements. Therefore, the time taken between each Hite ration is much more important for the evolutionary development. Also, the stages of evolutionary development aim to extend the increments of an operational software product in the directions determined by the evolution of the operational experience.

The model of evolutionary development can be ideally associated with a fourth generation application language and better still situations in which the user says: I cannot talk to you about what I want, but I would recognize it if I saw it. Thus, this method would quickly provide the user with an initial operational capacity and, in addition, establish a real operating basis to determine the subsequent improvements in the product.

With the existence of the evolutionary method, a new problem in the development of systems is configured. That is, the crisis now expands in the sense that not only is it required to reflect as accurately as possible the needs of the user, but now the environments in which the system is inserted are subject to change. As a result, these changes affect the effectiveness of the software that was developed. This was articulated by Lehman at the beginning of the eighties, when defining the laws of software evolution, whereby the first two laws are directly related to what is described.

Lehman proposes that the evolution of a software system is subject to several laws. It has determined these laws from experimental observations of several systems, such as large operating systems (...). Lehman says that there are five laws of the evolution of the programs:
•       Continuous Change.
•       A program that is used in a real-world environment must change or become less and less useful in that environment.
•       Increasing complexity.
•       As an evolving program changes, its structure becomes more complex, unless active efforts are made to avoid this phenomenon.
•       Evolution of the program.
•       The evolution of the program is a regulatory authoring process and a measurement of system attributes, such as size, time between versions, and number of errors noticed, etc. Thus, this reveals significant statistical trends and invariant characteristics.
•       Conservation of organizational stability.
•       During the life of a program, its speed of development is almost constant and independent of the resources dedicated to the development of the system.
•       Conservation of familiarity.

Figure 1. Example of the evolutionary methodology

## General Objective

Design and implement a digital wristband to regulate the rhythm of the heart

## Justification

In more than 60% of cases, these risk factors are not adequately controlled, and improvements in this field remain scarce. More than one-third of patients with acute myocardial infarction die before reaching the hospital without receiving effective treatment (Banegas, Villar, Graciani & Rodríguez, 2006).

Eguizábal (2014) argues that mobile health applications generated in 2015 is a business of 4,000 million euros in Spain. They are the third fastest growing category, behind games and utilities.

In Mexico, there is no bracelet that helps regulate heart rhythm in patients suffering from cardiovascular disease.

## Methodology

The evolutionary methodology was chosen as a result of a consensus with all the members of the team and those methodologies that had more voting. Also, the choice of the team was also because the methodology admits a greater margin of error, for example, a specific cascade methodology that can only be advanced if the previous stages have been completed. This is an inconvenience since in advancing, you may encounter problems such as: poorly stated requirements, a poor system finish, unforeseen errors, etc.

## Initial Specification

According to data from INEGI (2015), Mexico has 8.9 million inhabitants of which 30% of its population suffers from heart problems. Mexico ranks second for this cause. That is why the Digital visa company emerged.

195

The digital wristband records heart beats per minute. By means of a heart rate sensor, it also allows entering personal and clinical data, as well as selecting the type of muscular pain that the patient has at the moment (left shoulder, head, chest, thoracic). Pain makes the time of beginning and ending to be stored in a database, specifying the time it was given and when it ended.

This bracelet has:
o Oled touch screen. ®
o Plate raspberry pi 3 MODEL B. ®
o Heart rate sensor. ®
o Rechargeable battery. ®
o Memory micro sd class 10. ®

**Development**
The research started with the prototype, which is characterized by the design of the interface. Figure 2 shows an example of prototype 1.
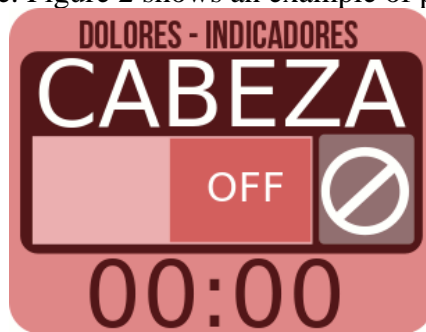


Figure 2. Example of prototype 1

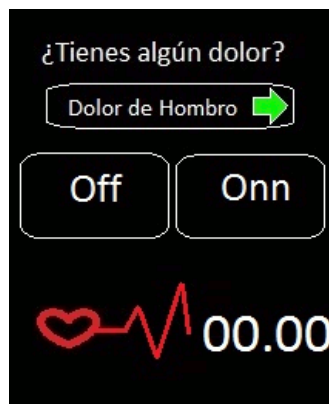After the interface continues to improve, Figure 3 shows an example of prototype 2.



Figure 3. Example of prototype 2

As the investigation progressed, the interface was restructured. However, Figure 4 shows an example of the prototype 3; likewise the following was added:

• Start (will serve to start running the pain time).
• Stop (for pain).
• Send (send the data collected to a database).
• Counter (which will let the specialist know how long the muscle pain lasted).
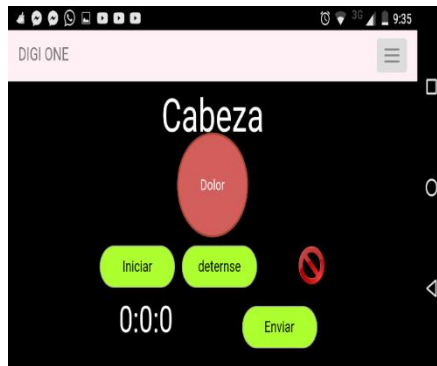


Figure 4. Example of prototype 3

The investigation proceeded with acceptable results. Figure 5 shows the idea (prototype 4) of the design of the bracelet.
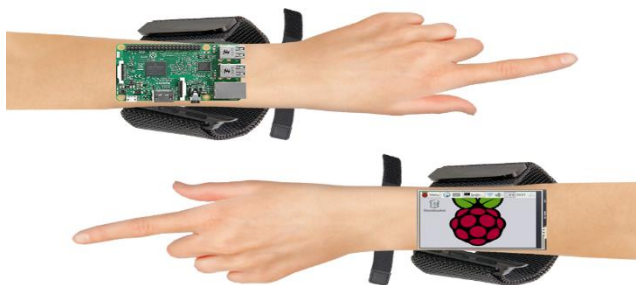


Figure 5. Example of prototype 4

The investigation continued to obtain positive results. Figure 6 (prototype 5) shows the final interface.

Figure 6. Example of prototype 5

In the programming part, the most sophisticated in the technology industry was used. In the case of the database, firebase was used. It is a non-relational database of documents and the information is handled perfectly in real time. It is compatible with mobile devices and web services. This information about the database was taken from Tamplin and Lee (2011). Figure 7 shows part of the code generated through the investigation.

```
var db = firebase.database();
//Guardar Datos de registro
document.getElementById("registro").onsubmit= function(event) {
    event.preventDefault();
    console.log('Trabajando');

    let nombre = document.getElementById("nombre");
    let apellidos = document.getElementById("apellidos");
    let edad = document.getElementById("edad");
    let peso = document.getElementById("peso");
    let domicilio = document.getElementById("domicilio");
    let sangre = document.getElementById("sangre");
    let telefono = document.getElementById("telefono");
    let celular = document.getElementById("celular");
    let correo = document.getElementById("correo");
    let usuario = document.getElementById("usuario");
```

Figure 7. Example of part of the code

In the part of the interaction of the bracelet with the client, a tag language called "HTML5" was used to perform its interface since most users have used a web interface either on mobile devices or on a computer. Based on the HTML content, the information was taken from W3C (1993).

Likewise, it is managed with a framework called Vue.js which is a progressive framework for the construction of the user's interfaces. Vue is also perfectly capable of supplying energy to sophisticated single-page applications when used in combination with modern tools and libraries of support. It is done with the purpose that the interface is reactive. This means that they work in real time without the need to be loading the document every time one works on the interface. The framework was taken from You Vue.js (2014-2017).

In the part of the programming, the JavaScript language is being used. It is one of the most used programming languages in the technology industry in the case of interaction of hardware (motors, sensors, LEDs, etc.); in this case, it is with the heart rate sensor and programming (W3C, 1999).

Many tests were carried out with the heart rate sensor to have a certainty of the pulsations already investigated and by the doctors specialized in the area of cardiology. This information about cardiac pulsations must have, on an average, one person who went through interviews with the doctors and investigations already done. Work continues to improve the accuracy of the pulsations that a person can have. Figure 8 represents an example of the tests of the final prototype.
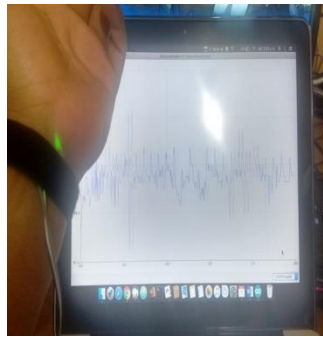


Figure 8. Example of prototype tests

The bracelet will have a database which will allow you to keep track of the different types of pains obtained per day. Likewise, the bracelet will have sample graphs of results obtained from the muscular pains. The use of this bracelet will only be for people who suffer from heart problems.

**Implementation**

The final prototype was implemented. Figure 9 represents an example of the digital bracelet.



Figure 9. Example of final prototype

Figure 10 represents the user interface.



Figure 10. Example of the user's main window

When the product reaches the user's hands, the first thing he will see when he turns on the bracelet will be the next window in which he will have to fill in the information he asks the patient. Figure 11 represents an example of the secondary window.



Figure 11. Example of secondary window

By clicking here, the patient will be able to see the types of pains he suffers.

When the patient selects a pain (in this example the headache), the user can click on the start button and start counting the time the user feels discomfort. It won't stop until the user presses the stop button.

The (Send) button will send the start time, the type of pain, and the end time of the discomfort to a database in which these data will be stored. This is because with these data, you can create statistics that will help the doctors to have a better diagnosis. Figure 12 represents an example of the aforementioned.

Figure 12. Database example

## Results

With the tests and investigations that were carried out during the creation of the digital wristband, favorable results were obtained, both in the medical specialists as well as in the patients. Thus, it facilitates the process of medical consultation through the use of technology, taking a control of the symptoms of the patient's evolutionary process.

The use of this digital wristband is very pleasant and easy to use, since with just a click on the screen, the patient can add their pain information. With this, the information will be stored in the database that will be connected via local by means of a memory that contains the bracelet. Also, when you have access to the internet, it will go up in the cloud so that the doctor can see the patient's progress.

## Acknowledgement

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# Motivational Interview as a Method of Treating People with Dual Diagnosis

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**Abstract**

The ideal, the spiritual and the most important element of motivational intelligence is cooperation. The idea is to focus on helping with motivational problems where the customer is not ready or willing to change or have a sense of ambivalence. It is certain that motivational intelligence is not a collection of techniques.

This involves the attitude of the therapist, who does not assume absolute authoritarian attitude and is more of a partner, and rather is to investigate the client's problems with the exclusion of the attitude of giving instruction, moralistic recommendations. It is generally about support and more about creating a friendly interpersonal atmosphere that encourages cooperation. The therapist's tone of wisdom is not acceptable, but rather the actual picture of the condition being extracted from the patient. This method is more like Socrates than university lecturer. The form of educare, mining is the most appropriate. The goal is to discover within yourself the motivation for change and its extraction. The article describes the motivational intelligence technique as a tool for social workers.

**Keywords:** Motivational interview, social work, disabled people, dual diagnosis

**Introduction**

The ideal, the spiritual and the most important element of motivational intelligence is cooperation. In principle, this method is to focus on helping with motivation problems in cases where the client is not ready or willing to change or had uczcicie ambiwalen angle. It is certain that motivational intelligence is not a collection of techniques. This involves the attitude of the therapist, who does not assume absolute authoritarian attitude and is more of a partner, and rather is to investigate the client's problems with the exclusion of the attitude of giving lectures, moralistic recommendations. It

is generally about support and more about creating a friendly interpersonal atmosphere that encourages cooperation. The therapist's tone of wisdom is not acceptable, but rather the actual picture of the condition being extracted from the patient. This method is more like Socrates than university lecturer. *Educare form,* extraction is the most appropriate. The goal is to discover within yourself the motivation for change and its extraction.

Responsibility for the change that is to take place rests with the client, because only the customer can decide to change. Whereas the aim is to strengthen the internal motivation to the customer has taken limited hours Vanyamake changes arising from the conviction of a non-therapist (Rollnick, Mason, Butler 2002). No therapist and client in a well-motivated interview give reasons for change.

Under the assumptions ChNPP therapist observes and controls its own aspirations, which hinder more than help. Many authors (Rollnick, Mason, Butler 1999) clearly distinguish motivating interview from the clinical interview.

This motivational intelligence is based on partnership. The therapist creates the atmosphere to change, not forced. In no case will the therapist be concerned about defective customer views, imposing awareness and acceptance of reality, which the client does not see, or does not agree. Neither is there any lack of knowledge or insight into the customer conditioning the change. These deficits do not catch up. On the other hand, the customer's motivation for change is assumed. Motivation is reinforced by the knowledge and views of the customer. The client's self-esteem, which is clearly motivational in his interview, assumes his ability to direct himself and his ability to make decisions.There is no reference here to what the client is supposed to do. Interview incentive is based on four basic principles of a more practical (Miller 2001). It distinguishes the rules:

- Express what empathy;
- develop divergences;
- use resistance;
- support self-efficacy.

Empathy is the basic feature of a motivational interview involving active listening, or acceptance. Activity is listening and understanding the feelings, views of the client without making an assessment, criticizing and blaming.This does not mean in any way unanimity or approval, but one can attest to the acceptance and understanding of the client's point of view, which the therapist does not agree or disagree with. Accept and understand the customer's point of view. Empathetic therapist tries to understand the client's feelings and views without judging, criticizing and blaming. The empathic therapist tries to accept the client's views as understood and, at least within his hierarchy of values,sadnione. Accepts ambivalence, as a normal part of human

experience and change, he does not see as malignant pathology or defensiveness.

Motivating purpose of the interview is to encourage the client not to accept himself as he is. In case of double diagnosis, changes are recommended. The importance is how to present the customer a reality that does not belong to the pleasant. In these circumstances, the interview incentive may be modified.

Customer focused therapies, which are used in other cases, help people understand and organize their lives, or make important decisions. The motivational interview is based on a specific goal: to start the change process, assistance in the transition to the ambivalence stage and to the leading to a positive change in behavior. One of the principles of motivational interview is that you must create and deepen the gap (from the point of view of the customer) between its present and I saved his goals and values (Miller 1983), namely the creation of cognitive dissonance, using the concept introduced by Leona Festingera (1957). In this perspective, about six more easily understoodnot as a condition in the discrepancy between the current state and the desired state while avoiding the pursuit of cognitive consistency.

It may result from the current cost of awerness of hiding and dissatisfaction with it and the expected benefits of changing behavior. When a person perceives the behavior as a colloquial giving important goals (such as health, success, happiness a family or a positive self-image), the probability of you the change is greater.

If the behavioral variation is very large, the donkey can be motivated, reducing trust. The larger the abyss, that man Age has less faith in being able to jump. Rozbieżność in the Retention may be relatively small, but the importance of overcoming it is very high. While it is easy to imagine a gap in behavior so large that it negatively influences motivation, it is hard to imagine a change too important to implement. Just as validity and trust are different aspects of motivation, so different Race and behavior change influence motivation in many ways the way.

Many people see the meaning at the time they sign up for advice the divergence between what is happening in their lives and what they would like. At the same time, they are ambivalent; are involved in conflict-avoidance. The purpose of the motivational interview is to explain - Dissemination of discrepancies - use of it, gradual intensification and finally - to bring such intensity that it breaks the inertia status quo. The O wiadzeie motivating substantially choddzi by making changes in the client is not due to okliczności or n Ciski and external, these changes need to be internal. Intelligently motivated interview the person changes the perception (divergence) without triggering the client the impression of

205

coercion or pressure. A sense of compulsion arises when one tries to change behavior because it is divergent  ne of the goals or values of others.

The result of this approach is that the client himself gives reasons why he or she should change and not listen to the therapist. People often much more convinced what they say than what they hear from others.

Another pallet is the use of customer resistance. Failure to discuss, bind the arguments of the client. In the situation of emerging ambivalence should be forced to force the client to accept the therapist's argument, because in defense there appears defending. Korzsystną przypadu this strategy is not replies Æ atau but use the force of arguments customer and rotates it so that it to your advantage. Keep in mind that the customer is not in the motivational interview to beat. The customer's resistance can be rotated or slightly reformatted to create a new impetus for change. in the interview  The motive does not resist directly, but it is used to surrender to it. In general, the customer makes the final decision about what to do with the problem material. Tera  Peut does not fight reluctance and ambivalence, but recognizes them as natural and understandable. Does not impose a new customer views or purposes, but it only shows the new information and offers a new look at the problem. The customer will take what he needs. With achowania client and that is called "resistance" in the interview are motivating signal for the therapist that zoom  do not modify your approach a bit. Resistance is an inter phenomenon  personal, and the response of the therapist decides whether it will be intensified or weakened (Miller, Rollnick 2002).

Self-efficacy is the principle on torej ope ra to wyuwiad motivating. . Samosku teczność is one of the most important elements, and gives motivation to change nadziję Frank, Frank, 1991; Miller 1985, Shapiro 1971). The client, in principle, should be convinced of the possibility of poonywania obstacles and make changes (Jones, 197 7; Leake, King, 1997; Parker, Winstead, Willi, 1979). No one can divert the customer from making a change. Interview  motivating assumes no idea  that  the  therapist change client.

Conducting in practice motivational interview is necessary to understand the basic spirit and of this method. Motivational interviews respect the autonomy of the individual and his or her right to choose. It is based on cooperation, not on giving re cept. The therapist stimulates the internal motivation of the client and activates his or her own resources to change. We assume that everyone has the motivation and the power to put in the effort  and that they only need to be stimulated; You do not have to insert them. Tha task  Peyton is to launch this potential and facilitate the course of natu rational change processes. This method helps the customer in the liberation from the trap of ambivalence. The interview is a significant motivating No  more  than  a  set  of  techniques  useful  for

conducting therapy. The aim is to solve is no motivational problems inhibiting the natural process of change ny.

**Motivational interview in working with a patient with double diagnosis:**

Patients with dual diagnosis is a serious challenge for modern psychiatry and social services. Epidemiological studies, which were conducted in the field of the like ieństwa substance abuse by people with mental disorders is much higher than you might expect. The population of people with dual diagnosis showed a bigger problem than patients diagnosed with the same addiction or mental illness.

Research carried out in this field indicate strongly the importance of co-existence of statistically significant dual diagnosis of severe, chronic mental disorders such as schizophrenia, bipolar disease dwubi egunowe. The incidence of psychoactive substance abuse is even three times greater than in the general population of people with mental disorders. Other studies (Mueser, Bennett, 1995) associated with the use of psychoactive substances in the population of people treated for mental illness is relatively very high and reaches up to 65%, and it is very disturbing. It is expected that this indicator is currently at this level or indicates slight fluctuations. People with dual diagnosis are a significant problem, as evidenced by the need for extreme intervention such as involuntary hospitalization. Substance abuse, reduce the efficacy of neuroleptic and increases the activity of the dopaminergic system exacerbating psychotic symptoms, increases the risk of side effects of drug overdoses, cognitive disorders (Bellach 1992 Lipczyński 2017) and the risk of destructive sometimes irreversible.

The abuse of psychoactive substances in combination with alcohol makes people in their mentally ill social and economic status worse off. Negative effects are associated with disease, depletion, homelessness of infectious diseases, sometimes even suicide (Mueser, Drake, Noordsy 1998).

In Poland, the treatment of people with dual diagnosis has not been synchronized to some point. In general, one disease was dealt with. There were no psychiatric outpatient clinics that could cure such patients. There were also specialists in this field of treatment. Once treatment with dual diagnosis was made, the therapy was not effective. Not only for reasons of organization and specialized personnel, but also because of the disease and the associated returns to take psychoactive drugs.

The integrated, incorporating not only doctors, nurses, psychotherapists, but also the social services system of treating patients with dual diagnosis increased the chances of effective help this type of patients. The main assumption of integrated treatment is that long-term care leads to greater improvement and stabilization of the mental status of patients with dual diagnosis. The phenomenon of dual-patient therapy is about

focusing on current issues and changing motivations to reduce the use of psychoactive drugs in patients with abuse and total abstinence from addicts. Treatment is focused on long-term commitment of the patient to treatment and sobriety.

Customer engagement in the treatment program is much better, although there is still a high rate of discontinuation and return to the old style of functioning. Definitely the most important and first stage in the treatment of patients with dual diagnosis is hospitalization, accurate diagnosis and the establishment of a therapeutic program. Later, long-term treatment of patients by outpatient healthcare.

One of the important components of dual-therapy therapy, regardless of the stage in which the patient participates, is self-discipline and participation in motivational interview sessions (Martino 2000). From this module beginswith a partial hospitalization program of therapy (treatment in day wards). Such an interview should include feedback from completed questionnaires before being admitted to the hospital ward. He discusses with the patient's life story including an assessment of psychopathological symptoms, use and abuse of psychoactive substances including alcohol in the form of balance.

After the initial interview and during the operation the patient can determine the procedure to be followed, which will focus on the fact of what work should begin therapy. Patients with dual diagnosis have considerable deficits in many diseases and somatic nature. Motivational intervention may focus on changing many behaviors. It is important to work out the regularity of taking medication and maintain the mental state and to reduce or completely use psychoactive substances. The vast option, a complete abstinence. Motivational intervention involves staff who address a wide range of patient needs and problems and set a hierarchy of goals and behavior together.

Mental illness, regardless of its type, duration and course causes changes in the sphere of cognitive function (abstract thinking, concentration, working memory). People with schizophrenia show a number of cognitive, neurological and social deficits, particularly in the executive aspect (Bellach, DiClemente 1999)

As a consequence, the intervention strategy of necessity should be adjusted to the size of the deficits. One of the important elements in the intervention strategy is the patient's analysis and balance of losses and benefits resulting from the use of psychoactive substances. For this purpose, the patient accepts techniques and methods to facilitate behavioral control and coping with the need for psychoactive drugs. It is very helpful in this regard for every visualization. Way, the pace of work, the amount of information depends on the level of

impairment cognitive (Lipczynski 2017). Patients for many reasons, such as those mentioned above, may have difficulties in implementing a therapeutic program. Then it is advisable to include the intervention of an individual, even if case management *(case management).* This strategy is effective due to the use of the local community, the removal of obstacles in a practical way, crisis management and social support. The strategy is personalized and involves participation in interview sessions that motivate other interested parties. As a result, you can expect the patient to stick to a fixed change plan.

The strategy of working with the patient based on a model of social learning, and the goal is to change behavior. Patients can participate in many open meetings if they are switching from psychoactive drugs (from alcohol to drugs) and other problems, such as lack of social skills.

Motivational interviewing does not involve the process of education (transfer of knowledge), patient, and it is a process very much like navigation. A change can take place when the patient sees and considers the reasons for changing his / her behavior. Changes in behavior and the patient are initiated decisive statements about the change that the e s sion are spoken by the patient in the presence of his therapist (Amrhein 2000).

Based on the test results presented in the English literature that the interview motivating is an effective method of involving patients with dual diagnosis and y for the treatment of abstinence. Thus, there is a significant improvement in terms of both psychiatric problems as well as problems associated with the use of psychoactive substances (Drake and in.1998). This is a typical form of therapeutic intervention

Some centers in Poland have started training psychotherapists and are conducting therapy for people with dual diagnosis based on motivational interview. Several years elapsed, in order to reliably assess the effectiveness of the use of a motivational interview in individual therapy program.

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# Modern Models of Radio Broadcasting as an Example of the Formatting of Emission Panels

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**Abstract**

Nowdays, the impact of marketing solutions for media system is particularly noticeable in case of the so-called *traditional media*, ie newspapers, radio and television. With reference to the declining expenditures and audience, publishers of These forms of media, looking for niches allowing survival. In the radio broadcasting sector, the niche is well defined target audience mentally attached this the program or Radio. In the era of market consolidation is often and company has in its portfolio several radio stations with different target groups. This article describes the historical background input radio format and modern scientific definitions of the phenomenon.

**Keywords:** Radio, radio format, boardcasting, media system

## Introduction

In many countries, part of the noise deregulation and commercialization in the late sixties, the radio was usually in the hands of a monopoly in the market and was focused on a range of programming, mixing different styles and genres, both journalistic and musical. However, with the advent of the above changes, emergence of a number of commercial radio stations and wanting to diversify program offer in terms of audience and its pre ference, began to make improvements called today I format radio.

Contemporary radio market is a peculiar mix of submarkets operating in parallel and matched, or otherwise calling - targetowanyc h to different groups of listeners. The basis for such action is clear, the most precise determination of the audience and shake and directing them to the maximum optimized programming. This process is called formatting radio stations (Kowalski 1998). The purpose of this article is a definite description of the phenomenon and the enrichment of the available literature. According to the author's knowledge, this subject was described in Polish only by Stanisław Jędrzejewski, Tadeusz Kowalski and Agnieszka Iwanica. The term formatting radio was also in the "Dictionary of terminology media" edited by Walery

Pisarek (2006) and is defined as: formula, a model radio station, established a clear pattern program reflects its business philosophy, focused on the expectations of a particular market, adapted to the needs of specific group or groups of listeners, the choice of a particular strategy is not for individual programs, but for the whole program (Pisarek 2006)

**Radio formatting**

Formatting radio is a process resulting from several dozen earlier, which occurred in the age-old histor ii radio. The first radio stations in the 1920s broadcast live broadcasts for only a few hours a day. They were mostly owned by companies producing receivers and this was their primary source of subsistence. The owners of the radio stations were, among others: Westinghouse, General Electric and American Marconi. It was noted, however, that it is possible to place advertising on the air and the first station, which will give Votes advertising, as reported in his habilitation work Tadeusz Kowalski, was in 1922 the New York station WEAF, owned by the company AT & T. This event has started a new stage in the economic history of radio as a medium. But in order to create a format, it took another four decades. They were marked by changes and trends, kt hat are significantly changed, and commercialized radio, leading to the emergence of radio stations that you can listen (Smith 1998). The first change experienced by radio in most developed countries of the world occurred immediately after the Second World War. At that time, the radio shifted from nationwide to local level. The local broadcasts and news from the provinces began to show. (Karwowska-Lamparska 2003)

Another important change was the appearance of a television as a medium for sia has s, media systems in Western Europe and the USA, took place in the 50s and 60s then also the most popular journalists, broadcasts, and with them the listeners and advertisers, moved to a new , the more attractive medium that television has become. The emphasis on radio has been to emphasize localities, diversify programs and improve the technical quality of broadcasts.Thanks to these activities, the radio still had a high level of listening, the possibility of co-existence of radio and television became possible, no one had predicted the dusk of the radio.

The third major change that took place a bit later, was the retrogression of AM (amplitude) technology to FM (frequency) in the 1960s and 1970s, despite the advantage of amplitude, manifested in the range of data transmission over longer distances. FM technology offered a much better quality and strengthen the trend of approaching the people and their issues - or locality (Smith 1998 Jędrzejewski 2003).

Already in the 60s it was noticed that the radio as a medium links yi generates three types of demand:

1) demand from listeners who are interested in the product that the radio gives, ie the simplest content of the program.

2) the demand of advertisers interested in placing and promoting the product in the medium that reaches the target groups of interest.

3) willingness to profit from owners and investors. (Kowalski 1998)

Tadeusz Kowalski (1998) develops his work in the above thesis. He says that: *On the part of listeners, the most important feature of the radio is the widespread access to radio receivers in households. In many countries, the number of receivers exceeded the number of people (examples are Australia, Denmark, USA, UK).* In Poland, while a radio receiver that has 90.3% of households. (G US 2011).

How wzkazuje Agnieszka Iwanicka (2012) today as interest słuchazcy decides:

(1) the specificity of the radio as a communication medium;

(2) Skillfully conducted radio policy, responding to changing expectations
customers;

(3) turn the radio towards new technologies (Ivanovic 2012)

The interest of the listeners is the interest of advertisers who think that the bigger the group is attracted to, the better the result of their sales. And thanks to the advertising influence, radio stations generate profits that are the most important indicator for most owners and investors. Therefore the most important benchmark for the results of the radio audience, conducted by research company in yspecjalizowane.

Because of the low profile of the audience, the radio was invented. The origin of the format often takes the form of an anecdote. Now, as reported in his book Stanislaw Jędrzejewski radio format fathers were two radio presenters T. Storz and B. Steward station KOWH-AM from Omaha, Nebraska (USA) (Jędrzejewski 2003). Depressed by the low attendance records, they sat in a bar in which there were very trendy wardrobes. By drinking beer and watching the customers, the heroes of this story wondered how to raise the station's audience. Pubs frequented by pubs frequented and often represented the same genre as "country". The police also observed that despite the fact that dozens of wardrobes with a few thousand songs were in bars, they were usually the same and even in similar order. When they asked why - they heard from the waitress: "Because the songs we like!" The next day the radio went to the store and found plates with the most popular bar customers hit. They returned to the station and threw out the whole frame. From Monday they started to circulate only those hits. You could turn on the radio at ten in the morning, fifteen or twentieth - every time the listener could hear your favorite song. It was a phenomenon, everyone wanted to listen to such a radio. Other sailors came to Nebraska to see for themselves how it

was possible. This was the beginning of better times for the station. Very quickly the station became No. 1 on the local market. This was the first radio format. Today we would call it the TOP 40. This is a format that presents the latest songs from the top of the charts. Later radio presenters began their program to follow, for example. Men aged 18-24, women aged 18-35 years and married couples aged 25-49 and among each of these groups, the station quickly gained popularity. (Jędrzejewski 2003)

There is another version of the birth of the format, less anecdotal, he talked about the American's pecjalista of formatting, Egon Foulkart, "Gazeta Wyborcza":

*Formatting began in the late 1960s in the USA. The number of stations and the radio for all, catchy in the 1950s, suddenly began to lose popularity. Radiologists came up with an idea to ask the listeners what they wanted to hear. Based on precise research, there are three basic formats: the middle-of-the-road music-themed, specializing in country & western music, and TOP-40 (the same hits)* (Jarco 1997)

Regardless of which version is closer to the truth, radio format has since spread to the whole world. But why the radio format was launched in the US and not in Europe? Bud Stiker, vice president of Radio Advertising Bureau, when asked by "Gazeta Wyborcza" responds:

*We have long since resolved the issue of radio interference [the ether arrangement at international level often slows or even blocks the development of radio in Europe. ed.]. In our local dimension our tradition and culture is very different from European - it is less centralized.  And the most important thing - commercial radio has a longer internship than in Europe: the first private radio station launched in the US in November 1922. So we can say that our radio was always commercial. It must have been able to sell well to the listeners, because if they did not - it was not advertising. And when there was no advertisement - the station had no money. And if that was her money - it was not, and radio.* (G ospodarka.gazeta.pl)

Among the most popular radio formats, we can mention: CHR - Contemporary Hit Radio, AC - Adult Contemporary, Urban Music, Oldies and Nostalgia Music. In addition to these formats bulk they are still niche formats, among which the most prominent features is the News & Talk, Sports, Rock, Alternative, Classical Music, College Student, or Jazz. Thanks to that, the radio can satisfy the tastes of the most picky listeners and advertisers. It also gives advertisers the opportunity to target the appropriate group of boron, which is dedicated to the program.

**Definition of Formatting into a radio stations**

Stanisław Jędrzejewski (2003) uses two types of format definition. One defines from the perspective of the people making the radio

and          the          owners. He          thinks          that
From this perspective, the radio can be characterized as: *means broadcasting program structures institutional standardization and predictability.*

Definitions    based    on    the    statements    and    Rothenbühler McCourt (2003). On the other hand, it refers to the definition of format as: *a certain style radio station, established a clear pattern they broadcast reflects the intentions of actions aimed at a specific market expectations, tailored to the needs of a particular group or groups of listeners, as the choice of structure, content presentation is posobu radio program.* (Jędrzejewski 2003)

Another definition is given by Tadeusz Kowalski, who says that the format is: *Possible to determine the precise nature of the program and the audience to which the offer is matched,* (Kowalski1998)

From an advertiser's point of view, the radio formatting process is a way of selecting market segments to make it easier to select the antenna for their products. But again, there may be a technical problem. Even if the radio is properly formatted, it is often impossible to verify whether ordered by them spots were actually issued. It involves the placement of leading advertising agencies in the capital, and local editorial, understandable, in the province.

When answering the question of what format is, you should consider all the above definitions. Listens to and tested formats think "golden oldies", "adult contemporary" format and "Youth" - most often understood as dance or hip-hop. So now, choosing a station, we choose the style of music that suits us the most. But will such a definition not lead to the identification of the radio only with music? Here, the radio is a niche called "radio gadanym" or news & talk format and its mutations, which represents us in TOK FM and to a lesser extent, former Radio PiN. These are radio based words spoken. So it is not possible to answer the question as to what the radio format is. One can only conclude that it is a combination of radio, advertiser and audience requirements, a consensus, sometimes difficult for the parties, but necessary and necessary for functioning. Similarly, described the format of Bud Stiker, vice president of Radio Advertising Bureau in the United States, in an interview with Vadim Makarenko in "Gazeta Wyborcza": *radio formats arise from geographical, demographic and psychographic. If I represent a brewery and want to sell beer, then I have to reach, say, the age group 20-32. However, most formats do not refer to these consumers. You just need to understand which formats are addressed to people in the right age for us, and which ones do not (...) It certainly does not make sense to sell the Mercedes in the waves of the station, giving rock'n'roll. Listeners like this can not afford a Mercedes. But if we have to deal with radio "spoken" in a format news / talk, you can already try to advertise there cars Mercedes-Benz. However, the radio     is     the     most     suitable     for     this     purpose in classical music.* (Makarenko, 2001).

Agnieszka Iwanick a (2012) defines a radio format with prespektywy broadcasters *f ormatowanie radio is also a reaction senders - their response to the changing lifestyles of listeners - fast pace, extending siędzień work, passive leisure time activities, preferring entertainment programs, the use of radio passive (hearing only sounds, not listening to the meaning of spoken words). Broadcasters with the full knowledge use the fact that radio was the medium and is associated with everyday tasks - a logical consequence of the above mentioned changes is the different nature of radio and radio genres* (Iwanicka, 2012: 95).

Therefore, the format is a brace that integrates all the beneficiaries of the radio. Listeners - because they are presented with an optimized program, advertisers - because they have the opportunity to reach their target and the owners of the station, because when they reformat the radio, they can count on profits. Formatting takes place at three levels:
1) radio as a whole
2) day plan - for the listeners
3) broadcast - a single programming unit

Despite the existence of the general format of a radio station or the format of a given genre, there is also a format for individual broadcasts. Each show is produced according to its own individual format. The format of the program gives the listener a certain identity of the program. From his point of view, the implication of structure and style will guarantee the identification of the show, will be just close to him. The manufacturer, however, will allow maneuvering in a certain schematic structure in which it can safely (without losing the listener) and easily (repetition of elements) work. You can ask the question if we do not get to the point where the topography and a spread newspapers, television and radio program will be as transparent? In the case of the first two, it is possible to recognize the television program immediately and the newspaper, while the radio broadcast is less predictable. A particular radio format is revealed only after a moment of listening. How can it be recognized? Mainly due to the voice of the speaker / speaker and the style in which the broadcast is conducted. Stanisław Jędrzejewski (2003) cites such as conditional language, pace, level sformatyzowania. He goes on to say that the format of a broadcast, although at all times of its duration, is related to sound (jingle, presenter tone, tempo), serves only to give the overall shape of the broadcast that develops during its duration.

The most effective way to build a time structure is to build a view based on the "clock format", for example: in a given hour of the program all its components, ie songs, contests, jingles, weather forecasts, trailers, are broadcast at specific times. In this way a skeletal structure is created, so that the conductor knows exactly where the next stage of the program is going to take place. Established points such as traffic information every twenty

minutes, can be completed by the pores of each of the intended and planned advertising blocks and matching pre-prepared music recordings. For example S. Jędrzejewski (2003) reports conducted at a rapid pace list of hits, which fits well right after the news. So, according to the principle of clock format, every time a service is broadcasted every hour, there will be other, fresh and trendy (popular and beloved ones) recording. In addition, all the recordings will fit in the timepiece, as it forces songs to be "widely known and maintained at a high rate". (Jędrzejewski 2003)

According to the formatting principle, the station program requires that every show in it contains something that will distinguish it from other programs, but at the same time it is characteristic of the whole station. This allows the listener to automatically identify programs with the station. Each of the listeners, when selecting the frequency of the radio Zet, immediately when the spoken version, identifies the content presented on the radio with the radio program. For less audible, the jingle or the presenter reminds you of "Listen to Radio Zet" at equal intervals. The instruments are just the right choice of jingles, liners spoken by the leader and characteristic of the station say. For Radio Zet, for example, "good morning" or "strength of music", and in the overall understanding of the program, equal time intervals of information, gimmicks and advertising breaks.

However, the concept of the station brand and the format in which it suits is not the same. The station's design, built by styling and the appropriate selection of sound instruments, allows to distinguish the station from similarly formatted. The format is, to put it simply, the presentation of what the station offers to the listener.

It's hard to change the format, for example, switching from the Middle of the Road format to modern-day radio (CHR) would require, in addition to changing the station manager, new antenna style, new services, shortening the playlist and increasing playlist rotation. Program directors and musicians play a very important role in enabling the discipline of format to play a part. In some ways, they can be identified with the editorial staff in the newspapers, but their role is not focused on content selection, but above all on compliance with the discipline, scheduled in clock format. In addition, these people do not serve the auditorium as a whole, but try to hit the tastes of the group chosen by the station owners.

For example, the producer of programs for a station set to the "Soft AC" format will automatically exclude any songs maintained from the playlist sharper in tone, but will be looking for tracks of light, catchy, the music publisher antenna will be matched thematically light and lack's competence and knowledge content. Serious journalism these stations plays a minor role.

**Conclusion**

Most of the attractive market segments are already occupied by certain formats, hence the need to create a differentiator for our format from others. On the Polish market there are many different formats, but our young market can not match the American market, where there are more than 100 different formats. One of the problems that arises is the similarity of the programs broadcast by radio stations. He remixes music for the 80s and 90s, or the latest radio hits. Very few narrow formats exist that would divide the market into niches where radio stations would operate. However, in the world as well as in Poland, the number of formats and their adaptation to the narrow audience is developing very effectively.

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# The Role of the Episcopate of the Catholic Church in Moderating the Political Transformations in Poland

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**Abstract**

Communism is the ideology which aims at exterminating all religions as, it is believed, they are harmful to social life. Therefore, after the 2nd World War, under the arrangements between the allies, communists took control in Poland and started to gradually but systematically eliminate the influence of the Church and the Catholic religion on the society. Due to the confrontational attitude of the ruling party towards the Church, the relations between the Polish Episcopate and the communist authorities were dominated by the permanent, mainly ideological, conflicts. The breakthrough happened as late as in the 80s of 20th century. At that time, not only did the relations between the former enemies improve but they both started to work together towards the normalization and humanization of the relations between the communist regime and the Episcopate. The result was the participation of the representatives of the Episcopate in the behind-closed-doors negotiations in Magdalenka which happened before the deal between the government and a part of the Solidarity opposition was signed at "the round table".

The main aim of this publication is to present the role of the Episcopate in the process of the political changes in Poland. In the 80s, the Episcopate constituted a specific and unique social group which brought together hierarchs who had various attitudes towards the communist authorities. What caused the internal tensions and divisions within the Episcopate were the Church representatives making deals with the former oppressors as well as various attitudes of bishops towards the ruling party. On the basis of the secondary sources, the author of the publication will attempt to present the role of the Episcope in the moderation of the agreements which became the backbone of the political changes in Poland, i.e. the transformation of communism into post-communism.

**Keywords:** Poland, Post-communism, Polish Episcopate

**Introduction**

Communism is the ideology which aims at exterminating all religions as, it is believed, they are harmful to social life. Therefore, after the 2$^{nd}$ World War, under the arrangements between the allies, communists took control in Poland and started to gradually but systematically eliminate the influence of the Church and the Catholic religion on the society. Due to the confrontational attitude of the ruling party towards the Church, the relations between the Polish Episcopate and the communist authorities were dominated by the permanent, mainly ideological, conflicts. The breakthrough happened as late as in the 80s of 20$^{th}$ century. At that time, not only did the relations between the former enemies improve but they both started to work together towards the normalization and humanization of the relations between the communist regime and the Episcopate. The result was the participation of the representatives of the Episcopate in the behind-closed-doors negotiations in Magdalenka which happened before the deal between the government and a part of the Solidarity opposition was signed at "the round table".

The main aim of this publication is to present the role of the Episcopate in the process of the political changes in Poland. In the 80s, the Episcopate constituted a specific and unique social group which brought together hierarchs who had various attitudes towards the communist authorities. What caused the internal tensions and divisions within the Episcopate were the Church representatives making deals with the former oppressors as well as various attitudes of bishops towards the ruling party. On the basis of the secondary sources, the author of the publication will attempt to present the role of the Episcope in the moderation of the agreements which became the backbone of the political changes in Poland, i.e. the transformation of communism into post-communism.

**Towards the normalization and humanization of the relations between the government and the Episcopate**

The most radical transformations in all forms of social life in the Polish People's Republic happened in the 80s. They were mainly caused by the economic breakdown and the moral degradation of the communist authorities. The Polish society decisively rejected the statist model of socialism and chose the path of democratic reforms (Marczuk, 1993, 5-6). What also underwent the transformation were the relations between the Episcopate and the communist regime. An important factor which influenced the change in the attitude of the Episcopate towards the ruling party was, undeniably, the death of the leader of the Conference of the Polish Episcopate, the Primate cardinal Stefan Wyszynski (28$^{th}$ May 1981) and the nomination of his successor, the bishop Jozef Glemp (7$^{th}$ July 1981). The Primate Wyszynski was the head of the Polish Episcopate in the most difficult period for the Catholic Church in

the Polish People's Republic. He was well aware of the methods of operation of the communist regime and he personally experienced the repression which aimed at eradicating the Catholic Church in Poland, especially during the Stalin's terror. Therefore, he always approached the representatives of the ruling party with reservation. When the communist regime towards the Church relaxed, he knew that this didn't result from the sudden change of the attitude of the authorities towards the Church, but from the weaker position of the communist authorities in the society. That way they were trying to gain real advantages. The cardinal Stefan Wyszynski was also very careful when it came to the relations with the representatives of the Solidarity opposition. He fully supported the ideals of the "Solidarity" union which, by defending working class and by aiming at the democratization of social life in Poland, drew inspiration from the social education of the Church. Wyszynski was also convinced that the Polish society needed the "Solidarity" union as it had an important role to perform. Therefore, he supported its valuable initiatives. However, he was also aware of the great diversity which existed within the union as its members represented different ideological groups. The Primate knew that the main activists associated with Lech Walesa, i.e. Bronislaw Geremek, Jacek Kuron, Adam Michnik i Karol Modzelewski had the same ideological origin. In the most difficult period of the Stalin's terror, Geremek was the first secretary of the Basic Party Organization of the Polish United Workers' Party in the Institute of History of the Polish Academy of Sciences. Jacek Kuron founded the red scouting association, making a reference to the symbolism and ideology of the Russian Komsomol. Karol Modzelewski and Adam Michnik, who had been brought up in the families of the communist activists, were ideologically close to the fraction of Trotskyism which existed inside the communist movement (Kiezun, 2012, 83; W cieniu prymasa..., 2001, 139; Raina, 2005, 91-94). The primate Wyszynski avoided contacts with the former communist activists and his reservation towards some of the activists of the Solidarity opposition mainly depended on their communist past.

It seems that the new Primate, Jozef Glemp, did not adopt the firm standpoint of his predecessor towards the communist regime. He undertook various initiatives and sent clear signals which confirmed his conciliatory and open attitude towards the party elite. Also, the team of the general Wojciech Jaruzelski attempted to create the positive image of the Primate. This can be confirmed e.g. by the opinion of the manager of the Denomination Office, Adam Lopatka, expressed in December 1982 at the meeting of the lectors of the Central Committee of the Polish United Workers' Party: *The Primate […] has a positive attitude and the right political line as well as the ability to pursue it. […] He aims at ensuring the presence of the Church in the socialist Poland and at rejecting the idea of overthrowing the Socialist regime. In this*

*respect, the Primate is very strong-minded and, clearly, he has the ability to achieve it. Therefore, I think that we should not support any opinions commonly spread by the hostile national and international organizations in order to discredit him. Of course, we cannot expect the Primate to act as if he was the member of the Political Bureau, the secretary of the Central Committee or the minister of the Polish People's Republic. We need to remember that there is a certain ecclesiastical way of disclosing his attitude and the political line. We need to have it in mind when considering the political image of the Primate* (Wystapienie kierownika Urzedu..., 1996, 372). At the same time, the Primate Glemp did not have a clear standpoint towards the proscribed "Solidarity". The historian, Jan Zaryn, is convinced that, *similarly to the majority of the Polish Episcopate, the cardinal Jozef Glemp didn't dogmatically equate the well-being of the nation with an absolute necessity to reactivate <Solidarity>* (Zaryn, 2009, 48). It seems that the Primate's readiness to cooperate with the authorities, with the simultaneous defensive attitude towards the proscribed "Solidarity", clearly indicated the shift in the policy of the Episcopate leaders.

Favourable conditions for the implementation of the policy of the cardinal Glemp influenced the attitudes of the majority of the members of the Episcopate towards communists. The analysis of the secret document prepared by the officers of the 4th Department of the Ministry of the Interior in March 1988, "The almanac of the bishops of the Catholic Church in Poland"[31], shows that the majority of the members of the Episcopate (58 bishops) had a neutral (moderate) attitude towards the authorities. One in four hierarchs (25) was perceived as the opponent of the ruling party and socialism and nearly one in seven hierarchs (15) had a positive attitude towards the authorities. Bishops with a neutral or positive attitude towards the authorities constituted nearly two thirds of the Episcopate (73 out of 98). (The Ministry of the Interior, 1988, 33-212; Jedynak, 2016, 247).

The distribution of the political preferences among the Episcopate members (estimated by the Security Service) turned out to be favourable for the policy of dialogue and for the former opponents to come closer to each other. The sociologist Jadwiga Staniszkis thinks that closer relations between the representatives of the Episcopate and the communist authorities, observed from the beginning of the 80s, influenced the attitude of "Solidarity" towards the Church hierarchy. In her opinion, these changes led to the reduction of the

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[31] The typescript with the reference number of Ug-0818/88, prepared by the 4th Department of the Ministry of the Interior in March 1988, holds a security classification. The document is 230 page long and, marked with the number 033, it includes the information about the attitude of all Polish bishops towards the communist authorities. The number 003 means that it was made available for the narrow circle of the supreme officers of the Security Service and the representatives of the communist regime.

influence of the Church on the union activists, especially on the regional level. According to Staniszkis, the transformation of the relations between the hierarchs and the ruling party generated a permanent tendency towards secularization among the "Solidarity" activists. (Staniszkis, 2010, 114-115).

In the 80s, the attitude of the Episcopate towards the government was, to a great extent, moderated by the communist authorities themselves which, in various ways, tried to influence the attitudes and the behaviour of the Church hierarchs. It is evident from the government documents that the representatives of the ruling party wanted the Episcopate to have a stake in supporting the party elite. They made compromises with the aim to *permanently detach the Church structures from the political opposition, to gain the Church support for the political line of Jaruzelski (even limited and critical) and to gain the confidence that, in the situation of crisis, the Church will be their safety valve* (Dudek, 2004, 88-89). Moreover, the communists wanted the Episcopate *to associate its interests with the present authorities and the ruling party* (Dudek, 2004, 89). The general Wojciech Jaruzelski thought that in the relations between the authorities and the Episcopate *the <carrot and stick> method should be consequently followed. The Church needs to consider what will pay off and what will not* (Dudek, 2004, 80). Evaluating the attitude of the Episcopate towards the communist authorities Antoni Dudek comes to the conclusion that, in the 80s, the Church hierarchy played a twofold game. It is evident from the documents of the Ministry of the Interior (1987): *At the moment the Church has an ambivalent attitude. On one hand, in order not to lose the social support, it openly criticizes the authorities. On the other hand, it is not interested in the further aggravation of the situation in Poland. It is aware of the fact that every next political turn will result in the loss of their strong position as the political partner to the authorities* (Dudek, 2004, 80).

## Moderating the arrangements between the communists and the opposition

A clear shift in the relations between the Episcopate and the ruling party occurred in 1987. The communist authorities made conciliatory gestures towards their opponent and they tried to avoid any behaviour that could be taken as the comeback to the hostile rhetoric. Also, the Episcopate undertook the conciliatory activities. The interview with the Primate Glemp for the Moscow newspaper "Literaturnaja Gazieta" was rather sensational as it was perceived as a new beginning in the relations between the Episcopate representatives and the communist regime (The interview with the Primate cardinal..., 1996, 537-542). During the preparation of the third visit of John Paul II to Poland both sides took the diplomatic efforts aimed at improving the relations between the authorities and the Church. The efforts taken by the

Episcopate were supported by the representatives of the Vatican diplomacy who were also in touch with the supreme communist authorities. It seems that the shift in the relations between the government and the Episcopate depended on the interests of both sides. The Church authorities were mainly interested in regulating the legal status of the Church and in normalizing diplomatic relations between the Polish People's Republic and Vatican City. The government, in the face of the economic crisis and possible social unrest, was expecting the Episcopate to support the negotiations with the "Solidarity" opposition.

Of course, the political line of the Primate Glemp, which was based on making compromises with the communists, was not approved of by all members of the Church as there were internal tensions within the Episcopate caused by the various attitudes towards the communist regime. Complaisance towards the ruling party, represented by the cardinal Jozef Glemp and his supporters, was defied by the bishop Ignacy Toakrczuk and the cardinal Henryk Gulbinowicz and many others (Kindziuk, 2010, 201, 225).

The deteriorating economic situation in Poland as well as the radicalization of the society, which wanted to free itself from the restraints of the totalitarian system, indicated the imminent fall of communism. The attempts to overcome the crisis in Poland did not have a chance to succeed as they mainly consisted in the prices of goods going up which hit the impoverished society. In the face of the risk of the further social unrest, the Episcopate started to protest against the price increase and the unsuccessful reforms. At the same time, they started to negotiate with the government. The representatives of the discredited and bankrupt system made use of the conciliatory activities of the Episcopate engaged in a dangerous game, i.e. behind-closed-doors deals between the communist regime and a part of the "Solidarity" opposition which ended with the contract of "the round table". To meet the expectations of the communist regime, the bishops urged the nation for Christian forgiveness and reconciliation, which calmed down the society. Better relations between the victim and the former oppressor released social tensions and ended the conflict situation. Wojciech Jaruzelski held an official meeting with the leader of the Conference of the Polish Episcopate, the cardinal Glemp, which was skilfully used by the government media to create, so called, social dialogue. Jadwiga Staniszkis thinks that, by playing an artful game with the society as well as with the opposition and the Church, the communists wanted to buy time as they feared that *"if the external empire goes down too quickly (before the guarantee of safety is achieved in the negotiations with the opposition), the "burning of the committees" will happen.* (Staniszkis, 2009, 184).

The growing economic crisis, the loss of the social support for the ruling party and well as the risk of the outbreak of social unrest led the

representatives of the Episcopate to undertake the mediation activities. In 1988, they actively participated in the negotiations aimed at reaching the agreement between the government and the opposition. The mutual arrangements were related to laying down the conditions for dismantling the totalitarian system and for the society and the state to enter the path of the political transformations. To express the support for the national agreement the clergymen participated in the unofficial meetings in Magdalenka and the official meetings at "the round table" (Informacja Biura Prasowego, 1996, 585). The representatives of the Episcopate engaged in setting out the conditions of the agreement which, according to them, took into consideration the common good of the society. According to the Episcopate, the compromise reached at "the round table" should guarantee *the employment rights, especially the rights for labourers and farmers to join unions according to their own choice* (Komunikat 230 Konferencji, 2006, 337). The aim was to lay the foundation for the substantial reforms of the state structure and the national economy. Moreover, the bishops expected that the dialogue between the communist authorities and the representatives of the opposition would stimulate the process of the consolidation of the society and strengthen the position of Poland on an international level (Komunikat 230 Konferencji, 2006, 337).

The authorities were satisfied with the active participation of the representatives of the Episcopate in the process of reaching the agreement with a part of the opposition. During the session of the Joint Commission of the representatives of the government and the Episcopate (23rd January 1989), Stanislaw Ciosek, the prominent member of the Central Committee of the Polish United Workers' Party, pointed out to the important role of the Church in the process of the development of the reformatory initiatives by the ruling party in the 80s: *After 13th December 1981, the relations between the government and the Church built the foundation for the transformations of both - the worldview as well as the political life. We are not talking here about <the black and red ally> or <the throne and aspergillum ally>, as some people say. [...] The relations between the government and the Church depended on the attitudes prevailing in Poland. We improved them in the shadow of <Solidarity> and Walesa. [...] This is not only the ally between the state and the Church. It also develops better understanding on the most important level, i.e. worldview level. We are not luring the leaders of the Church into the trap. We discussed it in Klarysewo and then I spoke to the priest Orszulik and ed. Mazowiecki. We came to the conclusion that without the standpoint of the Church it would take us longer to formulate the standpoint of X plenum. This was our motivation. We don't treat the Church as the guarantor but its attitude is encouraging* (Dokument nr 40, 1993, 559).

The official enunciation of the Episcopate confirmed that not only did the hierarchs approve of the arrangements between the authorities with a part of the opposition, but also that it was their warrantor. From the announcement of the Conference of the Polish Episcopate (2nd May 1989) it is evident that "the round table" was regarded by the bishops as the success and as an important and promising step towards the democratization of social life. One of the results achieved at "the round table" was the legalization of the trade union "Solidarity". According to the bishops, the agreement marked the beginning of the transformation of social, political, economic and moral life of the entire society. Moreover, it launched the process aimed at forming a national life according to the rights of the sovereign society and it created a new chance for the country (Komunikat 234 Konferencji, 2006, 342-343).

Despite the fact that, in the official documents, the Episcopate referred to the arrangements of "the round table" in a positive way, there were internal tensions within the Episcopate and differences in the way hierarchs evaluated the event. For the cardinal Jozef Glemp "the round table" was a considerable success of the Church diplomacy. The Primate thought that it was unfounded to doubt and question the good intentions of the sides reaching the agreement. According to Glemp, the accusation that "the round table" was a deal with the communists or even the betrayal of the national interest was false: *Neither the deal with the communists nor the betrayal took place. These accusations are false. We did our best to make the change of the system happen without bloodshed. That is why, the Church sent its representatives to take part in the talks. At that point, I was already convinced that the end of communism was coming, that the system was breaking down. I considered "the round table" as an important step forward. It was difficult not to engage in those transformations. The Church has never abandoned the nation and it has always felt responsible for it* (as cities in Kindziuk, 2010, 288). The positive results of the agreement were also highlighted by the secretary of the Conference of the Polish Episcopate, the archbishop Bronislaw Dabrowski, who represented the Church in many negotiations. According to Dabrowski, the agreement between the communists and the opposition was the success of the entire society: *The Church in Poland is very satisfied with the situation. It has always cared for, aimed at and supported the conciliatory tendencies which would lead to the national reconciliation. Therefore, it was present at <the round table> as the observer – the witness* (Dabrowski, 1995, 467).

The bishop of Przemysl, Ignacy Tokarczuk, had a different opinion on the social and political consequences of "the round table". He thought that, in 1989, there was a chance for the substantial transformation of the country, but "the round table" ruined it because *it gave the impression that democratically everything was taken care of. Meanwhile, it had been planned beforehand (Nie mozna zdradzic, 2012, 125). According to Tokarczuk, the mystification of "the*

*round table" made it difficult to know "who is who" because various groups were looking for a certain way to win the situation, to hold onto power over the same people, even from behind the scenes (*Nie mozna zdradzic, 2012, 125). Similar conviction was expressed by the bishop Kazimierz Majdanski. He thought that the contract signed at "the round table" made it impossible to take unambiguous actions and to judge the illegal activities of the communist authorities and subordinate security services: *In 1989 the decision was made to forget and to absolve the past. Was it that successful so that the past was put behind? Because if it had, and the compensation had been granted, it would have been a great triumph of forgiveness. If it hadn't happened, the forgiveness was neither human nor Christian. On the contrary, we would have found ourselves in the situation of the common falsification. […] The faults, which nobody regretted, were forgotten and the great injustice, which nobody corrected, was forgiven.* (as cited in Jackowski, 1997, 40).

Critical opinions were also expressed about the representatives of the Episcopate who were engaged in the moderation of the agreement between the communist regime and a part of the opposition. The activities undertaken by the priest Alojzy Orszulik met with particularly strong disapproval. Some of his negotiating activities were strongly criticized by the Primate Glemp. In his opinion, Orszulik was boasting himself about being *the main constructor of the Church policy at "the round table" and launching the initiatives which were treated as the activities undertaken in the name of the Episcopate, but which very often were contradictory to its political line* (Rakowski, 2005, 408). It might have been possible that his behaviour during negotiations was influenced by his activities behind closed doors, especially by the fact that he was registered in the category of "the Informal Collaborator andidate" and "the operational contact of the Security Service (Aparat represji wobec…2009, 99-100; Cenckiewicz, Chmielecki, Kowalski, Piekarska, 2013, 353).

The negative opinion about Orszulik being engaged in the deals between the authorities and a part of "Solidarity" was also expressed by Peter Raina. According to Raina, one of the biggest mistakes of the ecclesiastical moderators taking part in the negotiations turned out to be the approval of the list of the participants of "the round table" prepared by Lech Walesa. Among 50 people suggested by the leader of the opposition there were the "Solidarity" activists and its supporters. However, the vast majority of them were people with left-wing social and political views. The list also included a few liberals. The list did not, however, include those who were fighting for independence and the law and order in Poland, whose who were imprisoned, tortured and discriminated by the communist system (Raina, 1999, 329, 332; Rakowski, 2005, 510).

According to Raina, Alojzy Orszulik bore the responsibility for this situation. Given the mandate of trust from the Church and the nation, not only did he try to convince everyone about the necessity to establish "the round table" but he also actively participated in the preparation of the session. Therefore, Raina thinks that the moral obligation of Orszulik, as the representative of the Church and the nation, was to convince Lech Walesa to invite people engaged in the independence movement to take part in the negotiations. Raina is of the opinion that the balance of forces among the representatives of the opposition turned out to be very unfavourable for the nationalists, as there weren't many *true representatives of the nation* (Raina, 1999, 236). At the "round table", *on one hand, we could find the representatives of the communist authorities and, on the other hand, the representatives of <Solidarity> and doctrinaires of the left-wing and liberal ideology* (Raina, 1999, 236). Also, Witold Kiezun thinks that the agreement made at "the round table" shared the power between the communist and the left-wing Solidarity opposition (Kiezun, 2012, p. 30).

The public opinion was of significant importance in the evaluation of the participation of the representatives of the Episcope in the deals between the communist and a part of the opposition. The results of the sociological research show that the Catholic Church was clearly losing the social trust at the beginning of the 90s. The vast majority of the society was disappointed with the socio-political situation in Poland, including the role of the Episcopate in the process of the transformation of the system. Poles suffered the consequences of, so called, economic reforms (Feliksiak, 2010, 5). The social dissatisfaction with the situation in Poland influenced the evaluation of the Church hierarchy whose representatives took part in dismantling the communist system and were perceived by the citizens as the warrantor of the interests of the society. Trust towards the institutionalized Church, which in autumn 1989 reached the level of 88%, dropped down to 38% in spring 1993. This indicates a dramatic decrease of social support (a drop by 50%) for the institution which, unquestionably, contributed to the abolishment of communism. The decrease was not, however, reflected in the religious practices of Poles (Opinions on institutions and organizations..., 1993, 7; Marczuk, 1993, 116-117; Załęcki, 2001, 59-60).

It is difficult not to agree with Ryszard Gryz who thinks that the Church lost the social trust as the price for being the peace warrantor (from April 1989) during the implementation of the arrangements made at "the round table": *Being the warrantor of the contract of the Round Table, the Church took shared responsibility for the consequences, out of which only some were positively perceived. Peace between the repentant oppressor and the generous victim was consistent with the Christian system of values. However, the question is whether the repentance of the oppressor was real and sufficient*

(Dudek, Gryz, 2006, 441). This train of thought is supported by the sociologist, the priest Wladyslaw Piwowarski: "*So called <round table> has had a negative impact on the situation of today's Poland. Against the will of the majority of Poles, <the power> (politics) and <the money> (economy) were in hands of various oligarchic powers which took control over our country. This mainly includes the former communists who became socio-democrats and the political and economic advisors of <Solidarity>, i.e. cosmopolitans and liberals. Neither of them were devoted to creating common good of the nation (the society), which should be the aim of the state. It retrospect, it becomes clear and obvious. The only thing that they had to achieve was the legalization of power"* (as citied in Zieliński, 2003, 374).

**Summary**

In the 80s, the dynamic transformation of the relations between the Episcopate and the communist regime took place. These changes led the representatives of the Episcopate to enter the political deals whose signatories were: the government and a part of the Solidarity opposition. In the opinion of the society, the presence of the Church representatives at "the round table " was to guarantee the national interests and the Polish reason of state. It turned out, however, that the contract signed at "the round table" secured mainly the interests of the party and gave the guarantee to its officers that they would not be judged for their illegal activities towards the Polish society, especially towards people engaged in the oppositional activities. The participation of the Church in dismantling the communist system was perceived negatively by a part of the society as it authenticated the deals which made it possible for the transition from communism to post-communism to happen slowly. A part of the society was convinced that the representatives of the Episcopate, by playing a skilful game with the communists and the opposition in the 80s, acted in the interest of the institution they represented. For the Episcopate the priority was to secure the interests of the Church, including the regulation of its legal status of in Poland.

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