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DISCOVERING THOUGHTS AND INVENTING FUTURE

HIGHLIGHTS

Government Public Policy of Mexico

National Wastage Of Natural Gas

Implications for Psychotherapists

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By José G. Vargas-Hernández

Universidad of Guadalajara, Mexico

Abstract - The literature existing on entrepreneurship implicitly assumes that entrepreneurship and government and economic growth are positively related with each other and there is a positive correlation among them. However, few studies, whether theoretical or empirical, analyze such relation in an explicit manner. This paper aims to study the entrepreneurship notion and the barriers of entrepreneurship and mainly the role of government in enhancing entrepreneurship in the society.

Keywords : Entrepreneurship, Government, Small and Medium Enterprises (SMEs).

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I. INTRODUCTION

Consider the developed countries; one sees so much wealth, so much beauty, high ways that are landscaped, and so many extra ordinary developments. This is something people see everywhere in developed economies. However, this is something not seen in most other places. There are about six billion people in the world. One billion people come from developed countries like North America, Western Europe, Japan , and perhaps four other Asian ''tiger s.'' But the majority of people are not in that situation. The other five billion come from what is typically called the developing world, or the Third World, and the former Soviet Union countries.

Until a few years ago, most of these countries were really following other systems rather than the capitalist system. That has all changed since the fall of the Berlin W all. Even Deng Xiaoping in 1978 started marching in a different direction in China when he said, ''It doesn't matter what color a cat is, as long as it catches mice.'' In the developing world, we've all begun to change, we've all been trying to get our macroeconomic systems in place, we've all been making sure that we have fiscal balance, and we've all been making sure that we don't issue too much currency. We are all trying to get our account balances in order, especially since the fall of the Berlin Wall (De-Soto, 2006). Entrepreneurship is a factor that can change the economic equations of any country. And can engage lots of people as employee or self employed.

Entrepreneurship is of primary interest for organization studies because it does not take the existence of organizations for granted but allows for the study and explanation of how organizations come into existence, either as individual new firms or as new industries, and to emphasize that organizations always need to develop new products and services and to innovate in order to perpetuate their existence. To describe the significance of the concept of entrepreneurship for organization studies, it is important to indicate that entrepreneurship has developed into an academic field in and of itself, as Scott Shane and Sankaran Venkataraman suggest, implying that entrepreneurship studies and organization studies share an interface with organizational emergence at its core. Entrepreneurship is thus both related to both small and medium-sized firms, since new venture creation focuses on how young and (for that reason) smaller firms are started up, develop, and grow, as well as to organizational change and innovation processes of larger and more established organizations. Entrepreneurship thus brings creativity and newness under the attention of organization studies. The focus on newness and innovation for the most part goes back to Joseph Schumpeter who defined entrepreneurship as the creation of new combinations in the form of new goods and services, new methods of production, new markets, new sources of supply, and new organization of the industry. For Schumpeter, creative destruction is central, since entrepreneurship both overwrites current products, services, and markets and develops new ones. For instance, the mobile phone replaced the practice of wired phoning and reorganized the sector of telecommunication (Steyaert, 2007). This paper first studies the entrepreneurship notion and the importance of entrepreneurship in the society, also example of entrepreneurship in the society and Entrepreneurship

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barriers in the Society, Government Role in Developing Education and training for entrepreneurship, SMEs Conditions in Mexico, Saudi, Switzerland and also Government's role in entrepreneurship and Subsection Parts of Government Should Do for Enhancing Entrepreneurship come in details.

II. DEFINITION OF ENTREPRENEURSHIP

Bob Reiss, successful entrepreneur and author of *Low-Risk, High-Reward: Starting and Growing Your Small Business With Minimal Risk*, says: "Entrepreneurship is the recognition and pursuit of opportunity without regard to the resources you currently control, with confidence that you can succeed, with the flexibility to change course as necessary, and with the will to rebound from setbacks"(Hupalo, 2007).

A key factor in Reiss's definition is that entrepreneurs undertake opportunities regardless of the resources the entrepreneur currently controls. I've known many people who say they'd love to start a business, but they just don't have the money to get started. Neither did many of history's greatest entrepreneurs like Michael Dell, who started his computer company in his college dorm room or Lillian Vernon, who started her mail-order business when she was a housewife looking for extra income. These successful entrepreneurs didn't start rich and successful. They ended rich and successful.

Entrepreneurs find ways to acquire the resources they need to achieve their goals. One of those resources is capital. "Entrepreneurial" is often associated with venturesome or creative. They should be creative in acquiring the resources they need to build and grow their business. They think outside the box and they'll improve their chances of acquiring what they need to succeed (Hupalo, 2007).

Linda Pinson, author of much of the SBA's material about writing a business plan and creator of business plan software (business-plan.com) says: "I have always thought of an entrepreneur as a person who starts a business to follow a vision, to make money, and to be the master of his/her own soul (both financially and spiritually). Inherent in the venture is the risk of what the future may bring. Therefore, I believe that an essential key to success is that the entrepreneur also be an "educated" risk taker.... "

The concept of entrepreneurship has a wide range of meanings. On the one extreme an entrepreneur is a person of very high aptitude who pioneers change, possessing characteristics found in only a very small fraction of the population. On the other extreme of definitions, anyone who wants to work for himself or herself is considered to be an entrepreneur (Hupalo, 2007).

Another definition of entrepreneurship is the assumption of risk and responsibility in designing and implementing a business strategy or starting a business (Investor words, 2006).

Also according to business dictionary, entrepreneurship is the capacity and willingness to undertake conception, organization, and management of a productive venture with all attendant risks, while seeking profit as a reward. In economics, entrepreneurship is regarded as a factor of production together with land, labor, natural resources, and capital. Entrepreneurial spirit is characterized by innovation and risk-taking, and an essential component of a nation's ability to succeed in an ever changing and more competitive global marketplace (business dictionary, 2009).

III. SCHUMPETER'S VIEW OF ENTREPRENEURSHIP

Austrian economist Joseph Schumpeter's definition of entrepreneurship placed an emphasis on innovation, such as:

- new products
- new production methods
- new markets
- new forms of organization

Wealth is created when such innovation results in new demand. From this viewpoint, one can define the function of the entrepreneur as one of combining various input factors in an innovative manner to generate value to the customer with the hope that this value will exceed the cost of the input factors, thus generating superior returns that result in the creation of wealth (entrepreneurship, 2007).

IV. ENTREPRENEURSHIP

Within the field of entrepreneurship studies, it is debated whether the creation of new combinations requires the creation of a new organization or if it is also made possible through innovation in existing organization. William Gartner sees entrepreneurship as the study of the creation of organizations or so-called new venture creation. He conceives entrepreneurship as organizational emergence and hence shifts the focus from the individual entrepreneur to the more complex process of how organizations are created through the interplay of four perspectives: characteristics of the individuals who start the venture, the organization that they create, the environment surrounding the new venture, and the process by which the new venture is started. Historically, entrepreneurship has been reduced to characteristics of the entrepreneurs, trying to identify personality features and cognitive abilities to distinguish entrepreneurs from other people, such as managers. However, there is no empirical support that can identify such discriminating personality characteristics or cognitive styles. Gartner therefore suggests studying

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the behaviors and activities that lead to the creation of a new organization (Steyaert, 2007)..

Shane and Venkataraman refocus entrepreneurship beyond the creation of new organizations as they emphasize opportunity recognition and exploitation and as they leave it open whether opportunities are exploited through creating a new venture or through changing an existing organization. Entrepreneurship is seen as an activity that involves the discovery, evaluation, and exploitation of opportunities to introduce new goods, services, and ways of organizing, as well as new markets, processes, and raw materials through organizing efforts that previously had not existed. Simultaneously, the focus on individuals and their actions is reintroduced as entrepreneurship becomes explained through the nexus of enterprising individuals and valuable opportunities (Steyaert, 2007).

V. A GLANCE TO ENTREPRENEURSHIP IN MEXICO

Mexico's economy is one of the most open in the world and, has the largest number of free trade agreements. Mexico has built a network of free trade agreements with 32 countries and the most important of these agreements are with the world's largest markets, such as NAFTA, the agreement with the European Union, an agreement with Japan, and other agreements with South and Central America. This has put Mexico in ninth place in the world in terms of the size of its economy, and seventh place in terms of the size of the balance of trade. This sustained progress has built an atmosphere of competition, conducive to innovation and undergoing constant improvement. This sustained progress (of the last two years) has allowed for better planned regulations that enables more assured long-term planning (Mexican Entrepreneurship, 2009).

Entrepreneurship abounds in Mexico but is concentrated among low risk, low value added endeavors that require minimum investments of capital. Due to economic realities, people are relatively unable to leave existing employment to pursue high-value ventures. Due to the dearth of risk capital, they select opportunities that can be tested quickly and have relatively high success probabilities and modest up-side potential with quick positive cash flow. Also, non-transparent business practices in these ventures make them unattractive to risk-averse investors. Also, the lack of high quality, timely information on markets, demographics, competitors, prices and costs hampers the growth of entrepreneurs. The quality of financial systems, venture capital, education and legal system needed to support entrepreneurship lack in Mexico. The Government permits and licenses needed to start a company are a major hurdle to most entrepreneurs in Mexico (Mexican Entrepreneurship, 2009).

VI. ENTREPRENEURSHIP CHALLENGES IN MEXICO

According to Febre and Smith, 2003, entrepreneurship challenges comes as below:

- Entrepreneurship abounds in Mexico but is concentrated among low-risk, low value- added endeavors that require minimum investments of capital.
- The challenge in Mexico is to motivate and enable people to pursue higher value- added entrepreneurship.
- The high-value-added high-growth economic sectors that attract entrepreneurial effort in Mexico are likely to be different than they are in the U.S.
- Entrepreneurial opportunities and resources with which to pursue new venture opportunities are different in Mexico than in the U.S.
- Because few people in Mexico have significant personal savings, most are compelled to find re-employment quickly, and may be forced into positions that do not fully exploit their capabilities. This problem is aggravated in Mexico by the fact that most families are one-earner families
- People in Mexico are relatively unable to leave existing employment to pursue high-value-added entrepreneurial ventures.
- Because they often lack significant retirement savings, face uncertain and volatile employment markets, and lack liquidity, prospective entrepreneurs in Mexico tend to select opportunities that can be tested quickly and that have relatively high success probabilities and only modest up-side potential.
- The dearth of risk capital in Mexico discourages entrepreneurial effort and shifts the focus of entrepreneurial effort toward low-risk ventures that can be cash flow- positive quickly.
- The dearth of risk capital in Mexico reduces incentives of entrepreneurs to build and document performance track records and provide the transparency that is demanded by providers of risk capital.
- Opportunities to evade taxes and other regulations in Mexico motivate entrepreneurs to adopt non-transparent business practices, making them unattractive to risk-capital investors.
- Opportunities for investing risk capital in established businesses exist mainly among medium and large enterprises and some segment of small and micro businesses.
- Entrepreneurial efforts in Mexico are impeded by lack of highly disaggregated high-quality, timely information on markets, demographics, competitors, prices, and costs.

- Mexico's information disadvantage in high-technology innovation is one reason that successful research and development efforts are rarely commercialized.
- Lack of education relevant to entrepreneurship is an important cause of business failure in Mexico.
- The high levels of time and expense that are required to legally initiate a business discourage prospective entrepreneurs in Mexico (Fabre & Smith, 2003, p.3).

According to The Global Entrepreneurship Monitor (GEM)[1] report (GEM, 2002) about Mexico in 2002 finds that 18% of Mexicans are involved in entrepreneur activities, the highest number of any of the 29 countries covered in the study of International Research Study in 2002. They rank second worldwide in "opportunity' entrepreneurship and fourth in "necessity" entrepreneurship. Also according to the latest GEM in 2009 the figure below shows the Economies (Efficiency Driven and Innovation Driven Economies) in Mexico.

Figure 1 : Percentage of Early-Stage Entrepreneurial Activity with New Products or New Markets, 2004-2009
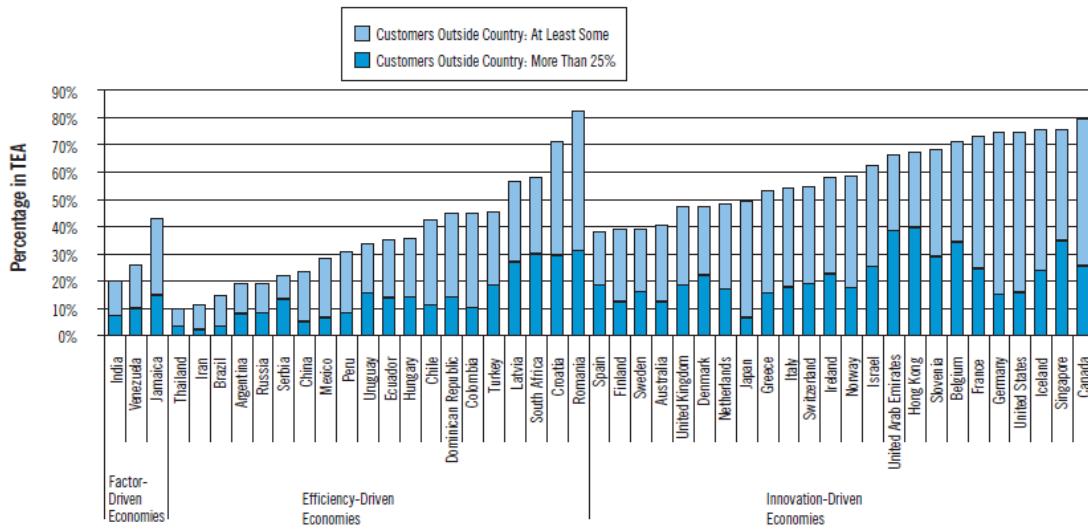
Source: GEM Adult Population Survey (APS)

Source : GEM, 2009, p.29

About the other entrepreneurship information for Mexico, the important information which can be considered very important is the percentage of early-stage entrepreneurs with international Orientation. Figure below shows entrepreneurship in international Orientation during 2004-2009.

[1] GEM; is a not-for-profit academic research consortium that has as its goal making high quality information on global entrepreneurial activity readily available to as wide an audience as possible and also the largest single study of entrepreneurial activity in the world. Which is initiated in 1999 with 10 c ountries and in 2009 conducted research in 54 countries

Figure 2 : Percentage of Early-Stage Entrepreneurs with International Orientation, 2004-2009
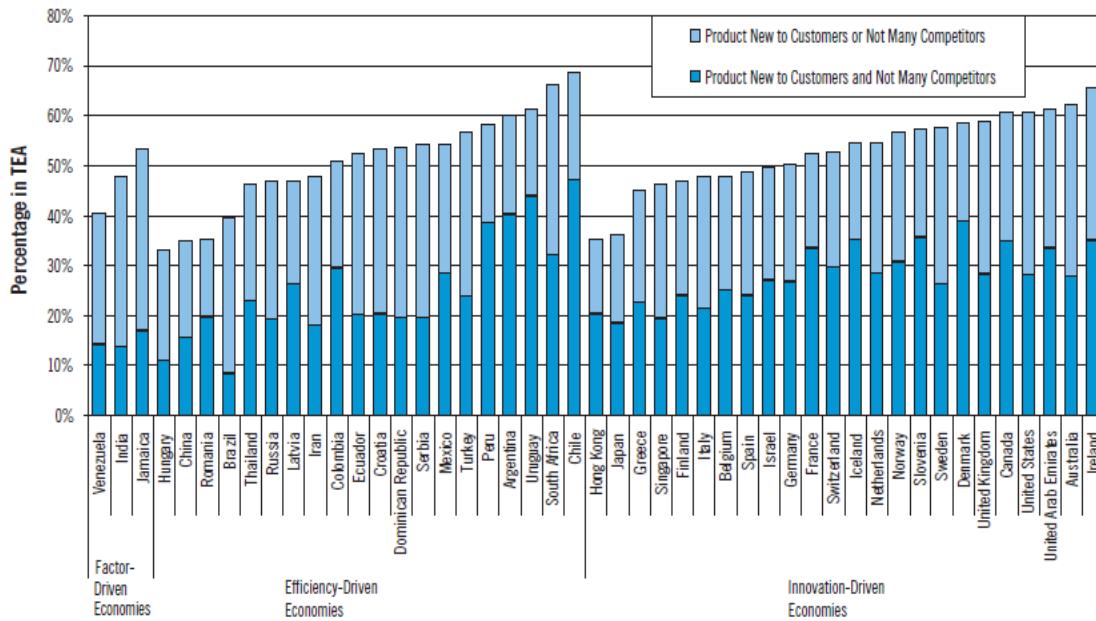
Source: GEM Adult Population Survey (APS)

Source : GEM, 2009, p.30

The above figure shows that the economy of Mexico is Efficiency-Driven and its scale is increasing. And this information can be important for understanding international orientation of entrepreneurship in Mexico.

VII. THE IMPORTANCE OF ENTREPRENEURSHIP IN THE SOCIETY

The entrepreneurial process is started by sensing that certain practices form an anomaly and can thus be done differently. Crucial is how one can hold onto this anomaly and reveal how the commonsense way of acting somehow fails and is doomed to perish as a new practice is slowly developed and becomes visible. For instance, digital technology has quickly rendered the taping of sound and images on music and video cassettes obsolete. This anomaly that drives the entrepreneurial process forms a historical possibility that, once recognized through a new shared practice, will be practiced by most people in roughly the same way. In the example of the cell phone, the idea of wireless phoning was at first unbelievable but very quickly, people saw the advantages of this artifact and even further developed it by practicing, for instance, a text-messaging culture. Now some people no longer have a fixed ("landline") phone connection at home, or in the city of Nokia there is no longer the possibility to install a fixed connection (Steyaert, 2007).

As entrepreneurship is more and more connected to everyday life and practices, it is clear that entrepreneurship and entrepreneurs become less exclusive and can be observed in less obvious contexts than one normally expects. This pervasiveness, however, differs from the increasing homogeneity pinpointed by the critique of entrepreneurial selves, since it is assumed that entrepreneurship—as it changes significantly people's forms and styles of living—is continuously questioning and bringing variations to how life is organized. Ultimately, when entrepreneurs give form to the future face of society and when it is the task of entrepreneurship to create from the society people have to live in, the society people want to live in, as Saras Sarasvathy has noted, entrepreneurship brings multiplicity and creativity to the organizing of society (Steyaert, 2007).

However, how exactly the dreams and dangers of entrepreneurship can be understood remains a future challenge. Entrepreneurship is a contested and hybrid phenomenon that is simultaneously bestowed with the hope for regional development, for battling poverty or for ecological sustainability, and the fear that it will reduce society and all people into a bunch of egoistic self-maximizes. There is thus a need to develop an approach that integrates a critical and affirmative perspective into one procession understanding of entrepreneurship, which is especially pressing as the critical perspective on entrepreneurship being imported from organization studies and social sciences still stays at the margins of the field. As the world becomes more and more globalized, networked, and virtualized, the idea of entrepreneurship as a process of concretion whereby the new products, services, and combinations

(that Schumpeter pointed at) will themselves become more ephemeral and constantly in the making as users in particular take part in the shaping of the form and the use of the new artifact. This tendency holds, once again, an enormous potential to support the theorizing of organizing that has been radicalized by ontology of "becoming" into a process of flux, and to emphasize that notions of creativity and invention are primary concepts to understand the unfolding of newness. This process of creation—which considers creation not as subject to the individual creator but as forming a collective assemblage—implies uncertainty, open-endedness, and risk, and it is that which creates the double sidedness of entrepreneurship, its promise and its danger, and which urges more than ever a critical, yet affirmative understanding of entrepreneurship (Steyaert, 2007).

VIII. Example of Entrepreneurship in the Society

In the example of the mobile phone, it is clear that the mobile phone is not just a new form of phoning or that it has merely reshaped the telecommunication sector, but it has fundamentally changed people's practices of communicating; the experience of time, distance, and reach ability; and how people experience the relationship between their body and objects. While people used to "go" to the phone, they now always carry a phone with them, allowing them to send at any time a text message or to check email, and possibly interrupting (their participation in) a local meeting to give priority to a virtual interaction. In this vein, Charles Spinoza, Fernando Flores, and Hubert L. Dreyfus consider entrepreneurship to be a form of history making, as entrepreneurs are sensitive to how the problem they sense has its roots in people's pervasive way of living and in people's lifestyle. The changes brought about in the entrepreneurial process are changes of historical magnitude because they change the way people see and understand things in the relevant domain (New York, 2007).

IX. Entrepreneurship Barriers in the Society

In many transition countries, where the pace of reform has been slow, the legal framework is still the main barrier for the development of small business and entrepreneurship p. Creating an adequate legal frame work involves law s relating to property, bankruptcy, contracts, commercial activities and taxes, but it also involves developing an institutional frame work with the capacity to implement these laws, which has major implications for staffing. In practice, and referring again to the Belarusian context, this require s the establishment of specialized economic courts ; a private legal profession and effective en forcemeat

mechanic isms, which are still lacking for the most part, which goes hand in hand with a typical lack of ad equate personnel in government administration. The reason s includes low public sector salaries, combined with a lack of education and training opportunities. All this pre- vents the proper implementation of new laws and regulations, with negative implications for the business environment and organizations. In addition, frequent changes in tax regulations and other commercial laws, which are characteristics of the early years of transition, require a constant adjustment of knowledge by small business manager s as well as by those in government administration. Other problem s include a rather uncertain in attitude, or even arbitrariness, on the part of public officials regarding law en forcemeat, which is not helped by a typical lack of specificity in the drafting of laws.

Fundamentally, these institutional deficiencies reflect a lack of political commitment to facilitate private enterprise development. Belarus, under President Lukashenka, may be one of the worst examples, but the issues exist to varying degrees in most of the other former Soviet republics. Political considerations with respect to the enforcement of laws can aggravate the situation, resulting in the fostering of 'old' networks between former state- owned firms and government, as also happened in the early stages of transition in those former transition countries, which joined the EU in 2004 (for Hungary cf. Voszka, 1991, 1994). In some transition countries these networks seem to be one of the major problems (cf. Kuznetsov, 1997), which impede the establishment of independent juridical institutions and the impartial enforcement of a legal framework required for market economies. Another major barrier to small business development in transition countries, where market reform ha s remained slow is the financial infrastructure (Welter, 1997; Zecchini, 1997). While stock exchanges developed quickly in the more advanced transition countries, in most former Soviet republics, national risk capital market s are virtually non-existent and the banking system is still highly inadequate (Zecchini, 1997 ; Frydman, Murphy, & Rapaczynski, 1998). Banks under central planning were mere accounting agencies without an active role in the financial transactions of households or enterprises. In less advanced transition economies, the majority of banks still experience difficulties in mastering the task of guiding savings towards cap ital investment in private enterprises, especially small businesses. The extension of credits to small businesses has also been hampered by the fact that newly created or privatized bank s often face liquidity constraints, resulting from insufficient equity cap ital pro vision, inherited liabilities from the central planning era and/or from massive repayment delays . In addition, banks have typically followed a conservative strategy with respect to the financing of private enterprises. As a consequence, most banks in

less advanced transition countries, such as Ukraine and Belarus , lack the willingness to finance small businesses, reinforced by a lack of expertise and know - how with this ne w clientele, as well as a shortage of collateral on the side of the enterprises. In these circumstances, informal institutions and practices may compensate for some of the deficiencies in form al market institutions, although not without implications for the types of strategies adopted by entrepreneurs to set up and develop businesses (Peng, 2000, 2003; Smallbone & welter,2006, pp41-42).

X. GOVERNMENT ROLE IN DEVELOPING EDUCATION AND TRAINING FOR ENTREPRENEURSHIP

In order to nurture entrepreneurial spirit from an early age, there will be a need to impart Knowledge about business, particularly at secondary and university levels, to encourage Entrepreneurial initiatives by youngsters and to develop training programs for small enterprises.

- *Cheaper and faster start-up*
    Company start-ups will become cheaper and faster, particularly through the use of online registration.

- *Better legislation and regulation*
    There will be a reduction in the negative impact of national bankruptcy laws and new regulations on small enterprises. It will be made easier for small enterprises to use administrative documents and they will not have to apply certain regulatory obligations.

- *Availability of skills*
    Training institutions will deliver skills adapted to the needs of small enterprises and will provide lifelong training and consultancy (Šunje, 2006).

- *Improving online access*
    Public administrations will be urged to develop online services for their dealings with enterprises.

- *Getting more out of the single market*
The Member States and the European Commission will complete the single market so that enterprises can derive the maximum benefit from it. At the same time, national and Community competition rules will have to be vigorously applied (Šunje, 2006).

- *Taxation and financial matters*
    Tax systems will need to make life easier for enterprises. Access to finance (risk capital, structural funds) will need to be improved (Šunje, 2006).

- *Strengthening the technological capacity of small enterprises*
    Efforts will be made to promote new technologies, implement the Community patent and facilitate access to research programs which are more focused on commercial applications. Inter-firm

cooperation and cooperation with higher education institutions and research centers will be encouraged (Šunje, 2006).

- *Successful e-business models and top-class small business support*
    Enterprises will be encouraged to adopt best practices. Business support services will be developed (Šunje, 2006).

- *Develop stronger, more effective representation of SMEs' interests at Union and national level*
    Solutions aimed at representing small enterprises within the Member States and the European Union will be reviewed. National and Community policies will be better coordinated and evaluations will be carried out with a view to improving the performance of small enterprises.An annual report on the implementation of the Charter will appear in the spring of each year (Šunje, 2006).

XI. SMES CONDITIONS IN MEXICO, SAUDI, SWITZERLAND

In the case of Mexico, roughly 50% of the population is in the ''extralegal sector.'' The Russians call it the ''shadow economy,'' in Kazakhstan they call it the ''black market,'' and many people refer to the ''gray economy' ' or the ''informal economy. '' In Mexico that is approximately 50% of the population working full time. Other people work in the extra legal sector part of the time and the legal sector part of the time, so about 80% of the Mexican population works at least part of the time in the e extralegal sector. Thus, only 20% of the Mexican working population is fully legal. So if somebody asks whether the flow of Mexicans or Peruvians to the United State will go down in the near future, the answer is ''no.'' Why? It will keep going up because this is the only place nearby where you can make 48,000 pins with 10 people. How important is SME to Mexico, how valuable? There are 11 million buildings in Mexico– which are not on the official records. There are about six million enterprises and SMEs and families that are producing things that are outside the legal system. The total value of their assets, the slums, the little houses, and other things, is about $315 billion. How much is $315 billion to Mexico? It is roughly seven times the value of Mexico's total oil reserves. In other words, the real capital, the real potential for Mexico is not its oil or natural resources. Consider the Saudis. For the Saudis, the majority of the population is not participating in the division of labor, and they don't have enough property rights. That is one reason why their GNP per capita is continually decreasing regardless of how much oil the Saudi's have. On the other hand, some of the wealthiest countries in the world don't have many natural resources. Switzerland doesn't grow its own cocoa and doesn't produce most of its own milk for its chocolates.

Nor does it make the steel from which its watches and turbines are made. The same is true for the Japanese. Rather, their success is built upon their institutional system and good law s to enforce property rights (De Soto, 2006).

XII. GOVERNMENT'S ROLE IN ENTREPRENEURSHIP

It is obvious that, encouraging entrepreneurship is an absolutely essential role of any government concerned with the future economic health of their country. It is no surprise to see a strong correlation between economic growth and the ease of doing business in a country. This is not a statement about political systems. It has been seen that non-democratic governments are sometimes even more successful at understanding the power of capitalism; look at Singapore and what is happening in China, Vietnam, etc.

With the mobility of people and ideas today, countries need to compete for commerce. Why would anyone choose to set up a business in Brazil where it takes 18 bureaucratic steps and 152 days to get the company officially registered if they had the option to incorporate in Canada where it takes only 1 step and is completed in 1 day? Why set up a company in France when you will be financially punished to the point of bankruptcy if you need to fire someone? Why doing business in the Middle East is really difficult. Of course not all ideas and people are as mobile as others. Even so, bureaucracy, corruption, labor laws, etc. are all inhibiting entrepreneurship and thus standards of living across the globe.

In the interest of their domestic economies, politicians must take an active role in making the reforms needed to help fuel entrepreneurship (The Good Entrepreneur, 2008).

XIII. WHAT SHOULD GOVERNMENT DO FOR ENHANCING SOCIETY'S ENTREPRENEURSHIP

a) Education and Training

Education is a deciding factor in shaping the life, furthering the values people wish to preserve and maintaining the success of the economy. Access to education and training are keys to fostering an entrepreneurial spirit. Professional and lifestyle choices are strongly influenced by socialization processes in which schooling plays an important role. It should be note that for women, entrepreneurship and start-up companies to remain constantly innovative, independent and creative thinking should be supported (Entrepreneurship, 2006).

Subsection Parts of Government Should Do for Enhancing Entrepreneurship:

o Draw up educational curricula for all levels of schooling that offer equal opportunities for boys and girls in selected fields of study, particularly in the technology field and in entrepreneurship.

o Encourage the private and public sectors to establish mentor programs for citizens to introduce them to the intricacies and challenges of starting and running a business, to equip them with the skills to solve problems, and to play an ongoing advisory role.

o Encourage and support financial literacy programs.

o Ensure that all receive education in a language that can be applied to international business.

o Consider reserving a certain percentage of E-MBA program enrolment.

b) Social Recognition

Stringent social traditions and cultural values routinely impede opportunities for entrepreneurship. Moreover, in many countries, women bear the double burden of professional and household responsibilities, which often constitute a barrier to women's entrepreneurship and affect their business performance.

Subsection Parts of Government Should Do for Enhancing Entrepreneurship:

o Create a healthy environment in which citizen's creativity, risk-taking and economic independence is valued and encouraged.

o Provide women equal access to occupations traditionally held by males.

o Establish incentive mechanisms to encourage people to put their business ideas into practice by ensuring that they receive benefits including childcare assistance, healthcare, and legal protections.

o Host events and competitions that support innovative ideas and business plans, creating incentives for women to execute their entrepreneurial visions.

o Recognize the invaluable contributions that women-owned businesses provide in the form of business and services to their local economies such as by providing tax incentives, procurement opportunities and sponsorship of local-level campaigns promoting women's entrepreneurship.

o Access to Technology

Advancements in technology, particularly in information and communication technologies (ICTs.); have introduced new opportunities that fundamentally alter the way business is conducted globally. However, in many economies women face serious obstacles in accessing new ICTs due to inequalities in education and training often resulting in a gender imbalance within different industries.

Subsection Parts of Government Should Do for Enhancing entrepreneurship:

- Support access to Internet technology for entrepreneurs.
- Provide access and encourage entrepreneurs to use Information and Communications Technologies to improve technical skills and knowledge.
- Foster the utilization of on-line training programs for entrepreneurs.
- Endorse entrepreneurs' optimal use of the Internet to harness e-commerce possibilities while reducing sales, marketing and purchasing expenses.
- Promote online databases and portals to gather and share entrepreneurs' knowledge and expertise with others.

Access to the Market

Vital to the growth of entrepreneurship and start-up companies is entrepreneurs" access to the market. This access can be obtained by leveraging the collective power of consumers. In order to do this, however, women must be able to identify what their respective markets are, who makes up their customer base and to then create demand for their products and services. Without equal opportunity to access both national and international markets, businesses will not be able to sustain continued expansion and competitiveness.

Subsection Parts of Government Should Do for Enhancing entrepreneurship:

- Identify potential strategic alliances between government, business and academia and enhance and support entrepreneurship.
- Ensure that women-owned businesses have equal access to bidding for government contracts and establish government goals for women businesses in the award of these contracts.
- Promote tradeshows for entrepreneurs as a means to gain broader access to the marketplace.

Financial Support

Obtaining funding remains a major challenge to women entrepreneurs who hope to start their own businesses. This challenge results from a lack of awareness of financing possibilities and gender discrimination on the part of financial intermediaries and institutions. It is particularly important to consider the availability of private sources of funding and additional services when assessing the appropriate role of government in the provision of debt and equity capital.

Subsection Parts of Government Should Do for Enhancing entrepreneurship:

- Integrate technical and money management skill requirements into financial assistance programs.
- Establish government policies and programs, and support organizations, that offer funding and other resources for women-owned, small and medium and micro-enterprises.
- Encourage entrepreneurs to build their business credit histories to better position themselves for loan opportunities.

o Policy and Legal Infrastructure

In this era of globalization, alignment must exist between those tasked with policy formulation and the subordinate agencies and departments charged with the day-to-day execution of that policy. Legal mechanisms must also be in place to enforce policies that discourage gender discrimination and that protect women entrepreneurs' abilities to establish and grow their businesses.

Subsection Parts of Government Should Do for Enhancing Entrepreneurship:

- Ensure that there is policy tailored for micro-enterprises and the self-employed.
- Establish and strengthen non-governmental organizations (NGOs) and non-profit organizations (NPOs) that serve as intermediaries between business and government.
- Establish and maintain a statistics database on women-owned businesses that includes a record of their past performance in order to measure women's contributions to economic

XIV. Practical Suggestions for Mexican Government for Enhancing Entrepreneurship

According to Febre and Smith, 2003, there are a lot to do for a Mexico to do for enhancing entrepreneurship but the most practical ones comes below :

1. Mexico government should be refocused more on high value-added growth opportunities of existing SMEs and less on encouraging formation of new start-up businesses.
2. Efforts to foster entrepreneurship of high-value-added start-ups should be refocused more on non-high-technology opportunities and less on high-technology innovations.
3. Publicly supported efforts to foster high-technology innovation should be refocused, at an early stage, on potential for commercialization of the innovation,

offset by inability of the private sector to act without public support.

4. Government entities in Mexico need to continue to support creation of risk capital funds, but can have greater impact on private investment in risk capital by improving and focusing their investment discipline.

5. Efforts to foster entrepreneurship in Mexico should include attention to enhancing and fostering development of new exit opportunities for early-stage investors in entrepreneurial ventures.

6. Efforts to foster entrepreneurship in Mexico should include developing more effective ways for individual investors in Mexico to participate in risk capital investing.

7. Education is an important input to developing Mexico's entrepreneurial culture. Universities and other educational institutions need to be encouraged through self- interest to develop relevant educational opportunities and to pursue research that is valuable to entrepreneurship and risk capital investing.

8. Efforts to foster the entrepreneurial culture of Mexico should include assessment of the kinds of advisory services that are critical to new venture success and should determine the areas where private service providers can be relied on and the areas where public support is necessary to bring about the availability of essential advisory services.

9. Efforts to foster the entrepreneurial culture of Mexico should include a comprehensive review of the infrastructure (broadly defined) that enables and supports entrepreneurial activity and risk capital investment. Where feasible, elements of the infrastructure should be introduced or modified to be more supportive or less obstructive (Fabre & Smith, 2003, p.3).

XV. Conclusions

Because Mexican formed SMEs are good enough to exist so Efforts to foster entrepreneurship should be planed.

As entrepreneurship is not solely seen as connected to economic progress but is more and more related to society, other studies have examined how entrepreneurship affects practices of living and everyday life. New organizations—through the new entrepreneurial products and services and the new combinations they produce—have a strong impact on how people's lives take form and how major aspects of society become transformed. From the automobile to the mobile phone, from the pencil to the personal computer, each of these new devices has had enormous implications for how transport, communication, writing, and work have been produced and practiced (Steyaert, 2007). During the process of

entrepreneurship the role of government is really vital so the governors should apply such strategies that can foster entrepreneurship ability and talents among people in the society to lead in economic development of the society.

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La afectividad en los escritos educativos de Pedro Grases

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Abstract - En el presente trabajo mostraremos, utilizando el Análisis del Discurso de Teun Van Dijk y Adriana Bolívar, la relación que existe en los escritos educacionales de Pedro Grases con la afectividad, lo cual es, a nuestra manera de ver, un vínculo demasiado estrecho e indisoluble, a tal punto que sin uno de ellos, educación y afectos, el discurso del maestro catalán y venezolano por adopción, resultaría poco menos que incomprensible. El notable interés por el afecto nace en nuestro autor de la experiencia traumática sufrida por consecuencia de la Guerra Civil española, lo que le permitió entender el profundo sentido formativo de tal sentimiento al llegar a Venezuela en 1937, donde realizó una ciclópea labor de rescate de nuestra historia y coetáneamente ejercer un brillante magisterio afincado en los afectos, todo lo cual deriva de un proyecto humanista y laico frustrado allá en la Península, y al cual dio continuidad el Maestro en Venezuela y en el continente americano.

Keywords : *Educación, afectos, Guerra Civil española, humanismo, laicidad, Análisis del Discurso*

GJHSS-C Classification : *FOR Code : 200514*

LA AFECTIVIDAD EN LOS ESCRITOS EDUCATIVOS DE PEDRO GRASES

Strictly as per the compliance and regulations of:

La afectividad en los escritos educativos de Pedro Grases

Dr. Luis Eduardo Cortés Riera

Resumen - En el presente trabajo mostraremos, utilizando el Análisis del Discurso de Teun Van Dijk y Adriana Bolívar, la relación que existe en los escritos educacionales de Pedro Grases con la afectividad, lo cual es, a nuestra manera de ver, un vínculo demasiado estrecho e indisoluble, a tal punto que sin uno de ellos, educación y afectos, el discurso del maestro catalán y venezolano por adopción, resultaría poco menos que incomprensible. El notable interés por el afecto nace en nuestro autor de la experiencia traumática sufrida por consecuencia de la Guerra Civil española, lo que le permitió entender el profundo sentido formativo de tal sentimiento al llegar a Venezuela en 1937, donde realizó una ciclópea labor de rescate de nuestra historia y coetáneamente ejercer un brillante magisterio afincado en los afectos, todo lo cual deriva de un proyecto humanista y laico frustrado allá en la Península, y al cual dio continuidad el Maestro en Venezuela y en el continente americano.

Palabras claves : Educación, afectos, Guerra Civil española, humanismo, laicidad, Análisis del Discurso.

I. Desarrollo

Si existe una persona que resuma y exprese afectos, amor y cariño en sus escritos educacionales, ese es el humanista de origen catalán Pedro Grases (1909-2004). Autor de una portentosa e inmensa producción intelectual, unos 18 volúmenes hasta 1989, que lo hace merecedor del título de Gran Redescubridor de nuestro acervo cultural venezolano impreso, en trabajos que van desde los estudios bellistas, estudios bolivarianos, Emancipación, Maestros y amigos, la imprenta en Venezuela, Estudios bibliográficos, Ensayos y reflexiones, Cataluña, entre otros, los que sumados dan un aproximado de unas 10.000 páginas, hacen de Grases unos de nuestros más prolíficos autores de todos los tiempos, logro alcanzado en su larga existencia a base de constancia, disciplina y amor por las humanidades, nuestra tradición cultural hispanoamericana, y un encendido afecto por la patria de su adopción: Venezuela.

En efecto, llega a nuestro país muy joven, aventado a las costas de Venezuela a consecuencia de la dolorosa Guerra Civil española, portador de una ya notable y consistente formación en letras y derecho, así como una breve pero valiosa pasantía por instituciones de gobierno en Cataluña. Nuestra hipótesis de trabajo

tiene como fundamento la afirmación de que Grases vuelca y derrama sobre este continente americano de larga tradición en lengua castellana, los valores y virtudes de un proyecto truncado allá en la Península, el de la República española, esto es, sus amplitud democrática, la búsqueda de nuevas libertades, laicismo en un medio cargado de dogmatismo religioso, la posibilidad de un encuentro con la Europa que se afinca en la tolerancia y el reconocimiento de las diferencias, en suma la idea de romper la muralla cultural que separa a España del resto del continente y que la mantiene en un estado de parálisis y letargo. Tal amputación logrará, empero, que las energías vitales de este singular y maravilloso personaje se concentren en este lado del Atlántico, y especial, en esta Tierra de Gracia, el país de los libertadores del continente. Cuando en su tierra natal baja el telón de la intolerancia y el fanatismo, en nuestro país se asiste a la alborada de un nuevo tiempo, que queda condensado en las palabras de Mariano Picón Salas: *Venezuela entró al siglo XX en 1936.*

En agosto de 1937 llega a La Guaira y al poco tiempo se incorpora como docente en Caracas en el Liceo Fermín Toro, Escuela Normal Superior, Liceo Andrés Bello, y al recién creado Instituto Pedagógico Nacional. En 1939 viaja por Suramérica, lo que le permitió disponer de una idea más amplia de lo que era el mundo americano de habla hispana. Invitado como profesor de la Universidad de Harvard en 1946, pero regresa a nuestro país, en donde fundará la Facultad de Humanidades de la Universidad Central, ocupará sillón en la Academia Nacional de la Historia, al tiempo que dará inicio a su gigantesco trabajo de recopilación y ordenamiento sobre las obras de Andrés Bello, Simón Rodríguez, los escritos del Libertador, la Emancipación y la Imprenta en Venezuela, Pensamiento político del siglo XIX, Archivo de Sucre, Obras de Agustín Codazzi, Libros venezolanos: Catálogo, Materiales para la Historia del Periodismo en Venezuela en el siglo XIX, Obras Completas de Rafael María Baralt, Pensamiento Político de la Emancipación Venezolana. Docente de la Universidad Católica Andrés Bello, Universidad Central de Venezuela. Ocupa sillones en diversas Academias de Historia y Letras en diversos países de Iberoamérica. Recibe diversos Doctorados Honoris Causa, como los de la Universidad de Los Andes, Universidad Metropolitana, se hace acreedor de Premios y Distinciones diversos. Muere este

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excepcional investigador, polígrafo y maestro de generaciones en 2004.

II.   Metodologia

La metodología a emplear en esta investigación se centra en aplicar el análisis del discurso de Van Dijk y Adriana Bolívar a la obra de Pedro Grases contenida en los Escritos Selectos. Biblioteca Ayacucho, 1898. Caracas. Pp. 510., pero sólo aplicaremos tal metodología a los escritos educativos del autor. En ellos examinaremos las propuestas educacionistas y su íntima relación con la afectividad, pues Grases siempre mostró un vivo interés por el "problema educacional en Venezuela", al tiempo que toda su actividad está orientada hacia la preservación y trasmisión de conocimientos. Grases tiene un objetivo fundamental: la concepción de una pedagogía puesta al servicio de la educación del pueblo venezolano, el hecho educativo es una concepción de vida para este ilustre inmigrante.

Las categorías de análisis que aparecieron como recurrentes en la obra de Grases y que constituyeron los conceptos clave para el análisis del discurso graseano fueron: **entusiasmo apostólico, vibrante vocación, brillo de exaltación, ganas de ser eficiente, placer de educar, deseos de enseñar, humildad, respeto a sí mismo, discreción, alegría.** Estas categorías se identificaron en los escritos del autor referidos a su vasta experiencia educativa en todos los niveles, a excepción de la primaria, y que hemos referido más atrás. Sin tener una formación pedagógica, empero, hace del hecho educativo una piedra angular de su larguísima y fructífera praxis. Estas categorías se identificaron en la experiencia personal educacionista de Grases, tanto en España como en Venezuela y el continente americano. Allí podemos observar la presencia de un hombre formado en las humanidades clásicas grecolatinas y del Renacimiento, amén de su pertenencia a Cataluña, una región española conocida por su distintivo *ethos* derivado de su lengua, su impresionante historia como potencia económica y política mediterránea, así como su orgullo nacional que se expresa con ímpetu y fuerza a comienzos del siglo XIX con el movimiento de la Reinaixenca que persigue la restauración de la lengua , literatura y cultura catalanas, movimiento contemporáneo al Romanticismo que invade a Europa. Este fértil escenario es el que el joven Grases vive su intensa juventud, donde se inscribe con emoción y denuedo al movimiento por la Cataluña liberal, laica, republicana. Como hemos dicho atrás, esta enorme expectativa de redención nacional se habrá de cortar abruptamente y por la violencia al estallar la Guerra Civil española con el levantamiento de las tropas del general Francisco Franco Vaamonde en 1936. *Nosotros,* dice Grases, *pertenecemos a una generación española trunca y rota por la guerra civil. Con los compañeros de mi tiempo, vivimos el entusiasmo de un servicio público, al proclamarse la República tardía de 1931. Veíamos la posibilidad de arrimar el hombro a una empresa liberal por la que sentíamos el más decidido fervor.*

Pero nuestro autor no desfallece ante la tremenda adversidad histórica que sufre España y toda Europa en aquellos terribles años, pues el exilio le hará escribir: El que llega a suelo de emigración y en él puede establecerse, deja de ser desterrado, pues dispone de un punto de apoyo para estar en el mundo. O sea, adquiere una nueva tierra. Pero mantiene su condición de exiliado, mientras no se produce la adhesión espiritual, el arraigo o la entrega afectiva a una segunda sociedad. Tal es la médula de nuestra argumentación para examinar el discurso graseano: un afecto truncado en España que nuestro autor compensa derramándolo sobre suelo americano y en particular, su patria de adopción, Venezuela.

Una vez identificadas las categorías de análisis y su posterior definición las rastreamos en los escritos educativos del autor. La alta frecuencia, recurrencia y sistematicidad en que tales categorías aparecen en sus escritos, permite descubrir una propuesta orgánica y coherente sobre la educación de la afectividad.

III.   Educación y Afectividad

Fiel a su formación humanística, habrá de recalcar Grases de forma reiterada su vocación educacionista iniciada en 1932, y a la que entregó la mayor parte de su larga existencia. Su propuesta pedagógica la recogemos de un discurso en un medio universitario: Estamos presenciando en el mundo entero un deterioro trágico de la calidad de vida, que solo ha de hallar remedio a través de la educación, particularmente la educación superior, a base de una nueva filosofía humanística que estabilice las conciencias y renueve los principios éticos de la solidaridad entre los hombres y las vivencia de las normas de la justicia social. Debemos volver a edificar los fundamentos sociales que solo proporciona la educación, para restablecer la reverencia a la autoridad moral, que parece haberse perdido.

En nuestro autor hemos encontrado un rasgo que hace de su discurso un ejemplo paradigmático de humanismo laico, influenciado por un documento fundamental y que hará época, el Manifiesto Humanista de Chicago, firmado en 1933 por 34 intelectuales norteamericanos, entre ellos John Dewey, conocido y cultivado en España durante el régimen de la República, y que se debe entender como una propuesta de interpretación racional del mundo, descartando lo sobrenatural y metafísico. Es una forma de humanismo religioso pero no teísta, que asume una actitud escéptica y crítica ante los dogmas de cualquier tipo, religiosos, políticos y sociales, rechaza la fe y la Autoridad, apela al método científico, la razón crítica, la

discusión democrática, la evidencia factual, los sistemas éticos ajenos a tintes místicos y religiosos, separación Iglesia-Estado, legislación laica.

De los libros, que son su profundo amor, y de las bibliotecas, su lugar natural, dirá Grases: Ha de ser refugio para la persona, donde el dialogo sea feliz y el pensamiento ha de andar a echar en sosiego y recogimiento, en vez del clima de crispación que se ha adueñado de las sociedades que viven sin alegría y profundidad ante la armonía de los progresos del saber humano. Más adelante refiere que: Cuando el núcleo de la labor universitaria es la biblioteca y no el aula, desaparece entonces todo riesgo, todo peligro, todo desliz hacia la oratoria y hacia la facilidad de exposición, para convertirse entonces en lo que debe ser el alma de la más elevada formación: de esa chispa, de ese veneno, de ese contagio basado en la comunicación entre profesor y alumno, en la convivencia del maestro y del discípulo.

De la Biblioteca y de los libros, sus grades amores, motivo de su existencia, escribe Grases encendidas palabras: Cuando en la formación de estudiosos de rango superior la enseñanza se realiza con la consulta inmediata alrededor del libro, alrededor de la fuente de documentación directa, alrededor de la referencia, nace entonces esa comunión maravillosa entre profesor y alumno y lleva sobre pasos seguros la educación del futuro investigador o meditador en el campo de las humanidades. Para ello propone nuestro autor un cambio sustancial entre la exposición oratoria y el laboreo directo sobre fuentes de documentación. Se refiere a lo que en el mundo anglosajón se llama office hours, las horas de consulta existentes en todas las universidades alemanas, Francia y Estados Unidos. En las office hours, agrega, es donde cuaja precisamente la labor de enseñanza, en donde se realiza el contacto del profesor con el alumno.

De la relación docente discípulo, hoy casi perdida, seguirá diciendo: el maestro debe llegar al alma del educando con mayor pujanza formativa, con la formulación de un consejo oportuno. Resalta Grases "la sencillez de lo perfecto: el mayor saber y el mayor valer humano, van siempre acompañados de la mayor generosidad y humildad". De su experiencia personal como joven educador recién llegado a Caracas en 1937 evoca: "...hoy con grandes locales y laboratorios, grandes edificios con excelentes bibliotecas (incipientes, pero bibliotecas) y con espacios generosos destinados a la enseñanza, inclusive con Ciudad Universitaria, estoy persuadido de que la enseñanza venezolana no está mejor-cualitativamente considerada-que en los tiempos heróicos posgomecistas de 1937. Ha perdido un elemento esencial, que en esa época se poseía sobreabundantemente: el entusiasmo apostólico por ser educador y la vibrante vocación estudiantil. Había un brillo de exaltación en los ojos de maestros y profesores, que suplía con creces la falta de comunicación y la escasez de útiles auxiliares.

De la profesión docente en aquellos difíciles años dirá palabras cargadas de afectividad, emotivas: "Las ganas de ser eficiente en la docencia superaban las condiciones impropias de trabajo, los locales, el aparato instrumental, la pobreza de elementos se compensaba con el placer de educar y los deseos de enseñar en pro del mejoramiento de la juventud. A continuación tiene el Maestro Grases duras palabras para los sindicatos: A mi juicio, la profesión sindicalizada ha estropeado la esencia misma de la tarea pedagógica. En general, hoy predomina la aspiración a la organización gremial, a la vida política menuda, localista, con fines discutibles, con relativa altura de miras. Lo señalo como hecho dramático generalizado en el país, aunque naturalmente haya excepciones."

Sigue refiriéndose a la profesión de educar, hoy ganada para el sustento diario, de la siguiente manera: "Cuando la profesión coincide con el gusto de ejercerla, deja de ser trabajo, por lo menos en el sentido de castigo impuesto a la humanidad. Y ser profesor es, más que una tarea penosa, un glorioso placer. El trato de la juventud debería ser obligado para toda persona mayor. Es fuente de revitalización de ideas y sentimientos. La atención de ustedes en la clase, sus reacciones, sus travesuras y sus trascendentes ingenuidades, son para nosotros una lección diaria para captar el íntimo sentido de la vida. Si a esto se añade la conversación fuera de la clase y la amistad nacida del entusiasmo, como siempre he notado en ustedes, entonces el goce de la profesión se enriquece con el provecho de la más rica comunicación humana."

De su experiencia como inmigrante, sacado por la violencia y la intolerancia de su Patria escribe en tonos llenos de emoción: Las desventuras personales tienen gran valor formativo. Cuando la vieja pedagogía pontificaba que "la letra con sangre entra", andaba más o menos cerca de la verdad: la de que el dolor educa.(...) Antes que la guerra de la Península nos obligara a conocer otras tierras, estimaba en más la exactitud científica que la bondad humana. Para mí mismo buscaba el saber, sin reparar en cualidades éticas. Después he comprendido que la vida es más rica y más sabia si la preside la bondad del trato y la generosidad del alma, puesto que sin la buena gente no habría llegado nunca a rehacerme del estropicio de tantas calamidades.

Es por ello que dirá de su país de adopción que: "Y en la nueva tierra de Venezuela, aprendí de veras cuánto significa una mano amiga que nos devuelva la paz, y cuánto vale un corazón comprensivo que nos regale ideas y nos aconseje por el buen camino. Los problemas intelectuales quedan resueltos en la mejor forma: humanizados. Y así es posible hasta reanudar las antiguas ilusiones."

En otra parte, Los Signos del Saber, expondrá nuestro autor los tres requisitos fundamentales e indispensables, de los que se olvida el hombre de letras de nuestro tiempo: 1º) La humildad; 2º) El propio respeto; 3º) La discreción. A la falta de humildad hay que achacar estas tremendas palabras de Humboldt: …el reproche que se hace a las ciencias de excitar alarmas que ellas mismas después no pueden sosegar, no carece de fundamento. Sobre el respeto a sí mismo, que con tanta frecuencia pone a cualquiera a riesgo del menosprecio ajeno, lo veo, dice Grases, ensalzado en esta sentencia de Bello: "el más precioso de los bienes humanos es la reputación y buen nombre." Y por último de la carencia de discreción, escribe que ella se ha perdido en la cultura moderna. Para ilustrarnos sobre tan fatal carencia emplea un relato de la sabiduría oriental, el Panchatantra: cuatro hermanos brahamanes se tenían el mayor afecto. Tres de ellos se habían instruido en todas las ciencias, pero carecían de discreción; el cuarto no había estudiado pero era muy discreto. Los tres hermanos instruidos logran resucitar con su ciencia a un león muerto. El cuarto hermano les dice: es un león. Si les dan vida nos matará a todos. Acto seguido se sube a un árbol mientras el león cobra vida y salta sobre los tres hermanos matándolos en el acto. Moraleja: Más vale discreción que tal ciencia; la discreción es superior a la ciencia. El que carece de discreción parece como los hacedores de leones.

De modo pues que estamos en presencia de un ser maravilloso, como lo entendía Abraham Maslow, que se ha propuesto armonizar la educación meramente intelectual y la educación de la afectividad para alcanzar una mejor educación del carácter. Han actuado en esta manera de pensar la formación de Grases en literatura en su Cataluña de nacimiento, donde hizo lecturas de los clásicos españoles: Garcilaso y Juan de la Cruz, Miguel de Unamuno, Azorín, Federico García Lorca, Benito Pérez Galdós, Rafael Alberti, José Ortega y Gasset, entre otros, los grandes artífices del humanismo español de todos los tiempos. A su llegada a Venezuela, "siendo fiel a sí mismo, sin dar cabida al despecho", se hará un lugar eminente en nuestras letras, reconocido por figuras cimeras de nuestra intelectualidad tales como enrique Planchart, Luis Correa, Miguel Segundo Sánchez, Eloy G. González, Pedro Manuel Arcaya, Julio Planchart, Pedro Emilio Coll, Santiago Key Ayala, Mario Briceño Iragorri, Monseñor Nicolás E. Navarro, Vicente Lecuna, Cristóbal Mendoza, Augusto Mijares, Mariano Picón Salas, Rafael Caldera, Luis Villalba Villalba, Arturo Uslar Pietri, lo que se ha llamado, dice Grases, "la vieja madera", en trance de lamentable extinción en los tiempos actuales. Son los intelectos que nos han guiado en los azares de este siglo XX que recién hemos dejado atrás.

Toda esta rica, magnifica experiencia vital, rodeado de pesares y dolores en su patria catalana y española, se verá compensado con su llegada a Venezuela, país en donde logrará el portento de sacar a flote desde las procelosas aguas del olvido nuestro acervo cultural sepultado y disperso en repositorios y bibliotecas de América y Europa. Coetáneamente se construirá una concepción, una idea del hecho educativo firmemente anclada en la afectividad, el cariño y el amor.

IV.   Consideraciones Finales

Pedro Grases es, a no dudar, un educador extraordinario que llegó desde su país de la manera más abrupta y desdichada, huyendo de los desastres de la Guerra Civil española. Sin embargo se armó de un coraje y una determinación únicas, pues hizo de la desgracia del destierro una fortaleza al asumir como suya la patria venezolana como suya. Desarrolla entre nosotros desde su arribo en 1937 una labor civilizatoria impresionante como recopilador y ordenador de buena parte de nuestro excepcional pasado histórico en los tiempos de la Emancipación suramericana y en el siglo XIX. Labora en casi todos los niveles educativos, a excepción de la primaria, en donde da muestras de un magisterio basado fundamentalmente en el afecto y en la comprensión entre el maestro y el discípulo, base fundamental en el estudio de los saberes humanísticos. Esa relación mutua, cargada de sentimientos y afectos, es la llave y la clave para la formación de humanistas en la grandiosa tradición cultural en lengua castellana.

Es por ello que hemos dejado para el final comentar que el maestro Grases en 1946 rechazó la oferta de permanecer fijo como visiting professor en la muy prestigiosa Universidad de Harvard en los Estados Unidos, pero elige volver a Venezuela, ante el asombro de colegas y autoridades. Sus palabras de justificación sobre aquella preferencia inaudita suya son: Mi replica la fundaba en el deber de la vuelta a caracas, de donde había salido con licencia de un año que me fue prorrogada por otra anualidad, y también-¿por qué no decirlo?- a causa de que a mi juicio el hispanismo de América del Norte puede alcanzar grandes niveles de erudición y conocimiento, pero no entenderá nunca el íntimo espíritu de las creaciones hispánicas, tan distantes de la idiosincrasia norteamericana. Preferiría dedicarme a la enseñanza en un pueblo más cercano y similar al mío, original. Esta lección de desprendimiento, pocas veces vista, es, a nuestro parecer, la clave para entender la "imparidad del destino americano", según la expresión del Rector de la Universidad Central, Juan Oropesa. La cultura de signo anglosajón, blanca y protestante carece de la impronta emotiva, cordial y llena de afectos que de sobremanera tiene nuestra cultura en lenguas romances y mediterránea, que ama, llora, sufre y es feliz a través de esos portentosos vehículos de comunicación, de correspondencias y vínculos que son las lenguas

castellana y portuguesa. Solo así y de tal manera, encuadrándolo en el prodigioso escenario de la cultura hispanoamericana, se hace comprensible el discurso graseano de la educación en la afectividad, pues la Europa nórdica a asumido la modernidad en torno al individualismo burgués, estado de ánimo frío e impersonal ajeno y extraño a nuestras nacionalidades al sur del Río Grande.

Debemos para finalizar entender que el humanismo del maestro Pedro Grases, es un humanismo laico, en la mejor tradición que viene de los antiguos estoicos, Séneca y Epicteto, de los pensadores de la modernidad, tales como Montaigne, Voltaire, Diderot, Kant o Nietzsche, en tal sentido es un humanismo contrario a todo dogmatismo y extraño a cualquier interpretación metafísica y sobrenatural del destino humano, todo lo cual le confiere dignidad y autonomía al individuo al dotarlo de libertad de elección, pensamiento y conciencia.

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Family Chaos and Readiness to Change Problematic Alcohol Use

By Dr. Christopher Woodson, Lia Softas-Nall , Brian Johnson

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Abstract - This study assesses how family interactions impact an individual's readiness to change problematic behaviors specific to alcohol use. The purpose of the study was to further understand the relationship between perceived family functioning (based on the Family Circumplex model) of people who use alcohol, and their readiness to change problematic alcohol use based on the Transtheoretical model. Using the FACES-IV instrument and the URICA scale to relate the Family Circumplex model with the Transtheoretical model, the study tested eight hypotheses about the relationship between a specific family characteristic and a person's readiness to change problematic alcohol use. The family characteristics and readiness to change scores of 140 participants were analyzed using a multiple linear model. Results indicated that the statistical model, using the FACES-IV to predict scores on the URICA's readiness to change scale, was not significant. However, when assessing each variable from the FACES-IV, Chaos was found to be a significant variable. The implications of this result and recommendations for further research are discussed.

Keywords : FACES-IV, URICA, Family Circumplex, Transtheoretical, Family Chaos, readiness to change.

GJHSS-C Classification : FOR Code : 111710, 111707

FAMILY CHAOS AND READINESS TO CHANGE PROBLEMATIC ALCOHOL USE

Strictly as per the compliance and regulations of:

Family Chaos and Readiness to Change Problematic Alcohol Use

Christopher Woodson[α] ,Lia Softas-Nall[Ω] , Brian Johnson[β]

Abstract - This study assesses how family interactions impact an individual's readiness to change problematic behaviors specific to alcohol use. The purpose of the study was to further understand the relationship between perceived family functioning (based on the Family Circumplex model) of people who use alcohol, and their readiness to change problematic alcohol use based on the Transtheoretical model. Using the FACES-IV instrument and the URICA scale to relate the Family Circumplex model with the Transtheoretical model, the study tested eight hypotheses about the relationship between a specific family characteristic and a person's readiness to change problematic alcohol use. The family characteristics and readiness to change scores of 140 participants were analyzed using a multiple linear model. Results indicated that the statistical model, using the FACES-IV to predict scores on the URICA's readiness to change scale, was not significant. However, when assessing each variable from the FACES-IV, Chaos was found to be a significant variable. The implications of this result and recommendations for further research are discussed.

Keywords : FACES-IV, URICA, Family Circumplex, Transtheoretical, Family Chaos, readiness to change.

I. Introduction

In the United States millions of people are diagnosed with a substance use disorder every year. The impact of substance abuse reaches beyond individuals, affecting families and communities (National Alcohol & Drug Addiction, 2007a, 2007b, 2007c, 2007d). Jung (2006) stated that alcohol abuse affects the family by increasing conflict and divorce, and that child abuse—both physical and sexual—as well as neglect, are more likely to occur in families where alcoholism is prevalent. Several authors have stated that such abuse is likely a result of inadequate parenting (Jacob, Krahn, & Leonard, 1991) and behavioral and emotional maladjustments of the children due to parental alcohol use (Finn, Sharkansky, Brandt, & Turcotte, 2000; Finzi-Dottan, Cohen, Iwaniec, Sapir, & Weizman, 2006; Jacob et al., 1991; Smart, Chibucos, & Didier, 1990; Volk, Edwards, Lewis, & Sprenkle, 1989). Thus, the characteristics of one's family are widely seen as related to alcohol abuse and recovery.

In order to assess how both children and adults perceive family characteristics or broad traits seen in their families, Olson and his colleagues developed the Family Circumplex model (Olson, Sprenkle, & Russell, 1979). Functional interchanges between family members, specifically Family Flexibility (which can be Balanced, Rigid, or Chaotic), Family Cohesion (which can be Balanced, Disengaged, or Enmeshed), Communication, and Family Satisfaction can be assessed using a tool developed by Olson and his colleagues called the Family Adaptability and Cohesion Evaluation Scale (FACES).

The Transtheoretical model of behavior change integrates key constructs from a variety of theories in order to describe the process of recovery from patterns of harmful behavior and changes to healthier behavior patterns (McConnaughy et al., 1983, 1983; Prochaska & DiClemente, 1986). It focuses on three aspects of recovery (McConnaughy et al., 1983, 1983; Prochaska & DiClemente, 1986). The first aspect is the stages a person goes through when in recovery. Secondly, the processes a person uses for recovery are discussed. Finally, the Transtheoretical model explains the various levels where change is needed.

The Transtheoretical model postulates that people in a process of change go through five to six *stages* of change in recovery: Precontemplation, Contemplation, Preparation or Determination, Action, Maintenance, and possibly, Relapse (McConnaughy et al., 1983; Prochaska & DiClemente, 1986; Prochaska & DiClemente, 1992). The stages of change as initially presented by McConnaughy, Prochaska, and DiClemente have been used in a wide array of behaviors such as smoking (Anatchkova, Velicer, & Prochaska, 2006; Di Noia, Schinke, Prochaska, & Contento, 2006; Sun, Prochaska, Velicer, & Laforge, 2007), alcohol use (DiClemente, 2007), and various types of substance abuse (Connors et al., 2001; Velasquez, Maurer, Crouch, & DiClemente, 2001), among other topics.

As conceived in the Transtheoretical model, the Precontemplation stage is one which a person has no intention to change in the near future and is either unaware or only dimly aware of their problems (Prochaska & DiClemente, 1992). The Contemplation stage is one in which a person has become aware of their problems and the need for change, is considering taking steps to make changes, but has not yet committed to taking action (Prochaska & DiClemente, 1992). The Preparation or Determination stage is one in which the intention to change begins to be combined

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with some changes in behavior; the person intends to commit to significant changes in behavior in the very near future and has begun to take small steps to modify their behavior, perhaps reducing his or her intake of alcohol, for instance, or cutting down on the number of cigarettes he or she smokes (Prochaska & DiClemente, 1992). The Action stage is one in which concrete, significant steps are taken to change behaviors and overcome problems, and involves "considerable commitment of time and energy" (Prochaska & DiClemente, 1992, p. 1104). In the Maintenance stage, people work to continue and reinforce the gains made in the action stage, and also work to prevent relapse. Relapse involves a return to the problem behavior and is described by Prochaska and DiClemente (1992) as "the rule rather than the exception." The Transtheoretical model views these stages as cyclical, characterized by a "spiral pattern of change" in which people cycle through the stages multiple times before becoming long-term maintainers (Prochaska & DiClemente, 1992, p. 1104).

Research incorporating the Transtheoretical model with the family qualities established by Olson et al.'s (1979) Family Circumplex model is relatively limited. The available research integrating Family Communication, Family Cohesion, Family Flexibility, and Family Satisfaction with the stages of change in problematic behaviors or alcohol use has established a relationship between some of the variables in the two models. Results indicated that Communication, Cohesion, Flexibility, and Family Satisfaction influence the speed at which a person in recovery moves into the Action stage (time of sobriety) and are also predictive of people being in the Action and Maintenance stages of change (Barnett et al., 2002; Fals-Stewart, Klostermann, Yates, O'Farrell, & Birchler, 2005; O'Farrell, 1992; Rotunda, Scherer, & Imm, 1995; Winters et al., 2002).

Several authors who assessed individuals' readiness to change problematic behaviors of drug and/or alcohol use from a family perspective found evidence indicating the family has an important role in supporting change (O'Farrell, 1992; Rotunda et al., 1995; Barnett et al., 2002; Winters et al., 2002; Fals-Stewart et al., 2005). The efficacy of marital behavioral therapy over individual therapy in the treatment of alcoholism has been reported by several researchers (Fals-Stewart et al.; Murphy & O'Farrell, 1994; O'Farrell, 1990, 1992, 1996; O'Farrell, Hooley, Fals-Stewart, & Cutter, 1998; Rotunda et al.; Shoham, Rohrbaugh, Stickle, & Jacob, 1998; Winters et al., 2002). It is widely accepted that people abusing substances whose family life is more cohesive with healthier communication styles and more family satisfaction have a lower risk of relapse (Connors, Donovan, & DiClemente, 2001; DiClemente, 2003; El-Sheikh & Buckhalt, 2003; Fals-Stewart et al., 2005; O'Farrell, 1992, 1996; O'Farrell & Fals-Stewart, 2000; O'Farrell et al., 1998; Prochaska & DiClemente, 1986; Rotunda et al.). Indeed, one author stated that what he believed to be missing in the literature was research describing patterns of interchange between those who use alcohol problematically and members of their family (Jacob, 1992).

Peoples' ability to change behaviors related to problematic alcohol use may be influenced by how they perceive their family. By creating a model using both the Family Circumplex model (Olson, Sprenkle, & Russle, 1979) and the Transtheoretical model (McConnaughy et al., 1983) an assessment of perceived family characteristics and one's readiness to change problematic behaviors of alcohol use may be conducted.

The present study is designed to assess how perceived family interactions impact an individual's readiness to change problematic alcohol use. The purpose of this study is to further understand the relationship between perceived family functioning— namely Family Flexibility, Family Cohesion, Family Communication, and Family Satisfaction—of people who use alcohol and their readiness to change the problematic behaviors related to alcohol use. Thus, the study is focused on four research questions: First, does a relationship exist between Family Flexibility and readiness to change problematic behaviors of alcohol use? Second, does a relationship exist between Family Cohesion and readiness to change problematic behaviors of alcohol use? Third, what is the relationship between both Family Communication and readiness to change problematic behaviors of alcohol use? Finally, what is the relationship between Family Satisfaction and readiness to change problematic behaviors of alcohol use? Specifically, the intention of the study is to determine the relationship between the perceived family characteristics of a person as measured by FACES-IV and the stage of change that person is in as measured by University of Rhode Island Change Assessment Scale (URICA), which is based on the Transtheoritical model. How does one's perception of one's family traits correlate to whether one is in the Precontemplation, Contemplation, Preparation/Determination, Action, Maintenance or Relapse stage? It is anticipated that the results of this study will have implications for substance use treatment using family systems methods of treatment, thus adding to both the family systems' and alcoholism literature.

II. Research Design and Procedures

Assessment Tools

The Family Adaptability and Cohesion Environment Scale, 4th ed (FACES-IV), a 62 item, five-point Likert-type scale, was chosen due to its measurement of various levels of Flexibility and Cohesion, Family Communication, and Family Satisfaction. Use of the FACES-IV has not yet been highly published as it is a new version, however, the FACES-II and FACES-III have been used in several countries, been translated into several languages, and

reportedly used in 1,200 research studies during the last 25 years (Olson & Gorall, 2006). The FACES-IV reported reliability coefficients ranging from alpha .77 to .93 and validity coefficients ranging from alpha .91 to .93 was considered sufficient for this study (Olson, 2011).

The University of Rhode Island Change Assessment Scale (URICA) was chosen due to its usefulness with various populations, including an alcohol using population. It is a psychometrically sound 32-item, five-point Likert-type scale with internal consistency reliability estimated to be between .69-.82 (DiClemente & Hughes, 1990). Support for the instrument's validity content, criterion and construct validity has been documented (DiClemente & Hughes, 1990). A strength of the URICA has been described as its ability to provide "a single, continuous measure of readiness to change" (Carey, Purnine, Maisto, & Carey, 1999, p. 252).

Procedures

Permission to conduct this research and IRB approval was obtained. Participants were recruited from various treatment centers in the Rocky Mountain region. Some of the participants, depending on the location, were receiving treatment as court sentences, some were on involuntary or voluntary holds in a hospital setting, and others were in outpatient programs, yet all participants volunteered to participate in the research. Each location was given a box for participants to return their anonymously completed surveys in order to maintain confidentiality.

One hundred and forty participants completed a demographic questionnaire, the FACES-IV and the URICA. The total time to complete the surveys was between 20 and 35 minutes.

Demographic Data

The demographic questionnaire collected information on Individual demographic data (see Table 1) and Family demographic data (Table 2). When responding to items on the FACES-IV, participants could answer the questions in regards to their perceptions of their current family, the family they grew up in as children, or if they were adults living with the same family they lived with as children, they could acknowledge that as well. In the current sample, 49 (35%) participants answered the FACES-IV based on their recalled perceptions of the family they grew up in as children. Sixty-two participants (44.29%) answered based on how they perceived their current family. Twenty-one (15%) indicated that the family they grew up in as a child is still the family they live with as an adult, and 8 (5.71%) did not identify which family they were using to answer questionnaire.

Data Analysis

Data was analyzed using a simultaneous multiple regression analysis. Hair et al. (1995) describe a six-stage model building process used for the "creation, estimation, interpretation, and validation of a regression analysis" (p. 97), which was used in this data analysis. The first stage was to identify independent and dependent variables to be regressed.

In this research, eight independent variables existed: the eight scales found on the FACES-IV (Balanced Cohesion, Balanced Flexibility, Disengagement, Enmeshment, Rigidity, Family Chaos, Family Communication, and Family Satisfaction). The Balanced Cohesion scale is a measure of the level of healthy (balanced) emotional bonding that family members are perceived to have with one another (Olson, 2011). The Balanced Flexibility scale measures "the quality and expression of leadership and organization, role relationship, and relationship rules and negotiations" (Olson, 2011; Olson, 2010). For both the Balanced Cohesion scale and the Balanced Flexibility scale, higher scores indicate balance and are considered healthier (Olson, 2011; Olson, 2010).

The Disengagement, Enmeshment, Rigidity, and Family Chaos scales are measures of the extreme ends of the Cohesion and Flexibility constructs of the Circumplex model, which are considered unbalanced and unhealthy—Disengagement and Enmeshment being the extreme poles of Cohesion, and Rigidity and Chaos being the low and high extremes of Flexibility. Higher scores on these scales indicate family dysfunction (Olson, 2011; Olson, 2010). The Family Communication scale is a measure of how healthy the communication within a family is perceived to be (higher scores indicate a perception of healthy communication), while the Family Satisfaction scale is a measure of how satisfied a person is with their family (higher scores indicate higher satisfaction) (Olson, 2010). The dependent variable, readiness to change problematic behaviors, was measured using the URICA.

Table 1 : Individual Demographic Data

Demographics	N	%		Demographics	N	%
Gender				Age		
Female	52	37.1		21-25	37	26.43
Male	63	45		26-30	20	14.29
Unidentified	25	17.86		31-35	7	5

			36-40	14	10
Ethnicity			41-45	9	6.43
Asian American	0	0	46-50	13	9.29
Black/African American	1	0.71	51-55	4	2.86
Native American	3	2.14	56-60	1	.71
Hispanic/Latino	16	11.4	Unidentified	35	25
White/Caucasian	106	75.7			
Mixed Race	11	7.86	Yearly Income		
Unidentified	4	2.86	< $10,000	33	23.57
			$10,000-$20,000	20	14.29
Education			$20,000-$30,000	18	12.86
Some HS	12	8.57	$30,000-$40,000	21	15
Completed HS	25	17.8	$40,000-$50,000	7	5
Some College	55	39.2	$50,000-$60,000	8	5.71
Completed College	32	22.8	$60,000-$80,000	6	4.29
Advanced Degrees	10	7.14	$80,000-$100,000	4	2.86
Unidentified	6	4.29	> $100,000	10	7.14
			Unidentified	12	8.57

N=140, age range 21-56 (M=32.69; SD=10.13)

Table 2 : Familial Demographic Data

Demographics	N	%	Demographics	N	%
Current Relational Status			Current Living Arrangements		
Single/Never Married	52	37.14	Alone	33	23.57
Single/Divorced	24	17.14	With Parents	10	7.14
Single/Widowed	5	3.57	With Partner	19	13.57
Married/First Marriage	16	11.43	With Others	34	24.29
Married/Not First Marriage	14	10	With Children	13	9.29
			With Partner & Children	25	17.86
Life-Partnership	4	2.86	Unidentified	6	4.29
Living-Together	15	10.71			
Separated	7	5	Family of Reference		
Unidentified	3	2.14	Family grew up in as a child	49	35
			Current family	62	44.29
			Current family is the family grew up in as a child	21	15
			Unidentified	8	5.71

N=140

III. Results

Sample size was determined in stage two. To determine sample size this research used the formula $N \geq 50 + 8*m$, where m is the number of independent variables (Tabachnick & Fidell, 2007). Using this method, the sample size needed to be greater than or equal to 114 participants. With eight independent variables and 114 participants, the estimated power of the test would be an acceptable 0.80.

Descriptive Statistics

Results indicate a mean readiness to change score of 8.54 (SD=2.73), which corresponds to the Contemplation stage. Also, in Table 3 are the means and standard deviations of each independent variable (IV) as measured by the FACES-IV. These scores are reported as percentile scores.

There are four assumptions which need to be met in order to use multiple regression analysis. They are linearity of the phenomenon being measured, homogeneity, independence of the error terms, and normality of the error terms distribution. In this research, all assumptions were met.

In order to establish a working model for a simultaneous multiple linear regression all eight independent variable (Balanced Cohesion, Balanced

Flexibility, Disengagement, Enmeshment, Rigidity, Family Chaos, Family Communication and Family Satisfaction) were entered into the model and analyzed to assess for multicollinearity. As no multicollinearity was present, the R^2 was determined ($R^2 = .086$, adjusted $R^2 = .030$) and found to be very low indicating a low predictive power.

The statistical model for the present research was established as :

$$Y = 8.53 + .004x_1 - .005x_2 - .027x_3 + .011x_4 + .006x_5 + .033x_6 + .005x_7 - .022x_8$$

where Y is readiness to change problematic behaviors of alcohol use, was found to not be significant (p=.148) (see Table 4).

Table 3 : Descriptive Statistics for FACES-IV

	Mean percentile	SD	Classification
Balanced Cohesion	53.49	30.76	Connected
Balanced Flexibility	53.62	24.93	Flexible
Disengaged	32.82	18.43	Low
Enmeshed	25.37	11.95	Very low
Rigid	41.61	17.17	Low
Chaotic	30.11	17.08	Low
Family Communication	51.10	29.13	Moderate
Family Satisfaction	37.61	29.30	Low

Table 4 : Coefficients of the model

Model		Unstandardized Coefficients		Standardized Coefficients	T	Sig.
		B	Std. Error	Beta		
	(Constant)	8.53	1.44		5.91	.000
x_1	Balanced Cohesion	.00	.01	.05	.30	.77
x_2	Balanced Flexibility	-.01	.02	-.05	-.32	.75
x_3	Disengaged	-.03	.02	-.18	-1.41	.16
x_4	Enmeshed	.01	.02	.05	.52	.61
x_5	Rigid	.01	.02	.04	.39	.70
x_6	Chaotic	.03	.02	.21	2.03	.05
x_7	Family Communication	.01	.02	.06	.33	.74
x_8	Family Satisfaction	-.02	.01	-.24	-1.70	.09

The most predictive factor, and only one reaching statistical significance was Chaos (p=.05). This research focused on four research questions. The first research question asked if a relationship exists between Family Flexibility and readiness to change problematic behaviors of alcohol use.

As shown in Table 4, Balanced Family Flexibility (p=.75), and Family Rigidity (p=.70) were not significantly related to readiness to change problematic behaviors of alcohol use in the multiple linear regression model established for this study while Family Chaos (p=.05) was positively related to readiness to change problematic behaviors of alcohol use in the multiple linear regression model. Thus, in response to the first research question, it can be stated that a relationship exists between having an unhealthy high level of Family Chaos (an unbalanced, extremely high level of Flexibility within a family) and a person's readiness to change problematic behaviors of alcohol use.

The second research question asked if a relationship existed between Family Cohesion and readiness to change problematic behaviors of alcohol use. As shown in Table 4, balanced Family Cohesion (p=.77), Family Disengagement (p=.16), and Family Enmeshment (p=.61) were not significantly related to readiness to change problematic behaviors of alcohol use in the multiple linear regression mode. Therefore, in regards to the second research question, the model does not indicate a relationship with Family Cohesion in either direction (balanced or unbalanced).

The third and fourth research questions inquired as to the relationship between both Family Communication and Family Satisfaction and readiness to change problematic behaviors of alcohol use. As shown in Table 4, neither Family Communication (p=.74) nor Family Satisfaction (p=.09) were significantly related to readiness to change problematic behaviors of alcohol use in this multiple linear regression model. Therefore, the data did not support a relationship between Family Communication or Satisfaction and one's readiness to change problematic behaviors of alcohol use.

IV.   Discussion

The model indicates, as a whole, that the FACES-IV was not significantly related to participants' readiness to change problematic behaviors of alcohol use scores. An unbalanced level of too much Family Flexibility, Chaos, was the variable that was the most predictive, and the only one to reach statistical significance. This relationship suggests that the more chaotic the people in this research perceived their family life to be, the more ready they reported they were to change their problematic use of alcohol. This finding is relevant in two ways.

First, the relationship between Chaos and readiness to change problematic behaviors of alcohol use is in the positive direction. Previous research has found that balanced, not unbalanced, flexibility promotes change among alcohol using populations (Barnett et al., 2002; O'Farrell, 1992). However, the findings of this research suggest that as people perceive their lives to have become unmanageable (Alcoholics Anonymous, 2001) they are more likely to be motivated to change.

Secondly, the mean percentile score of Family Chaos in this research was 30.11, which is in the lower end of the Low range, 30 being the cut off score between Low and Very Low. Like the finding with Rigidity, this suggests the research population sample was not flexibly unbalanced by having too much flexibility. This finding was not unexpected as few studies have found elevated levels of Chaos among families dealing with problematic use of substances (Volk et al., 1989; Friedman et al., 1987).

One study addressing elevated levels of Chaos was conducted by Volk et al., (1989) where the individuals reporting elevated levels of Chaos were the mothers of adolescents who were using substances while the adolescents reported more Rigidity. Another study where Family Chaos was significant was when trained therapists observing family interactions used the Counselor Rating Scale to assess family types (Friedman et al., 1987). Like the Volk et al. study, Chaos was not reported by family members but by the therapists. Therefore, the finding of an overall low, although significant, level of Family Chaos in this

research is not surprising given the surveys were completed by only people using alcohol in problematic ways.

Looking beyond the FACES-IV as a model and assessing each family interaction style in relation to readiness to change problematic behaviors of alcohol use did yield some interesting results. Balanced Family Flexibility did not significantly predict change in readiness scores (p=.75). However, since the mean percentile score of Balanced Family Flexibility for participants in this study was 53.63 (within the "Flexible" range), it was much higher than expected, as previous research findings indicated their samples were in the Extreme range of Adaptability for both alcohol and drug using populations (Friedman et al., 1987; Kang, Kleinman, Todd, Kemp, & Lipton, 1991; Smart et al., 1990; Volk et al., 1989)

Results of this research also indicated that the unbalanced levels of too little Flexibility, Family Rigidity, was not a significant variable in predicting readiness to change problematic behaviors of alcohol use (p=..70). The mean percentile score of this sample on the Rigid scale was 41.61, which is in the Low range, suggesting that this sample population was not unbalanced in regards to rigidity. Again, this observation was surprising in that prior research found their sample populations to be significantly more rigid among the substance abusing populations than the general population (Friedman et al, 1987; Volk et al., 1989; Kang et al., 1991).

Balanced Family Cohesion did not significantly predict readiness to change problematic behaviors of alcohol use (p=.77). This finding was surprising due to the majority of research studying substance use with a FACES measure indicated Family Cohesion was significantly related. Specific to this research, it was observed that the mean percentile score of Balanced Family Cohesion was 53.49, which is in the "Connected" range, suggesting the sample as a whole was well balanced in regards to family connectivity.

The present research also differed from previous studies (Friedman et al., 1987; Volk et al., 1989; Kang et al., 1991; Rotunda et al., 1995) in regard to Family Disengagement. Results from the sample population of the present research found that Family Disengagement was not significantly related to readiness to change problematic behaviors of alcohol use (p=.16). The mean percentile score of Family Disengagement for this sample was 32.82, which is in the Low range of Disengagement. This observation suggests that this sample reported low levels of disengagement in their families.

This research further indicated Enmeshment was not significantly related to readiness to change problematic behaviors of alcohol use (p=.61). This finding was not surprising in that only one research article using a Family Circumplex model instrument (Friedman et al., 1987) found Enmeshment to be a

significant family characteristic among substance using populations. Indeed, the levels of Enmeshment reported in this sample were in the Very Low range (mean percentile score was 25.37).

The last two variables, Family Communication and Family Satisfaction, are new scales specific to the FACES-IV and therefore have no direct comparisons available. The results of this research indicated no significant relationship exists in this sample between either Family Satisfaction (p=0.91) or Family Communication (p=.74) and readiness to change problematic behaviors of alcohol use. The mean percentile score of Family Satisfaction was in the Low range, 37.61 (39.9 being the cutoff to a Moderate classification) suggesting that although the average participant indicated a low level of Family Satisfaction, it was not related to the participants' readiness to change problematic behaviors of alcohol use scores.

The mean percentile score of Family Communication was in the Moderate range (51.11). This finding suggests that the average participant reported communication within their family to be in the mid range and did not correlate significantly with readiness to change problematic behaviors of alcohol use. These results appear to contradict previous research which found that people's readiness to change problematic behaviors of substance use increased as communication skills and family satisfaction increased (O'Farrell, 1992; Rotunda et al., 1995; Winters et al., 2002; and Fals-Stewart et al., 2005).

V. Implications

Theoretical implications

The purpose of the current research was to bridge two theoretical models, the Family Circumplex model and the Transtheoretical model. The FACES-IV and the URICA were used to assess a relationship between the family styles and a person's readiness to change, thereby establishing a model linking the family variables assessed by the eight subscales on the FACES-IV to one's readiness to change. This model did not reach statistical significance. The implication then is that using the Family Circumplex model to assess a person's family life and his or her readiness to change alcohol use may not be theoretically sound with populations who perceive normal ranges of balanced family characteristics and low levels of unbalanced characteristics. These findings do not imply family characteristics are not important when assessing readiness change, only that there may not be a strong relationship when family characteristics are perceived to be within the average range.

The variable Chaos did reach statistical significance although the model itself did not. As a person's perceived level of Family Chaos increased, so did that person's readiness to change scores. The theoretical implication between Chaos and readiness to change may be that loss of family order or direction is such a negative experience that people become motivated to change problematic alcohol use to remedy the unbalanced in their family pattern.

Clinical implications

Recognizing the connection between Chaos and readiness to change problematic behaviors of alcohol use provides possible treatment indications. By increasing the awareness of family chaos, the results of the current study suggest an increased readiness to change problematic behaviors of alcohol use. Increasing awareness of familial chaos then can help a person move through the earlier stages of change (Prochaska, DiClemente, & Norcross, 1992). With increased readiness to change, the client then is more capable of entering into the Action stage of change and successfully engaging in more of the process of change (Prochaska & DiClemente, 1986).

Previous research indicated Behavioral Marital Therapy (BMT), and other forms of family therapy, have been "associated with better alcoholism treatment outcome" (O'Farrell, 1992; p. 30). It is recommended that family systems be included in treatments whenever possible. Having the family in treatment as opposed to only the person using alcohol problematically allows family members to help demonstrate the chaos as a means to help motivate change. Additionally, when working with individual clients whose family members are unable to attend sessions, using a systemic view to help clients raise their awareness of chaos' effect within the family system may prove effective.

The specific tool to use in therapy with families to motivate change in alcohol use depends on the present stage of change of the client. Prochaska & DiClemente (1986) indicated that when people are in the Precontemplation stage of change there are no specific processes of change that are more frequently used than others. This research implies using a process of change, such as increasing awareness, focused on family chaos would better help a person move through early stages of change.

In the Contemplation stage, Prochaska and DiClemente (1986) suggested processes such as consciousness-raising techniques—observations, confrontations, interpretations, bibliotherapy, and psychoeducational tools. Integrating Prochaska and DiClemente's suggestions with the current research findings implies using more focused consciousness-raising techniques in which the observations, confrontations, etc., are specific to how life for the individual and the family has become more chaotic with increased alcohol use.

Prochaska and DiClemente (1986) do not have specific processes of change for the Preparation stage as it overlaps with Precontemplation and Action stages (Prochaska et al., 1992). In the Action stage though, the processes of self-efficacy; "the belief that one's own efforts play a critical role in succeeding in the face of

difficult situations" (Prochaska & DiClemente, 1986, p. 10), counterconditioning and stimulus control are most effective to evoke change. Integrating these processes of change with the focus on chaos and family therapy implies a need to help the client and family learn to maintain healthy levels of flexibility to alleviate chaos and to countercondition the family's response to chaos, as well as to control the stimuli that lead to chaos.

Limitations

A limitation of this research is that it was conducted in north central Colorado. Therefore, the results of this study may not be generalizable to other geographic locations. Most previous research addressing family relations and substance use have a target population, such as adolescents or couples. The sample population used for this research did not limit participants to a specific family role and even allowed for past reporting of how they remembered their family growing up. About half of the sample chose to report on how they recall perceiving their family of origin's characteristics

VI. FUTURE DIRECTIONS

Summary

Results of the current study indicate that a model based on using the FACES-IV to predict a person's readiness to change problematic behaviors of alcohol use was not a statistically significant model. When assessing each variable within the model, Family Chaos was a significant factor in predicting readiness to change problematic behaviors of alcohol use. This finding indicates the importance of developing an awareness of family chaos in treatment to facilitate progress through the stages of change. Future research could expand the generalizability of these findings by assessing a more diverse sample, as well as by clarifying how other family characteristics influence participants' levels of readiness to change their problematic behaviors.

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Genetic Counselling and Logotherapy: Implications for Psychotherapists Interested In Genetic Disorders

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Abstract - This paper examines the relevance of genetic counseling and logotherapy in the management of somatogenic and noetic dimensions of psychopathologic disorders among individuals living with heritable disorders (such as diabetics, sickle cell disorders, cystic fibrosis, cancer, or down syndrome). Individuals with genetic disorders often experience meaninglessness, feelings of worthlessness, alienation, deep sited anxiety and depression due to recurrent painful crises and uncertainty of their ability to survive the next crisis. Such individuals often depend on drug therapy for the amelioration of their painful somatic condition without considering the option of psychotherapy. The study suggests that Frankl's logotherapy could be used to restore a sense of meaning to replace feelings of worthlessness and alienation, anxiety and depression in these individuals. It also suggests that genetic counseling could be used to determine how genetic conditions run in families and to help a person or family understand their risk for heritable conditions, educate the person or family about that disease, and assess the risk of passing those diseases on to their children. It also highlights some implications for psychotherapists.

Keywords : Genetic Counselling, Genetic Disorders, Logotherapy, Psychotherapists.

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GENETIC COUNSELLING AND LOGOTHERAPY IMPLICATIONS FOR PSYCHOTHERAPISTS INTERESTED IN GENETIC DISORDERS

Strictly as per the compliance and regulations of:

Genetic Counselling and Logotherapy: Implications for Psychotherapists Interested In Genetic Disorders

ILESANMI Oluwatoyin Olatundun

Abstract - This paper examines the relevance of genetic counseling and logotherapy in the management of somatogenic and noetic dimensions of psychopathologic disorders among individuals living with heritable disorders (such as diabetics, sickle cell disorders, cystic fibrosis, cancer, or down syndrome). Individuals with genetic disorders often experience meaninglessness, feelings of worthlessness, alienation, deep sited anxiety and depression due to recurrent painful crises and uncertainty of their ability to survive the next crisis. Such individuals often depend on drug therapy for the amelioration of their painful somatic condition without considering the option of psychotherapy. The study suggests that Frankl's logotherapy could be used to restore a sense of meaning to replace feelings of worthlessness and alienation, anxiety and depression in these individuals. It also suggests that genetic counseling could be used to determine how genetic conditions run in families and to help a person or family understand their risk for heritable conditions, educate the person or family about that disease, and assess the risk of passing those diseases on to their children. It also highlights some implications for psychotherapists.

Keywords : Genetic Counselling, Genetic Disorders, Logotherapy, Psychotherapists.

I. Introduction

Finding the cause, meaning and purpose of suffering and pain in life is the fundamental desire of humans and the basic driving force of life that may relieve them of their suffering and bring spiritual well-being (Frankl, 1963, 1988). This search for self-identity has left man in what **Frankl** calls an "**existential vacuum**" and emptiness (Psycho&Ex 19) which is the mindset that everything in life is meaningless. It issues from man's two-fold loss : (1) the loss of instinctual security which guides an animal's life; and (2) the loss of those traditions which guided human life in pre-modern society.

Existential vacuum manifests itself mainly in a state of boredom. This explains why Schopenhauer said that mankind was apparently doomed to vacillate eternally between the two extremes of distress and boredom (Frankl, 1963, p. 169). In psychiatry, boredom causes problems such as neorosis. **Alfred Adler**, a **psychoanalyst**, defined the source of "**existential vacuum**" or neurosis as a sense of worthlessness that most patients suffered (in Frankl, 1963, p. 169).

Individuals living with genetic disorders such as diabetics, sickle cell disorders, cystic fibrosis, cancer, or down syndrome do experience existential vacuum and emptiness (physical and psychological stresses) which may prevent them from overcoming fluctuation of mood, despair, depression, and pain. It may be hard for them to develop self-identity and find purpose in life. Hope and meaningful lives may seem impossibly distant to them (Choi, 2000). Therefore, existential vacuum and emptiness in individuals with genetic disorders in itself is not psychopathologic, but it may lead to psychopathologic disorder.

What then is genetic disorder?

Genetic disorders or conditions are heritable diseases caused by abnormalities in a person's genome. Such abnormalities may be a different form of a gene called a variation, or an alteration of a gene called a mutation. They are caused by a mutation in a gene or group of genes in a person's cells. These mutations can occur randomly or because of an environmental exposure such as cigarette smoke. Some types of genetic inheritance are single inheritance (for example, cystic fibrosis, sickle cell anemia, Marfan syndrome, and hemochromatosis), multifactorial inheritance (for example, high blood pressure, Alzheimer's disease, cancer, arthritis, and diabetes), chromosome abnormalities (for example, Turner syndrome, and Klinefelter syndrome), and mitochondrial inheritance (for example, epilepsy and dementia). Some genetic disorders are inherited when a mutated gene is passed down through a family and each generation of

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children can inherit the gene that causes the disease. Still other genetic disorders are due to problems with the number of packages of genes called chromosomes. In Down syndrome, for example, there is an extra copy of chromosome 21. Therefore **genetic disorders** may be caused by P - **Point mutation**, or any insertion/deletion entirely inside one **gene**; D - **Deletion** of a gene or genes; C - Whole chromosome extra, missing, or both - see **chromosomal aberrations**; and T - **Trinucleotide repeat disorders** - gene is extended in length.

II. Genetic Disorders, Psychopathology and Noetic Dimension

Brallier (1992) stated that if individuals with genetic disorders realize the meaning of their suffering, they can alleviate their pain. Frankl (1988) stated that if people lose their meaning and purpose of life, they may experience existential emptiness, which is the status of complete loss of the meaning of life, in combination with negligence, helplessness, emptiness, and despair. All of which is psychopathologic in nature.

Psychopathologies are disorders which denote behaviours or experiences which causes impairment, distress or disability particularly if it is thought to arise from a functional breakdown in either the cognitive and neuro-cognitive systems in the brain and are indicative of mental illness or disordered mind, even if they do not constitute a formal diagnosis. Some of the common psychopathologies seen in individuals with genetic disorders include depression (mood or affective disorders), anxiety disorders and personality disorders.

Psychopathologic conditions among individuals living with heritable disorders are psychogenic disorders which are precipitated by the somatogenic factors and sustained by the noetic state of such individuals. This implies that there are three basic dimensions to psychopathologic manifestations among individuals with genetic disorders: somatogenic, psychogenic and noetic dimensions (see Figure 1). This is supported by the Biblical theory (1 Thessalonians 5:23) which holds that man is a spirit (noogenic) who has a soul (mental state) and lives in a body (soma). Frankl's noted that human being is an entity consisting of three-dimensions: body (soma), Mind (psyche) and Spirit (noetic core) (Frankl 1985, 134ff).
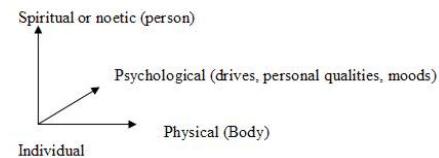
Figure 1 : Man lives in three modes that form an indivisible unity within him, but at the same time constitute three distinct ways of being body, mind and spirit. (Source)[3]

As individuals with genetic disorders strive to maintain their body in good health, it is regulated by their physical needs for sleep, food, drink, sexuality and exercise etc. On a psychological level, they are usually concerned with the psychic forces (such as drives, needs and moods) and feeling of well-being within the body. They usually strive for pleasant feelings and freedom from tensions. Anyone who succeeds may experience pleasure; those who fail may feel annoyance, tension and frustration. As a *spiritual* being (person), individuals with genetic disorders look for meaning and value in life, for support, faith, true love; values, justice, freedom, responsibility etc.

The psychogenic dimension (psyche) often experienced by individuals with genetic disorders includes changing moods, a feeling of exhaustion, fear-reactivity, attention span and memory problems, a sense of weariness and fatigue, difficulties with relaxation and speech fluency, problems with sleeping (and dreams), suicidal thoughts, sexual problems, various kinds of hyper anxiety and emotional hypersensitivity (psychological dysfunction syndrome). Frankl limited the content of the psychic dimension to the forces that express themselves in drives and emotions. These are not subject to free will, but follow their own rules and regularities.

All information from the physical and from the spiritual dimensions about the world and about their own state enter the psychic dimension, where it is screened and evaluated according to its significance for survival. With the psychodynamics process, this information is close to the physical dimension in the form of affects, moods and emotions.

The somatogenic dimension of psychopathology in individuals with genetic conditions holds that abnormal behaviour result from biological disorders in the brain. This dimension includes a feeling of general nervous tension, heart rhythm disorders, stomach ache, toothache, sore throat, oral or pharyngeal dryness, lack of appetite or excessive appetite (somatoform disorders).

The "noetic quality of abnormal mental states" refers to non-ordinary states as a source of higher visionary knowledge than the facts garnered from the senses. The noetic dimension of psychopathology in individuals with genetic disorders includes a deep

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[3]Retrieved from Alfried Längle. EXISTENTIAL ANALYSIS - The search for an approval of life. http://www.existential-analysis.org/introduction-to-EA-L.240.0.html

feeling of boredom, unhappiness and resignation, helplessness, uncertainty, depression, despondency, frustration, fading motivation to live and act, lack of self-confidence, and experiencing being lost in life (decreased noetic activity syndrome). The "noëtic" or "spiritual" dimension (Greek "nous" signifies "spirit" or "mind") (Frankl 1985, 79) of psychopathology individuals with genetic conditions touches the innermost core of their person. This inner person is what makes man truly human and distinguishes him from animals. By manifesting his noetic dimension, man manifests humanness. Only in this sense did Frankl speak of logotherapy as "Height Psychology" which he said was supplementing, rather than supplanting, the psychoanalytic "Depth Psychology".

According to Freud, human's have a will to pleasure and Adler the will to power. But Frankl noted that human's have a will to meaning. If it is frustrated, spiritual (noogenic) neuroses result. Frankl argued that the spiritual (noetic) dimension of man should be added to the physical and psychological dimensions. For Frankl, ultimate meaning does exist and is unique to each person and each situation. Each moment offers 'a sequence of unrepeatable situations each of which offers a specific meaning to be recognised and fulfilled'. Meaning cannot be invented but must be discovered. Therefore, a noogenic neurosis is not the result of instinctual conflicts, not the outcome of individual psychodynamics in terms of clashes between the strivings of ego, id, and superego; rather it is the result of existential frustration, leading to Noogenic depression and anxiety.

Frankl's three dimensions are not clearly separated from each other but interact, since man forms a unity (see Figure 2). Deficiencies in the existential dimension may have somatic effects, e.g. in muscular tension in the case of conflicts of conscience. The different dimensions may also find themselves in contradiction with each other and force the person to make a decision. Thus, the same thing can simultaneously procure pleasure and be experienced as wrong or inappropriate. But even if these dimensions influence each other, they do not merge. The physical and psychic correlate strongly, and both are determined, which means that they follow certain rules and evade conscious control. This is why they are analysed with scientific methods. In existential analysis

[4] Retrieved from Alfried Längle. EXISTENTIAL ANALYSIS - The search for an approval of life. http://www.existential-analysis.org/introduction-to-EA-L.240.0.html

[5] Retrieved from Alfried Längle. EXISTENTIAL ANALYSIS - The search for an approval of life. http://www.existential-analysis.org/introduction-to-EA-L.240.0.html

their relation is described as in a psychophysical parallelism. For example, there is no anxiety originating in the psychic dimension without any physiological or somatic symptoms as a consequence. Vice versa, palpitations may cause anxiety if they are not dealt with properly in the noetic dimension.
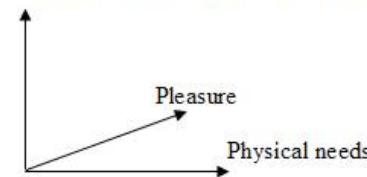
Figure 2 : the dynamics of man on the different anthropological levels - a model depicting the possible divergence of the motivations, which may lead to tensions and motivational conflicts. (Source)[4]

In contrast, the noetic or personal dimension is free as far as its nature is concerned. For this reason, Frankl postulates a hiatus, a fundamental distance between the psychophysical parallelism and the noetic dimension. According to Frankl, the noetic dimension resonates through the whole of man, and man is most himself where the three dimensions join. It is man's lifelong task to balance and harmonise his diverging aspirations. It is in this struggle that Frankl sees the dominant role of the third dimension because of its meaning for the individual's relation to the outer world. At the same time he thought that it was exactly there where modern man suffers the greatest deficits, which result in feelings of meaninglessness, of disorientation and lack of fulfillment.

The noetic dimension is the best of the human spirit. Something may be pleasant and agreeable on the physical level, but not necessarily "meaningful, right or good" on the spiritual level:
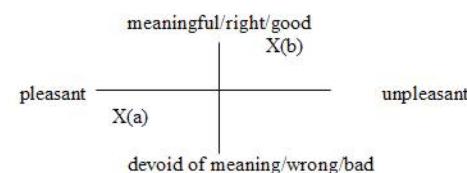
Figure 3 : the psychological and personal (noetic) experiences take place in different dimensions. Their contents are therefore not to be mixed up - something pleasant need not be right (a) (Frankl, 1983) (source)[5]

The display of neuroses can generally be called a steady loss of spiritual peace. These **neuroses** are called **noogenic** because they come from the **noetic** realm, rather than, the psychic one. As a result, neuroses can be identified as stemming from lack of meaning rather than a psychological impulse or breakdown.

Someone psychologically ill will look for pleasant experiences (e.g. something to alleviate his anxiety or to ease his tensions) however meaningful or not (Frankl, 1997b & c). The psychologically healthy person will put the emphasis on the meaningful. Something may be right and meaningful in spite of being unpleasant (eg. to discuss a conflict). This schema might be called "the existential-analytical principle of pleasure and reality."

In this dimension the search for meaning is grounded. Although one can experience sickness in the body and the psyche, the human spirit, the noetic core, remains healthy; it cannot become ill because the spiritual dimention depends on meaning. However, access to that healthy core can be blocked. Attributes of the noetic dimension are responsibility (not from, but responsibility to), authenticity and creativity, choices, values, self-transcendence, will to meaning, love, conscience, ideals and ideas, etc.

Currently, there is growing recognition in medicine that patients with genetic disorders do present themselves as integrated beings whose physical, emotional and spiritual welfare are entwined (Cohen, Wheeler, Scott, Springer & Lusk, 2000). However, in the field of mental health, little attention is been given to the psychotherapeutic management of the psychogenic and the noetic states of psychopathologic behaviour among individuals with genetic disorders. Chemotherapy has for long been the sole means of treatment, reduction and amelioration of painful crisis among such individuals.

Popielski (1999) also noted that theoretical analyses and psychotherapeutic practice have not sufficiently emphasized the subjective-personal views on existence, i.e. the existential-intellectual, moral, or noetic dimension of personality. Ignoring the value dimension while studying personality and choosing psychological therapy, researchers and therapists fail to recognize basic values in an individual's subjective-personal life and experience. A person, who creates oneself mainly in reference to the world of material values, deprives himself of realizing his own humanity (Ryś, Mausch 2006a; Ryś, Mausch 2007). Values shape and guide existence and the world of values and sense guides man in his/her existential being and becoming. A failure to develop a system of values and the ability to appreciate value, or its underdevelopment, result in distorted existence, which is in existential frustration, the feeling of unfulfillment and not using one's potential. Consequences of such a condition are existential vacuum and noogenic neurosis, described by V. Frankl. Popielski attributes noopsychosomatic disorders to noogenic neurosis.

Thus, it is essential to help individuals with genetic disorders continue their search for the meaning of their life and to overcome this most challenging hurdle. This could be done through the application of Frankl's (1963) logotherapy and genetic counselling.

III. Logotherapy

Logotherapy is a psychological, therapeutic treatment comprising a spiritual approach to the root of the problem, which helps people appreciate their responsibility for existence, gain liberty out of emotional distress, and find the meaning and purpose of their life. It is based on the assumption that one can will, search, and discover meaning in human existence, even in the most miserable circumstances. Logotherapy aspires to height psychology which is the noetic dimension of human ontology. This means that humans can exercise conscience, choices, goodness, freedom and responsibility, and self-transcendence in the existential encounters that society offers.

Viktor Frankl's logotherapy, is a type of a humanistic treatment approach that was first developed in **1938**. Logotherapy means 'therapy through meaning'. The "logo" means "meaning" in Greek. It is a **person-centered therapy** that focuses on the **future**, and is truly a modern therapeutic model for a modern audience (Man's Search, 104).

Logotherapy is an active-directive therapy aimed at helping people specifically with meaning crises, which manifest themselves either in a feeling of aimlessness or indirectly through addiction, alcoholism or depression. There is a hidden despair (Cry for Meaning, 21) in man which is centered on **identity**.

Logotherapy is usually called the "third school of Viennese psychotherapy" after **Freud**'s **psychoanalysis** (the first school) which held that all neuroses could be linked back to the warring parts of the self called the **id**, **ego**, and **superego** and **Adler**'s **individual psychology** (the second school). **Freud**'s **Freud** had insight on the **human condition**, but **Freud**'s lessons were simply not suitable for his time period. He had to make his ideas too objective (in **Frankl**'s opinion) for use in practical **therapeutic situations**, where **spirituality** was an issue; and as a result his theory came to make "the human person into an object," by analyzing spiritual concerns rather than dealing with them directly. It was this dehumanizing of the patient that drove **Frankl** to rework the **psychoanalytic** model. In **Frankl**'s mind, what good was having your inner sexual being settled, when there was still a crisis of meaning in your heart. **Frankl** felt that man's search for meaning was a primary response, not a **rationalization** as **Freud** and others would claim. To **Frankl** the search for meaning held a deep significance. If meaning was just a reaction he felt it would be terrible: "I would not be willing to live merely for the sake of my 'defense mechanisms,' nor would I be willing to die merely for the sake of my 'reaction formations' (Man's Search 104)."

Logotherapy is very useful in dealing with persons living with heritable disorders because they often feel that life is meaningless. It can be used to restore a sense of meaning to replace feelings of worthlessness and alienation common in such people.

With logotherapy, Frankl asserts that each person's life has a unique meaning even when the person is confronted with heritable disorders over which he/she seemingly has little control. It is the role of the logotherapist to help the person to discover that unique meaning within himself/herself. The logotherapist does not provide the meaning, but rather assists the person in discovering his/her own meaning.

Logotherapy struggles to understand the complete person, **spiritually** as well as psychologically. This allow therapists to treat spiritual issues rather than just to treat them as another layer of the person to be broken down and analyzed. While logotherapy is not as "objective" as **Freud's psychoanalytic** process, it is still a very good tool for a therapist to utilize in treatment.

IV. Techniques of Logotherapy

Logotherapy is assistance in the quest for meaning. The Basic assumptions of logotherapy are a) life has meaning under all circumstances; b) People have a will to meaning; and c) People has freedom under all circumstances to activate the will to meaning and to find meaning.

Logotherapy also holds onto **existentialism** as one of its core tenets, yet at the same time also embraces **religion** (Logotherapy). It is an active-directive therapy aimed at helping people specifically with meaning crises, which manifest themselves either in a feeling of aimlessness or indirectly through addiction, alcoholism or depression. It employs techniques useful for phobias, anxiety, obsessive-compulsive disorders and medical ministry. Other applications include working with juvenile delinquents and career counselling aimed at helping people to find more meaning in life.

The therapy asks **therapists** to be aware of their client's **spiritual** self, as well as the **baser instincts** first identified by **Freud** and reinterpreted by **Adler**. The **therapeutic relationship** in logotherapy involves having a good trustful **dynamic** between the client and the **therapist** is essential. Therefore, logotherapy is not something a therapist should employ early in the counseling relationship. This criteria stems from the nature of the **therapy** itself. It is easier to discuss things in a **cognitive behavioral therapy** session, but for logotherapy, this is more difficult because **religious**/**spiritual** feelings are usually guarded jealously.

There are specific ways a therapist can try to push a client towards finding meaning in life. The first is by creating something or doing something else for others. By taking an active role in life, by being a creator, or by having a relationship with someone else meaning can be found in doing something greater than (or at least not exclusive to) oneself.

The second way meaning can be found is through **love**. In this case a **therapist** can try to reinvigorate or direct a client to past relationships that were important to them. In addition the therapist could suggest trying to develop new relationships. It should be noted that **Frankl** makes clear that in order to have meaning in these relationships there needs to be love. The love he describes is not the type of unconditional love that is represented in **Rogerian**, **Person-Centered therapy**. It is **intimate** love (though not always physical) that therapists should avoid in order to remain objective.

The third way to help clients living with genetic disorders find **meaning** relies heavily on **existential choice**, as it is to face suffering head-on and experience it. This idea states that no matter what the situation is, fundamentally, everyone has control over themselves, and has a choice to make. Some people may have better choices (cosmetically) than others; however, the choice is there just the same. The idea of **existential choice** works well with depressed patients. Giving them **existential choice** allows them to take ownership of their own situation, while at the same time allowing them to find support through their existential search. In that case, logotherapy would help the client navigate the **psychological stages of genetic disorders.** The second type of client that could find meaning through suffering is the families of those living with genetic disorders. In this case, logotherapy would be beneficial because it takes into consideration the confusing spiritual dimension that is left in the wake of having a loved one die or go through unending circles of painful crises (Man's Search 115-19).

Next is the never-ending search or battle for survival. *"The search is what anyone would undertake if he were not sunk in the everydayness of his own life.... To become aware of the possibility of the search is to be on to something. Not to be onto something is to be in despair."* Not to be onto something is to be in despair (Percy, 1961,13). While he is optimistic **Viktor Frankl**, cautions that **existential choice** and reflection is not a **panacea** for humanity. In fact he claims that there is a **tension** that is needed. The most important part of logotherapy, once a **patient** understands existential choice, is the understanding of how each of us has an **existential burden**. A healthy person has both **stress** and **relaxation**. The ideal state is somewhere in between the two states. When a patient goes too far over to one side, **Frankl** wrote, the **noodynamic** falls apart. Patients who move too far either way develop **noogenic neuroses**. Patients with noogenic diagnosis could find help in logotherapy (Psych &ex 43). While it is the responsibility of the therapist not to over-burden the client, it is still the client's job to process these feelings and find meaning in them where they can (Psych &ex 21).

One of the key ideas in **Frankl**'s therapy is that the world is always changing and every individual has the opportunity to change with it, or remain the same. **Frankl** argues that throughout a man's live he is always on the journey of meaning and each of the different developmental stages a different kind of meaning is needed. For example, a child finds meaning in his **family**

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and **place in the world**. His family might introduce **God** into his vocabulary of meaning. However, as time goes by, he knows that there is more information out there and looks to his parents for guidance in reconciling the different forces at work. The same child as a teenager now knows much more about the world than his former self. The teenager looks outside the family for meaning, while at the same time still trying to find out who he is as a person. The next step for the teenager who is now in his twenties in the search for **meaning** is trying to reconcile the **individual identity** he developed as a teenager, with the feelings he is having about **starting his own family**. In contrast to his **teenager** self, he looks back to his family of origin for assistance in settling into his new position as **husband** or **father**.

The next step would be for the child, now at **middle age**, is to come to grips with his first thoughts of his own **mortality**. He looks to his wife and family for support, as the new meaning in his search has for the first time pointed towards **death**. This feeling is also compounded by the death of his **parents** or other family members. In his previous life from his teenage years until middle age mortality was not an issue, but now he needs to make death, or at least thinking about it, part of his meaning or identity.

The final step for the person who is at middle age, but is now at the end of his life is to reflect on what he did and did not do. In addition, he will look towards **religion** more if he was not very faithful in his earlier years. It is this great search for meaning throughout life that logotherapy is primarily concerned with. If a person can successfully find meaning in each of these stages than they are functioning well. Those who stall at a point would be good candidates for logotheraputic therapy.

V.   Genetic Counselling

Genetic counselling is the process by which patients or relatives, at risk of an inherited disorder, are advised of the consequences and nature of the disorder, the probability of developing or transmitting it, and the options open to them in management and **family planning** in order to prevent, avoid or ameliorate it. This complex process can be seen from diagnostic (the actual estimation of risk) and supportive aspects (Sequeiros and Guimarães, 2008). Genetic counselling can occur before conception (i.e. when one or two of the parents are carriers of a certain trait) through to adulthood (for adult onset genetic conditions such as **Huntington's disease** or hereditary **cancer** syndromes).

Genetic counsellors provide information and supportive counselling to families who have members with **birth defects** or **genetic disorders**, and to families who may be at risk for a variety of inherited conditions. They work as members of a health care team and act as a patient advocate as well as a genetic resource to physicians. They refer individuals and families to community or state support services. They identify families at risk, investigate the problems present in the family, interpret information about the disorder, analyze inheritance patterns and risks of recurrence and review available testing options with the family.

VI.   Implications of Psychotherapy

Genetic counseling and logotherapy have fundamental implications for psychotherapists and anyone interested in learning more about the intersections between heritable disorders and spirituality. These fundamental implications can be viewed on varying angles.

First are the implications for psychotherapy training and practice in psychology. Psychotherapy training involves themes such as outcome findings, common factors, empirical support, patient treatment matches, therapy manuals and practice guidelines, usage as brief therapy and group therapy techniques. To assist trainees in becoming well-informed genetic counselors and logotherapists, themes such as these should be covered as part of their introduction to learning about genetic counseling and logotherapy.

At the centre of this implications are three groups of people. First are administrators responsible for developing and approving psychotherapy training programs. This group includes psychotherapists in universities and members of curriculum committees. Second are teachers and supervisors who directly provide psychotherapy training. Third are the consumers; that is, those who receive psychotherapy training and provide psychotherapy to patients. Learning to be skillful genetic counselor and logotherapist is a challenging task that takes time, effort, and hard work, even when trainees feel confident about the usefulness of psychotherapy.

The practical implication of these therapies for psychotherapists hinges on cultural sensitivity. Kress, Eriksen, Rayle, and Ford (2005) point out that the DSM provides psychotherapists with a general outline for evaluating a client's cultural context, including (1) the client's cultural background, (2) issues related to the client's culture, (3) socio-cultural issues related to the client's environment, (4) factors involved in the therapeutic alliance, and (5) the overall cultural evaluation. Understanding this cultural framework may help psychotherapists be more culturally sensitive in diagnosing an individual on the bais of the noetic dimension. Furthermore, according to Kress et al. psychotherapists need to promote cultural sensitivity. In particular, these authors provide concrete information about how to reduce bias in clinical practice, including assessing the client's worldview, the client's cultural identity, and sources of cultural information pertinent to the client; delving into the cultural meaning of a client's problem and the impact on family, work, and community; and understanding culturally based stigma associated with the presenting problem. Assessing the

client's worldview includes taking into account the client's own values, beliefs, and assumptions about the world. Grieger and Ponterotto (1995) report that asking about a client's worldview is the most important question for assessment in cross-cultural psychotherapy. The client's identity is assessed by gathering data about the client's language, religious beliefs, and employment so the psychotherapist understands who clients are in relation to their environment. Helpful professional development activities in this regard may include reading relevant books about support systems, cultural history, and spirituality, which help to provide cultural information relevant to the client's life. Thus, before a diagnosis can be made it is important to understand the client in his or her cultural context. Addressing these ongoing issues can help provide psychotherapists with more objective diagnostic awareness.

An accurate diagnosis of mental health symptoms in genetic disorders is another implication of genetic counseling and logotherapy for psychotherapists. Accurate diagnosis is difficult but extremely important in the clinical decision-making process. On some occasions, psychotherapists may not diagnose mental health disorders accurately (Bell & Mehta, 1980). The DSM-IV-TR is a classification system of mental health disorders that was developed for use in clinical, educational, and research settings (American Psychiatric Association [APA], 2000). The diagnostic criteria included in the DSM-IV-TR are meant to serve as a guide or a framework to be informed by clinical judgment on behalf of the psychotherapist. However, clinical judgment is involved in the clinical decision-making process and takes clinical experience and expertise. Therefore, incorrect diagnoses can lead to negative consequences for clients, the professional image of psychotherapy, and society in general. One potential pitfall of misdiagnosis is client stigma.

Failing to provide or disseminate genetic counseling and logotherapy from research settings to clinical practitioners interested in noetic dimension of heritable disorders would result in the lack of availability of these treatments techniques in mental health system in Nigeria and Africa as a whole. This may ultimately have a disastrous impact on the viability of psychotherapy in Africa.

Another implication is logotherapy in practice. Logotherapy is generally utilized in practice with another form of therapy such as genetic counselling and **cognitive therapy**. A therapist using logotherapy should be careful not to push too hard or not enough when discussing spiritual matters; as with other therapy the least restrictive means necessary is the path to take. As **Frankl** himself put it in Man's Search for Meaning: "*Logotherapy is neither teaching or preaching. The logotherapist's role consists of widening and broadening the visual field of the patient so that the whole spectrum of potential meaning becomes conscious and visible to him (115).*

VII. Conclusion

Genetic counseling and logotherapy are highly relevant in the management of somatogenic and noetic dimensions of psychopathologic disorders among individuals living with heritable disorders (such as diabetics, sickle cell disorders, cystic fibrosis, cancer, or down syndrome). Individuals with genetic disorders often experience meaninglessness, feelings of worthlessness, alienation, deep sited anxiety and depression due to recurrent painful crises and uncertainty of their ability to survive the next crisis.

Logotherapy is a psychotherapeutic method, which works primarily through verbally induced processes. Logotherapy centred around the intellectual and spiritual side of man which manifests itself in his search for meaning. Frankl's logotherapy deals with the noogenic state, cognitive behavior therapy deals with the cognition or mental state while genetic counseling is concerned with the somatic state.

Genetic counselling is the process by which patients or relatives, at risk of an inherited disorder, are advised of the consequences and nature of the disorder, the probability of developing or transmitting it, and the options open to them in management and **family planning** in order to prevent, avoid or ameliorate it.

There is the need to train psychotherapists in the usage of genetic counseling and logotherapy for the management of trauma arising from genetic disorder.

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Leonard Bloomfield's View of Structuralism and Linguistics

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Abstract - Leonard Bloomfield is accused of neglecting the meaning of Language and focusing on its structural aspect only. The present paper is an attempt to clarify Bloomfield's understanding of linguistics. This is done by means of studying his views of structuralism and linguistics.

GJHSS-C Classification : *FOR Code : 200405, 200408*

LEONARD BLOOMFIELDS VIEW OF STRUCTURALISM AND LINGUISTICS

Strictly as per the compliance and regulations of:

Leonard Bloomfield's View of Structuralism and Linguistics

Basel Al-Sheikh Hussein

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The present paper is an attempt to clarify Bloomfield's understanding of linguistics. This is done by means of studying his views of structuralism and linguistics.

I. INTRODUCTION

Some critics of linguistics seem, to my mind, to substitute "structural linguistics" (structuralism), which constitutes an essential part of the scientific study of language, for "linguistics" as a whole. This kind of an unforgivable sin can only result in the distortion of the field of linguistics, and in confusing the student of language. Therefore, the author wants his readers to consider this paper as a contribution to a better understanding of the terms "structuralism" and "linguistics".

To achieve this goal, the author sets out to show how complex linguistics can be. And this will be pursued by his correcting of the criticism of Leonard Bloomfield's conception of Language.

II. BLOOMFIELD'S CONCEPTION OF LANGUAGE

It is maintained - and indeed up to the present day - that Bloomfield practised linguistic analysis without wanting to consider psychological, sociological, semantic and other aspects.

In the following the author would like to deal with two points: on the one hand, I want to analyse Bloomfield's structuralistic attitude towards linguistics as a whole; on the other hand, I want to describe Bloomfield's special position in American Linguistics.

Regarding the first topic, Bloomfield's structuralistic attitude towards linguistics as whole has been misinterpreted. The author thinks one reason is that Bloomfield's critics did not perceive that fact tha the original objective of the American Linguistics of the thirties, forties and fifties was the working out of methods for the description of Indian languages, threatened to become extinct, and which did not concern itself with putting forward a universal theory. This only became the function of modern linguistics.

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In the mentioned period the American linguists pursued the aim of making language accessible to an inductive scientific analysis which should be examinable in an empirical way.

American linguistics differs essentially form de Saussure's structuralism since this underlies a deductive method. De Saussure influenced linguistics merely formally. This means, linguistic units are according to de Saussure – not determined on the level of parole as the concrete act of speaking, but on that of the "linguistic system" (the corresponding term in de Saussure is "langue").

If linguistics is understood in such a way, the pragmatic aspect of language as an object of analysis remains excluded. The reproaches made against Bloomfield should be actually made against de Saussure because he regards language completely described in the setting up of a grammar theory. According to Bloomfield, however, a theory is necessary for an adequate description of language ; a theory which takes into account not only structural aspects but also other ones. Also E. Causerie does not restrict language analysis to structuralism, but he extends it to the following levels:

1. The level of language typology ; on this level the classification of the natural languages is given on the basis of particular characteristics, for example because of the word structure, according to which the agglutinative, inflexional and polysynthetical linguistic structure could be stated ;

2. The level of language norm; that means the investigation of the regulating system of a language. A regulating system which all members of a language community have at their disposal;

3. The level of language system ; on this level the complex connection of function of linguistic elements from different levels is determined;and

4. The level of speech in the sense of parole, act of speech.

From my point of view Causerie is right in claiming that the structural language description only deals with the third level of the language system. Therefore, we can state that the criticism of structuralism and thus of Bloomfield's descriptivism (as it is called) saying that he ignored aspects such as psychological, semantic and sociological, was based on a very simplified conception of language. This means, such a kind of criticism does not understand structuralism as a

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part of linguistics, which explores language in all its relations, but it puts it on such a level.

Structuralism is better called "maicrolinguistics" and Linguistics "maicrolinguistics". Since the critics did not differentiate the functions of maicrolinguistics from those of macro linguistics, they expected from the structural and thus from Bloomfield's descriptive linguistics that what only linguistics is able to accomplish as maicrolinguistics. So Hudson criticizes in his book "Sociolinguistics" structuralism as incomplete because it neglected social problems, However, Bloomfield as a structural linguist, did not think , other than Hudson , of being able to deal with all aspects pertaining to a language in its entirety, but what on no account means that they are excluded. Despite this being so obvious, Bloomfield's Linguistics was interpreted as if he had pretended that he could tackle all problems of language. Thus, Bloomfield's critics failed to notice the fact that it is impossible to solve all problems only in the scope of structuralism; in order to overcome them it is much more necessary to cooperate with the other disciplines and take their results into consideration. Accordingly, in Bloomfield's conception neither the psychological nor any other aspect of language analysis is ruled out. So, Fries' assertion also that Bloomfield's position was to promote the autonomy of linguistics and thus to become independent of psychology, cannot be justified. On the contrary, however, it results from Bloomfield's attitude that psychology is indispensable in order to explain language processes.

To come to the second point: Bloomfield's position in American Linguistics has been misinterpreted. This can be attributed to the fact that the American linguistics in the period mentioned is described in a uniform and indiscriminate way. Looking at Bloomfield's linguistics more closely, however, one cannot ignore considerable differences between his contemporaries and followers, the so-called Bloomfieldians and himself. Under close consideration Bloomfield's conception of language would appear in a historic scientific as well as in a descriptive way. However, his pupils – being very different from each other – are chiefly working descriptively. This difference is very obvious in Bloomfield's papers as well as in his practical works. In this connection we can give remembrance of his "Postulates", edited in 1926, and his "Algonquian Investigations", edited in 1946. The former gives a clear notion of Bloomfield's idea of language analysis in the way of assumptions and definitions for a descriptive as well as for historical linguistics; assumptions and definitions which find its total expression in the latter, in the reconstruction of the Algonquian language family. Thus, Bloomfield makes clear – other than his pupils – that he tries not only to contribute a language description to linguistics; this means, he did not believe in achieving a complete

analysis of language only by a description of sounds and their combinations.

Bloomfield's Postulates and Algonquian Investigations make obvious that for an adequate description of language a descriptive as well as a historical explanation is necessary. The difference between Bloomfield and his pupils was his personal commitment in dealing with strange cultures. He was absolutely convinced of the fact that it was not sufficient to describe a foreign language by listing sounds and compare them with each other, but he insisted on the opinion that there had to be knowledge of the culture to be analysed in order to understand the meaning of language. Thus, Bloomfield establishes a connection between language and the non-linguistic world. By doing so, Language description was equally used for the form and the contents. However, his pupils – as Trager and Smith – termed culture as "metalinguistc", put it on the same level with "meaning" and thus, they did not take it into consideration.

Instead of reproaching the above mentioned persons of being antisemantic, Bloomfield is said to hold the position of refusing the "meaning" though he emphasized the importance of the semantic aspect in the analysis as well as in language description. However, it would be right to say there were advocates in the American Structural Linguistics who were in favour of a non - semantic approach to phonology and who supported the exclusion of "meaning" in the phonological description. Therefore, it is not right to consider American Linguistics as a whole and undifferentiated as Robins does in his book "A Short History of Linguistics" (1967); it is not correct because criticism would also include Bloomfield's linguistics. The accusation that Bloomfield wanted to exclude "meaning" as an aspect of language analysis can, indeed, be attributed to the lack of understanding of his use of the term "meaning". Bloomfield was aware of the fact that he – as a structural linguist – had not been able to deal with all aspects of the comprehensive term "meaning" in a complex language theory. He exactly differentiated the term "meaning" from the term "linguistic meaning", which says that the forms of language can be described by its characteristics, its order, phonetic modification, selection and by the inflection or the use of secondary phonemes.

The term "linguistic meaning" , limited in such a way, and whose compounds can be acquired only by analyzing language, represents merely a part of the term "meaning" , being more comprehensive in use, and which constitutes itself by adding non-linguistic factors. Bloomfield's definition of "meaning" and "linguistic meaning" referred thus to the versatility of a language analysis.

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III.   Conclusion

Concurring with J.Lyons, the author wants to conclude this paper by saying that the versatility of a language forces the linguist to limit his interest and to concentrate on a part of it. For there is no theoretic frame, and perhaps there will never be one, that could help us in considering language from the sociological , psychological , cultural and neurophysiologic aspect at the same time. This fact, however, requires all linguists to cooperate with other disciplines and to take their results into consideration, if the study of linguistics is to be more fruitful.

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National Wastage Of Natural Gas In Assam Oil Fields : Oil India Ltd. Vs Ongcl, The Environmental Issues

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Abstract - Assam is enriched with Petroleum Mineral Resources. Out of the total 25 Oil Blocks of India, 15 Blocks are located in Assam. It holds about 20% of the indigenous Crude reserves and 23% of the total Natural Gas(NG) Reserves of India. If the said Resources are explored and utilized properly, the state will be able to register itself as a developed state. Unfortunately, due to improper utilization of the Resources, the state remains poor. The Per Capita Income of Assam was recorded at Rs. 27,197.00 only against Rs. 46,492.00 of India's National Average Per Capita Income in the year 2009-10. the investment and production scenario in oil sector is so poor that, the state is producing only 14% of the total indigenous crude production and 7% of the total indigenous Natural Gas (NG) Production in spite of having 23% of total Crude Reserves and 21% of total NG of India. On the basis of the Reserve status, the Production of NG of Assam may be increased to 21.0 Billion Cubic Meters against the current production of 3.38 Billion Cubic Meters p.a. A

NATIONAL WASTAGE OF NATURAL GAS IN ASSAM OIL FIELDS OIL INDIA LTD. VS ONGCL, THE ENVIRONMENTAL ISSUES

Strictly as per the compliance and regulations of:

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Dr. Homeswar Kalita

I. Introduction

Assam is enriched with Petroleum Mineral Resources. Out of the total 25 Oil Blocks of India, 15 Blocks are located in Assam. It holds about 20% of the indigenous Crude reserves and 23% of the total Natural Gas(NG) Reserves of India. If the said Resources are explored and utilized properly, the state will be able to register itself as a developed state. Unfortunately, due to improper utilization of the Resources, the state remains poor. The Per Capita Income of Assam was recorded at Rs. 27,197.00 only against Rs. 46,492.00 of India's National Average Per Capita Income in the year 2009-10. the investment and production scenario in oil sector is so poor that, the state is producing only 14% of the total indigenous crude production and 7% of the total indigenous Natural Gas (NG) Production in spite of having 23% of total Crude Reserves and 21% of total NG of India. On the basis of the Reserve status, the Production of NG of Assam may be increased to 21.0 Billion Cubic Meters against the current production of 3.38 Billion Cubic Meters p.a.

The state needs more production of NG and Promotion of ancillary and downstream projects in order to eradicate poverty and solve the unemployment problem. The state can produce about 2000 MW of power from the available NG Reserves of it. It is a matter of great concern that, about 25% of the total NG Produced in Assam oil fields are either flaring or destroying at the sources. Such flaring of NG leads to the destruction natural environment in a number of ways.

II. Objectives Of The Study

The primary objective of this study is to carefully examine the extent of natural gas flared by Oil India Limited and Oil and Natural Gas Corporation Limited and compare the loss occurred to the Natural Environment of the State by the said companies. While discussing about the environmental loss, some of the economic contributions to the state of Assam made by the said companies have also been highlighted.

III. Methodology

The methodology adopted in this study is quite analytical. Information have been collected from the primary sources and the office of the Directorate of Geology and Mining, Govt. of Assam (India), Kahilipara, Guwahati, different books, Ph.D thesis, newspapers etc.. In addition, a field survey was conducted in the Solar Reserve Forest (Manuhmari Range) of Charaideo Sub-division, Sivasagar , Assam. (India). The information so collected have been classified, tabulated, compared and analysed with the help of simple statistical tools and inferences have been drawn.

IV. Significance Of The Study

Environmental pollution in industrial sector has emerged as a vital issue all over the world. Lots of Earth summit have been held on environmental issue like from the UN Conference on the Human Environment 1972, the Kyoto protocol the Earth summit 2002 ''Rio-10'' Johannesburg, to the Copenhagen simmit,2009. Scientists and environmentalists have been raising their voices in such summits. But the political leaders of the world have failed to bring a solutions to the problems.

Most of the industries have been releasing carbon dioxide, CFC etc. at every moment of their operations resulting harm to the natural environment. Natural environment, which is a primary need of human civilization as well as to the survival of the biodiversity of this beautiful world, has been seriously threatening by such nonstop emissions such as fine particles, metallic dust, Carbon particles etc. At the same time, it is also true that without industrialization, human civilization cannot walk forward. It is the industry which has enriched the living standard of human being by providing employment, generating revenue to the Govt. exchequer and producing consumer goods.

Our country, specially the state of Assam, though not industrially advanced one, too, is going to face such adverse situation in near future. So, time has come to focus on such degradation of environment and take necessary steps to safe the environment in one hand and safeguard the interest of the industrial sector on the other.

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V. Period of the Study

The period of the study has covered a period of five years from 2000-01 to 2004-05.

VI. a Brief Account of Socio-Economic Contributions made by Oil and Ongcl.

Oil India Limited and ONGCL are the two major central Government Public Sector Undertakings engaged in the exploration of Crude Oil and Natural Gas in the country. Before discussing their negative impact on environment of the state, it will be justifiable to highlight their socio-economic contributions made to the state. Table 1 and Table 2 show some of its socio-economic contributions made to the state of Assam.

Table No. 1 shows that as on 31st March 2005, total direct employment generated by Oil India Ltd. was recorded at 8,163 nos. and total indirect employment generated by the company was recorded at 14,769 nos. It shows that total employment generated by the company has gone to 22,932 nos. On the other hand, total direct employment generated by ONGCL was recorded at 7,200 nos. and indirect employment generated by the company was recorded at 12,960 nos. The company generated a total employment of 20,160 nos. as on the same date.

Table No. 2 shows that during the last five years period, i.e. from 2000-01 to 2004-05, total revenue generated by Oil India Ltd. to the state exchequer was recorded at Rs. 2,571.54 Crore while total revenue generated by ONGCL during the same financial period was recorded at Rs. 1,330.13 Crore. Thus, the contributions made by the two Oil Companies to the employment sector of the state as well as to the Treasury of the Govt. of Assam is a remarkable one.

Table 1 : Employment generated by OIL and ONGCL in Assam (Upto 31.03.2005)

Companies	Direct Employment	Indirect Employment	Total Employment
OIL	8,163	14,769	22,932
ONGCL	7,200	12,960	20,160
Total employment Generate by Oil Industries of Assam	22,157	62,177	84,334

Source : Field Survey.

Besides, the ONGCL spent Rs. 623.24 lakh and OIL spent Rs. 2053.86 lakh during the last five years (from 2000-01 to 2004-05) under its Corporate Social Responsibility Agenda.

Table 2 : Revenue generated to the Govt of Assam by OIL and ONGCL (from 2000-01 to 2004-05) (Rs. In Crore)

	2000-01	2001-02	2002-03	2003-04	2004-05	Total
OIL	329.62	380.06	477.75	622.37	761.74	2571.54
ONGCL	185.82	199.93	265.98	319.20	359.20	1330.13
Total Revenue Generated By the OIL Industries	643.89	763.07	1008.49	1290.57	1777.12	5483.14

Source : Field Survey.

VII. Analysis of the Findings

a) Flaring Of Natural Gas

Keeping the socio-economic contributions made by the two Oil Giants in mind, this paper attempts to examine the extent of harm caused to the natural environment by the two major Oil Companies working in the state. The two oil companies have been flared up a major portion of the natural gas produced in Assam Oil and Gas fields since their perceptions. Table 3 shows the amount of unavoidable loss and amount used for Petroleum Mining Operations of Natural Gas by Oil and ONGCL. In the course of production of crude and natural gas in Assam oil fields.

Table 3 : Statement showing amount of unavoidable loss and amount Used for PMO of Natural Gas by OIL & ONGCL

Period	LOSS OF NATURAL GAS (In p.c. to gross production)					
	Oil India Ltd.			ONGCL		
	Unavoidable Loss	Used for PMO	Total Loss	Unavoidable Loss	Used for PMO	Total Loss
2000-01	8.44%	18.19%	26.63%	8.64%	31.57%	40.21%
2001-02	6.68%	19.89%	26.57%	8.77%	31.03%	39.80%
2002-03	6.48%	19.09%	25.57%	10.53%	33.46%	43.99%
2003-04	6.25%	17.26%	23.51%	13.16%	33.06%	46.22%
2004-05	7.33%	16.71%	24.04%	15.32%	33.77%	49.09%

Source : Directorate of Geology & Mining, GOA, Guwahati.

From the tables 3 it is learnt that, while under same socio-political situation and geological formation of the heart of the soil of the state, the OIL has recorded its total loss on production of natural gas as 26.63% , 26,57%, 25,57%, 23.51% and 24.04% respectively for the said period. On the other hand, the loss so recorded by the ONGCL were 40.21%, 39.80%, 43.99%, 46.22% and 49.09% respectively for the same period of its operations. Out of the total loss recorded by the two companies, the amount shown as unavoidable loss have been flared up by the companies in production field of Crude Oil & Natural Gas. The rates of flaring of Natural Gas by the ONGCL are much higher than that of the OIL. This indicates more inefficiency of the ONGCL in management of its resources. Such gas flaring of Natural Gas has degraded the environment of the region in a number of ways.

b) The Environmental Issues

To take an account of the impact on environment of such irresponsible **activities** of the ONGCL, a field survey was conducted in the SOLA RESERVE Forest (Manuhmari Range) of Charaideo Subdivision of Sivasagar district, Assam. In the SOLA RESERVE FOREST,there are 28 Oil wells and a GGA(Gas Gathering Station No. 2) out of which one well was found dead.

As a result of the Operations of the ONGCL in the said Forest and its neighboring areas, the following problems were noticed -

1. During our study it was found that, each well site or drilling site occupied 2.5 to 5.0 Hectors of land area. After successful operation, the well sites were converted into waste land with oil mud and waste pits along with other polluting substances, where plants cannot grow or survive. It destroys the health of the soil by destroying humans, water percolation etc.

2. Flaring of NG has been causing threat to the entire biotic community of the forest area.

3. Flaring of NG has been causing threat to the muga industry of Assam. The flaring of NG emits certain fine particles like Carbon particles, metallic dust, aerosols, solid oxides, nitrates and Sulphates and certain Coarser particles like heavy dust, Sulphur compounds, Nitrogen Compounds and Halogens etc.

A study showed that when exposed to diesel exhaust fumes, the cholesterol level in the alimentary canal is reduced significantly. Cholesterol is the only accessory growth factor, which is required by all insects for their natural growth and reproduction. When

Silkworms come in contact with chemicals and different gases like Carbon dioxide, Sulphur dioxide ,Ammonia and Formalin etc., their central nervous system paralyses. They lose control over spinning, and hence cocooning does not take place. Another study examined the affect of gas flaring on the biochemical changes of muga feed plants. They found lower moisture, sugar, soluble protein, ascorbic acid and crude fat contents on leaves of muga feed plants situated near the gas flaring points. These chemical contents of leaves of the muga feed plants directly influence the health, growth and survival of muga silkworms. Some pioneering works have also been carried out by the Regional Research Laboratory, Jorhat on the effect of oil field pollution on muga silkworm and its feed plants. These studies have shown that feed plants within 500 meters of oil exploration sites contain several chemicals, Which are detrimental to the proper growth of silkworms. It is reported by the affected rearers that average production of cocoons per acre of land is gradually decreasing in the vicinity of hydro carbon exploring industries. Many of the traditional rearers had given up muga culture forever and destroyed their own muga feed plants.

VIII. Suggestions

To maintain a balance between economic development through industrialization based on Natural Gas and ecology of the state, the following suggestions may be offered.

i. Flaring of Natural Gas should be reduced to zero P.C. and such gases should be converted into value added consumers' goods. For this purpose, gas based industries should be promoted.

ii. A 'Monitoring System' should be introduced by the state Govt. of Assam to take care of the scared resource of its own like Crude Oil and Natural Gas etc.

iii. It should be made mandatory for the Oil companies to plant 10 more trees against cutting of one tree in their operational areas.

iv. To make the above mentioned suggestions effective, a new portfolio of Petroleum Ministry may be introduced in the cabinet of Govt. of Assam.

IX. Conclusion

The relationship between economic development and destruction of nature is a must. But we cannot allow our industries to destroy this globe. Destruction of nature should be kept at minimum. Present situation demands for sustainable economic development. As a responsible corporate citizen, the industries should come forward to protect the environment at their will. Proper legislative action too, are required to combat the environmental challenges created by the industrial sector all over the world.

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Iltifat, Grammatical Person Shift and Cohesion in the Holy Quran

By Dr. Mahinnaz Mirdehghan, Dr. Keivan Zahedi, Mrs. Fatemeh Nasiri

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Abstract - While discourse analyses go back to the secondhalf of 1950s, related researches in the rhetoric field represent initiative interests' centuries before by Islamic rhetoricians.Among the topics "Iltifat" as the "grammatical person shift inone or a sequence of sentences" has been quite controversialwithin the area; which considers the discourse participant shiftamong the speaker, addressee and absentee. Following abrief introduction to the topic of Iltifat, the present paper isaimed to present its common categories and sub-categories,and its importance from the point of discourse analysis, whichis then followed by the consideration of possible defectiveresults of the grammatical person shift on cohesiveness ofQuran. In preparing the research 20 surahs of the holy bookhave been randomly selected, which have been analyzed onthe basis of the application of an integrative approach ofHalliday and Hasan (1976) and De Beaugrande and Dressler(1981) towards cohesion. As a result the researchdemonstrates the holy book's cohesiveness and the high Quranic usage of reference and specifically personal reference within the grammatical person shift amongst all the cohesive elements that are studied in detail in the paper. The matter is presented together with the 8 resulted subdivisions of Iltifat in Quran on the basis of the research, as follows: grammatical person shift, number shift, person and number shift, number and gender shift, shift in the addressee, function shift, dualIltifat and finally sequential Iltifat.

ILTIFAT, GRAMMATICAL PERSON SHIFT AND COHESION IN THE HOLY QURAN

Strictly as per the compliance and regulations of:

Iltifat, Grammatical Person Shift and Cohesion in the Holy Quran

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Abstract - While discourse analyses go back to the second half of 1950s, related researches in the rhetoric field represent initiative interests' centuries before by Islamic rhetoricians. Among the topics "Iltifat" as the "grammatical person shift in one or a sequence of sentences" has been quite controversial within the area; which considers the discourse participant shift among the speaker, addressee and absentee. Following a brief introduction to the topic of Iltifat, the present paper is aimed to present its common categories and sub-categories, and its importance from the point of discourse analysis, which is then followed by the consideration of possible defective results of the grammatical person shift on cohesiveness of Quran. In preparing the research 20 surahs of the holy book have been randomly selected, which have been analyzed on the basis of the application of an integrative approach of Halliday and Hasan (1976) and De Beaugrande and Dressler (1981) towards cohesion. As a result the research demonstrates the holy book's cohesiveness and the high Quranic usage of reference and specifically personal reference within the grammatical person shift amongst all the cohesive elements that are studied in detail in the paper. The matter is presented together with the 8 resulted subdivisions of Iltifat in Quran on the basis of the research, as follows: grammatical person shift, number shift, person and number shift, number and gender shift, shift in the addressee, function shift, dual Iltifat and finally sequential Iltifat.

Keywords : Rhetoric, Grammatical person shift/Iltifat, Cohesion, Reference, Antecedent, Participants.

I. INTRODUCTION

The frequently observed occurrence of unexpected shifts from one pronoun to the other might be considered as a disconcerting feature within the Qur'ānic style. The matter has been regarded as solecisms or simply been ignored by some scholars (e.g. Noldeke among others); while in Arabic rhetoric, Muslim specialists (e.g. Siuty 1363) refer to the phenomenon as Iltifat – literally known as 'conversion', or 'turning one's face to'; i.e. "the change of speech from one mode to the other, for the sake of freshness, variety, causing interest, renewing mater and avoiding boredom for the listener ". The word came to be used for turning the speech matter to talk about something before continuing with the original subject.

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II. BACKGROUND : TYPES AND CONDITIONS OF ILTIFAT

Consideration of Iltifat has resulted into different typical classifications, among which Abdel Halim (1992) notifies the following types of Iltifat:

➢ Grammatical Persian change, among 1st, 2nd and 3rd person; which can be considered as the most common form of Iltifat, and itself is divided into six kinds usually:

1. Transition from 3rd to 1st person: وَأَوْحَى فِي كُلّ سَمَاء أَمْرَهَا وَزَيَّنَّا السَّمَاء الدُّنْيَا بِمَصَابِيحَ (and he revealed to each heaven its commands. We decorated the lowest heaven with lamps and preserve them.)- Fussilat: 12

2. From 1st to 3rd person: قُلْ يَا عِبَادِيَ الَّذِينَ أَسْرَفُوا عَلَى أَنفُسِهِمْ لَا تَقْنَطُوا مِن رَّحْمَةِ اللَّهِ (say: My worshipers, who have sinned excessively against themselves, do not despair of the mercy of Allah)- Az Zumar: 53

3. From 3rd to 2nd person: وَسَقَاهُمْ رَبُّهُمْ شَرَابًا مَّشْكُوراً طَهُورًا إِنَّ هَذَا كَانَ لَكُمْ جَزَاء وَكَانَ سَعْيُكُم (their lord will give them a pure beverage to drink. 'See, this is your recompense, your striving is thanked.')- Al Insan: 21-22

4. From 2nd to 3rd person: رَبَّنَا إِنَّكَ جَامِعُ النَّاسِ لِيَوْمٍ لاَّ رَيْبَ فِيهِ إِنَّ اللّهَ لاَ يُخْلِفُ الْمِيعَادَ (Lord, you will surely gather all the people for a day that will come in which there is no doubt. 'Allah will not break his promise.)- Al-e-Imran: 9

5. From 1st to 2nd person: وَمَا لِي لاَ أَعْبُدُ الَّذِي فَطَرَنِي وَإِلَيْهِ تُرْجَعُونَ (Why should I not worship him who has originated me and to whom you shall all be returned?)- YaSeen: 22

6. From 2nd to 1st person: وَاسْتَغْفِرُواْ رَبَّكُمْ ثُمَّ تُوبُواْ إِلَيْهِ إِنَّ رَبِّي رَحِيمٌ وَدُودٌ (ask the forgiveness of your lord and turn to him in repentance. indeed, my lord is the most merciful, lovi

➢ Change in number, between singular, dual and plural. "يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاء" (O prophet, if you divorce your wives)- At Talagh: 1

➢ Change in addressee.

➢ Change in the verbal tense.

➢ Change in case markers.

➢ Noun usage instead of pronouns.

The point notified in the classification number I. is the most commonly known and called Iltifat prior to the other types. In fact a departure from the normally expected usage of language in a particular context for a particular rhetorical purpose is observed in all these classifications. As of to the first three types the focus of the present research is on grammatical person shift.

Matter has also been discussed in regard to the conditions on Iltifat. Two conditions have been considered: the first condition notifies that the pronoun turns to refer to the same person/thing from which it turned. The other suggested condition stipulates that the transition should be between two independent sentences. This perhaps resulted from the observation of a limited number of examples, and was thus rightly refuted by reference to many other examples that do not involve two independent sentences

III. METHOD

In rejecting Iltifat as an incohesive marking factor in the text of Quran, the present research is aimed to investigate cohesion in the Holy book. In preparing the research the following 20 surahs have been randomly selected: Al Anfal, Hud, Ar Ra'd, An Nahl, Ta ha, Al Ahzab, Ya seen, Az Zumar, Al Fath, Al Hujraat, At Tur, Al Hadid, As Saff, At Talaq, Al Muzzammil, Al Qiyama, Al Insan, Al Fajr, Al Bayyina and At Takathur. Within the process of investigation and for the sake of cohesion explanation matter within the corpus, the approach of Halliday and Hasan (1976) has been examined together with De Beaugrande and Dressler's (1981) approach. The study results in a selection of an integrated approach of both the above, which has been described in detail within the present paper.

By the application of the integrative approach, the research moves towards investigating cohesion with the focus of Iltifat in the corpus. To analyze the gathered patterns within the surahs, the research presents the data within tables. Among the 20 surahs in the corpus, 19 included Iltifat while the point was missing in one surah (Al Bayyina). To represent the gathered data 2 tables have been shown for each surah. Among the 2 fables representing the data analysis of each surah, the first illustrates the verse numbers including Iltifat (the shift being shown by underlying the related elements), together with their translations.

Table 2 for each surah indicates the verse numbers, Iltifat (person, gender, number changes), the element being shifted, the cohesive element (with different possible parts of speech; verb, noun, adjective, pronoun …), cohesive type (as defined in section 3.3) and the presupposition indicating the reference point.

a) The Approach of Halliday and Hasan (1976) towards Cohesion

Halliday and Hasan (1976) describe grammatical, conjunctional and lexical strategies as the cohesive ties used by speakers in showing the text connectedness.

Within this classification, the grammatical factors include: reference, substitution and ellipsis (Ibid: page number); among which referential ties are created when an item in one sentence refers to an item in another one, for interpreting of which the sentential reference is required. Pronouns are considered as the main referring resources in texts. Substitutional cohesive ties within the grammatical factors are created by the usage of words or phrases that are substituted in the same grammatical slots, as of items elsewhere in the text; e.g., one, so, and do are such examples in English. Ellipsis creates cohesiveness via omission; that is interpreting elliptical forms require moving elsewhere within the text or discourse context for filling the blanks.

Conjunctional strategies explicitly tie the meanings of utterances, by coordinating or subordinating the meanings of sentences together. Halliday and Hasan notify four categories of conjunctions, as follows: additives (and, or, in addition…), adversatives (but, however, nevertheless…), causals (so, consequently, for this reason…) and temporals (then, after, finally…).

Lexical factors are notified as containing recurrence and collocation. Among which recurrence uses the repetition of words, or pointing of words to each other in various ways. Synonymy, antonymy, hyponymy and metonymy can be notified as recurrence strategies. On the other hand, collocation and the tendency of words occurring together is also considered a lexical strategy.

b) The Approach of De Beaugrande and Dressler (1981)

De Beaugrande and Dressler (1981) discuss cohesion basically on the base of syntax as a system that imposes organizational patterns upon the surface text, by using devices for showing how already used patterns can be reused, modified, or compacted (p. ??); i.e., an emphasis on the function of syntax in communication. Due to the grammatical dependencies of usually nonadjacent elements, syntax is to provide the patterns into which current materials fit. Hence, the major units of syntax can be considered as patterns of well-marked dependencies in closely-knit patterns, as follows: phrase (a head with at least one dependent element), clause (a unit with at least one noun and agreeing verb), and sentence (a bounded unit with at least one non-dependent clause). They also define the coherence in the above units as being able to be utilized in a short span of time as patterns of knowledge in regard to current processing tasks. For long-range stretches of text, the re-using, modifying, or compacting devices are notified, that are considered in regard to stability and economy in respect to both materials and processing matters. The re-using patterns are defined (Ibid) in the forms of recurrence, as the straightforward or partial repetition of elements/patterns; parallelism, as repeating a structure while with new elements; and paraphrase in repeating the content but conveying it

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with different expressions. Compacting patterns include pro-forms are seen to be used to replace content-carrying elements by short placeholders with no independent content, and ellipsis with omitting some surface constitutes of the structure. Signaling relations in displaying text cohesion may be reflected in the tense/aspect ordering influences in usage,i as well as junction among events and situations. The junctive expressions are seen in four major types of: conjunction links- with the same status in the textual worldii, disjunction links- with alternative status of which only one can be true in the textual worldiii, contrajunction-having the same status but appearing incongruous or incompatible in the textual worldiv, and subordination-when the status of one depends on that of the otherv.

De Beaugrande and Dressler (1981) further discuss the functional sentence perspective as the ordering of expressions to show the importance or newness of their content yields in demonstrating cohesion. The mere placement of materials in the earlier or later stretches of clauses and sentences suggests the relative priorities and degrees of informativity of underlying content. Intonation within the spoken texts is also considered as a way in signaling importance or newness of content and cohesion.

c) The Integrative Approach

As mentioned earlier, the cohesive ties are divided by Halliday and Hasan (1976) into grammatical, conjunctive and lexical types. To simplify the matter, the present research classifies the conjunctive ties under the grammatical ones and therefore cohesion falls into two general types of grammatical and lexical ones. De Beaugrande and Dressler's (1981) cohesive devices too come under this categorization. Each of the two types, include subdivisions as notified below. Due to the fact that Arabic language is the matter of analysis here and the importance of derivative words within it, derivation is added as a lexical factor in the approach. Furthermore, the research points repetition as constituting of both grammatical and lexical factors. Hence, in the case of repetition of a sentence, clause or grammatical structure, the matter is considered a grammatical tie. On the other hand, using the same word or verb inflections are considered as lexical cohesions. Accordingly, the integrative approach selected within the research can be summarized as below:

➤ Grammatical cohesion
1. Reference: personal, definite, relative, demonstrative
2. Ellipsis: nominal, verbal, prepositional, clausal
3. Substitution: nominal, verbal, clausal
4. Conjunction: additive, adversative, temporal, subordinate
5. Parallelism
6. Tense: past, present, imperative, metatensevi
7. Functional Sentence Perspective
8. Repetition

➤ Lexical Cohesion
1. Synonymy
2. Hyponymy
3. Antonymy
4. Derivation
5. Collocation
6. Lexical Repetition

IV. DATA ANALYSIS

In order to clarify the process of analysis, one surah (Fajr) is analyzed as an example which is illustrated in two sample charts here. The first chart shows verses including Iltifat, and the second one demonstrates the Iltifat Cases and Cohesive Elements in this surah.

Table 1 : Verses including Iltifat in Fajr Surah

verse number	Verse	Translation
14	إِنَّ رَبَّكَ لَبِالْمِرْصَادِ ↓ كَلَّا بَل لَّا تُكْرِمُونَ الْيَتِيمَ	indeed, <u>your</u> lord is ever watchful. (2nd, SG, M) ↓ no! but <u>you</u> show no good to the orphan, (2nd, PL, M)
17		
20	وَتُحِبُّونَ الْمَالَ حُبًّا جَمًّا وَجَاء رَبُّكَ وَالْمَلَكُ صَفًّا صَفًّا	and <u>you</u> ardently love wealth. (2nd, PL, M) and <u>your</u> lord comes with the angels, rank upon
22		rank, (2nd, SG, M)
28	ارْجِعِي إِلَى رَبِّكِ رَاضِيَةً مَّرْضِيَّةً ↓ فَادْخُلِي فِي عِبَادِي	return to <u>your</u> lord wellpleased, wellpleasing. (3rd,SG ,M) ↓ join <u>my</u> worshipers . (1st, SG)
29		

Table 2 : Iltifat Cases and Cohesive Elements in Fajr Surah

verse number	verse	Iltifat	shift	cohesive element	cohesion type	presupposition
14	إِنَّ رَبَّكَ لَبِالْمِرْصَادِ	2ⁿᵈ, M, SG	prn "كَ"	انّ prn "كَ"	subordinate personal reference	previous verse previous verse
				ال	definite reference	
				tense	metatense	مرصاد verse 5
17	كَلَّا بَل لَّا تُكْرِمُونَ الْيَتِيمَ	↓ 2ⁿᵈ, M, PL	↓ prn "و"	كلّا	temporal conjunction	previous verse
				بل	adversative conjunction	previous verse
				prn "و"	personal reference	verse 14
				ال	definite reference	يتيم
				تكرمون	present tense	verse 16
20	وَتُحِبُّونَ الْمَالَ حُبًّا جَمًّا	2ⁿᵈ, M, PL	prn "و"	و	additive conjunction	previous verse
				prn "و"	personal reference	previous verse
				ال	definite reference	مال
				تحبّون	present tense	previous verse
				حبّا	derivation	تحبّون
22	وَجَاء رَبُّكَ وَالْمَلَكُ صَفًّا صَفًّا	↓ 2ⁿᵈ, M, SG	↓ prn "كَ"	و	additive conjunction	previous verse
				جاء	past tense	previous verse
				"امر" محذوف	nominal ellipsis	ـــــ
				prn "كَ"	personal reference	verse 20
				ال	definite reference	ملك
				صفًّا	lexical repetition	صفًّا
28	ارْجِعِي إِلَى رَبِّكِ رَاضِيَةً مَّرْضِيَّةً	2ⁿᵈ, F, SG	prn "كِ"	ارجعى prn "ى" prn "كِ" مرضيّة	imperative personal reference personal reference derivation	
29	فَادْخُلِي فِي عِبَادِي	↓ 1ˢᵗ, SG	↓ prn "ى"	ف	additive conjunction	previous verse
				ادخلى prn "ى" prn "ى"	imperative personal reference pers ref	previous verse previous verse ربّ

The research results illustrate the points summarized below:

- Importance of gender and dual number in the grammatical person shift in Arabic, which does not exist in English language, while play an important role in translating from English to Arabic.

- Al-Bayyina Surah, within the corpus showed no instances of exhibiting Iltifat.
- Existence of different kinds of reference within the verses containing Iltifat; with the exception of the second part of Taha surah-verse 49, in which no cohesive elements were observed at all.

- Data analysis clarifies that the most and least cohesive devices to be used within the corpus are <u>reference</u> (specifically personal reference) and <u>substitution</u>, respectively, in grammatical person shifts. Moreover, the results show that in spite of the importance of co-reference in Iltifat, agreement in person, number and gender between pronoun and antecedent as an element of cohesion is contradicted.

The usage of Iltifat in the Holy Quran can be explained as demonstrating the 5 following matters, on the basis of analyzing the research data:

a) Exaggeration:

"و َقَالَ اللّهُ لاَ تَتَّخِذُواْ إِلَهَيْنِ اثْنَيْنِ إِنَّمَا هُوَ إِلهٌ وَاحِدٌ فَإيَّايَ فَارْهَبُون"

(Allah says: 'do not take to yourself two gods. <u>he</u> (3rd, SG, M) is only one god; so have awe of <u>me</u> (1st, SG).')- An Nahl: 51.

b) Reproach:

"أَمْ لَهُمْ سُلَّمٌ يَسْتَمِعُونَ فِيهِ فَلْيَأْتِ مُسْتَمِعُهُم بِسُلْطَانٍ مُبِينٍ. أَمْ لَهُ الْبَنَاتُ وَلَكُمُ الْبَنُونَ"

(or, do <u>they</u> (3rd, PL, M) have a ladder on which they listen? Then let any of them that has listened bring a clear authority. Or, has he daughters, and <u>you</u> (2nd, PL, M) sons?)- At Tur: 38-39.

c) Reminding majesty and power:

"الَّذِي جَعَلَ لَكُمُ الْأَرْضَ مَهْدًا وَسَلَكَ لَكُمْ فِيهَا سُبُلًا وَأَنزَلَ مِنَ السَّمَاءِ مَاءً فَأَخْرَجْنَا بِهِ أَزْوَاجًا مِّن نَّبَاتٍ شَتَّى"

(it is <u>he</u> (3rd, SG, M) who has made for you the earth as a cradle and threaded roads for you and sends down water from the sky with which <u>we</u> (1st, PL) bring forth every kind of plant)- Taha: 53.

d) Upbraiding:

"إِنَّ رَبَّكَ لَبِالْمِرْصَادِ ... كَلَّا بَل لَّا تُكْرِمُونَ الْيَتِيمَ"

(indeed, <u>your</u> (2nd, SG, M) lord is ever watchful… no! but <u>you</u> (2nd, PL, M) show no good to the orphan) - Al Fajr: 14, 17.

e) Annunciation:

"عَالِيَهُمْ ثِيَابُ سُندُسٍ خُضْرٌ وَإِسْتَبْرَقٌ وَحُلُّوا أَسَاوِرَ مِن فِضَّةٍ وَسَقَاهُمْ رَبُّهُمْ شَرَابًا طَهُورًا. إِنَّ هَذَا كَانَ لَكُمْ جَزَاءً وَكَانَ سَعْيُكُم مَّشْكُورًا"

(upon <u>them</u> (3rd, PL, M) there will be garments of green silk, rich brocade, and they will be adorned with bracelets of silver. Their lord will give them a pure beverage to drink… 'See, this is <u>your</u> (2nd, PL, M) recompense, your striving is thanked.)- Al Insan: 21-22.

The research further demonstrates 8 subdivisions of the grammatical person shift according to the verses analyzed, as presented below:

1. Grammatical person shift : person shifts without any change in number

"أَمْ لَهُ الْبَنَاتُ . أَمْ لَهُمْ سُلَّمٌ يَسْتَمِعُونَ فِيهِ فَلْيَأْتِ مُسْتَمِعُهُم بِسُلْطَانٍ مُبِينٍ وَلَكُمُ الْبَنُونَ"

(or, do <u>they</u> (3rd, PL, M) have a ladder on which they listen? Then let any of them that has listened bring a clear authority. Or, has he daughters, and <u>you</u> (2nd, PL, M) sons?)- At Tur: 38-39.

2. Number shift : illustrating mere number shifts

"وَالَّذِي جَاء بِالصِّدْقِ وَصَدَّقَ بِهِ أُوْلَئِكَ هُمُ الْمُتَّقُونَ ":

(and <u>he</u> (3rd, SG, M) who comes with the truth, and confirms it, <u>those</u> (3rd, PL, M) are they who surely fear Allah.)- Az Zumar: 23.

3. Person and number shift : The shift occurs in both person and number.

" نَحْنُ خَلَقْنَاهُمْ وَشَدَدْنَا أَسْرَهُمْ وَإِذَا شِئْنَا بَدَّلْنَا أَمْثَالَهُمْ إِنَّ هَذِهِ تَذْكِرَةٌ فَمَن شَاء اتَّخَذَ إِلَى رَبِّهِ سَبِيلًا "

(<u>we</u> (1st, PL) created them, and we strengthened their joints, but, when we will, we shall indeed exchange their likes. This is indeed a reminder, so that he who will, takes a path to his <u>lord</u>. (3rd, SG, M))- Al Insan: 28-29

4. Number and gender shift : number and gender both shift.

" فَذَاقَتْ وَبَالَ أَمْرِهَا وَكَانَ عَاقِبَةُ أَمْرِهَا خُسْرًا. أَعَدَّ اللَّهُ لَهُمْ عَذَابًا شَدِيدًا فَاتَّقُوا اللَّهَ يَا أُوْلِي الْأَلْبَابِ الَّذِينَ آمَنُوا قَدْ أَنزَلَ اللَّهُ إِلَيْكُمْ ذِكْرًا"

(so it tasted the mischief of <u>its</u> (3rd, SG, F) action, and the end of its matter was loss. Allah has prepared a severe punishment for <u>them</u> (3rd, PL, M). So those possessing understanding fear Allah. believers, Allah has sent this down for you as a reminder,)- At Talagh: 9-10

5. Addressee shift : which goes under three categories;

a) *Fixed pronoun*: apparently there is no shift in the referential pronouns, but contemplating the meaning it is understood that the antecedents are different.

"فَإِن لَّمْ يَسْتَجِيبُواْ لَكُمْ فَاعْلَمُواْ أَنَّمَا أُنزِلَ بِعِلْمِ اللّهِ وَأَن لاَّ إِلَهَ إِلاَّ هُوَ فَهَلْ أَنتُم مُّسْلِمُونَ"(but if they do not answer <u>you</u> (2nd, PL, M), know that it has been sent down with the knowledge of Allah, and that there is no god except he. So, have <u>you</u> (2nd, PL, M) surrendered?)- Hud: 14

b) *Changing pronoun:* both pronoun and the antecedent shift.

"إِنَّا أَرْسَلْنَاكَ شَاهِدًا وَمُبَشِّرًا وَنَذِيرًا لِتُؤْمِنُوا بِاللَّهِ وَرَسُولِهِ وَتُعَزِّرُوهُ وَتُوَقِّرُوهُ وَتُسَبِّحُوهُ بُكْرَةً وَأَصِيلًا"

(we have sent <u>you</u> (2nd, SG, M), (prophet Muhammad) as a witness and as a bearer of glad tidings and warning, so that <u>you</u> (2nd, PL, M), believe in Allah and his messenger and that you support him, revere him (prophet Muhammad), and exalt him (Allah), at the dawn and in the evening.)- Al Fath: 8-9

c) *Change in addressee :* in a sequence of a surah the addressees shifts from time to time. " يا ايّها النّبيّ" ،"يا ايّها الّذين امنوا"،"يا نساء النّبيّ" are mentioned in Surah Al Ahzab.

6. Function shift : the structure of sentence changes from active voice to the passive voice or vice versa.

"و َقِيلَ يَا أَرْضُ ابْلَعِي مَاءكِ وَيَا سَمَاء أَقْلِعِي وَغِيضَ الْمَاء وَقُضِيَ الأَمْرُ وَاسْتَوَتْ عَلَى الْجُودِيِّ وَقِيلَ بُعْدًا لِّلْقَوْمِ الظَّالِمِينَ قَالَ يَا نُوحُ ...إِنَّهُ لَيْسَ مِنْ أَهْلِكَ إِنَّهُ عَمَلٌ غَيْرُ صَالِحٍ فَلاَ تَسْأَلْنِ مَا لَيْسَ لَكَ بِهِ عِلْمٌ إِنِّي قِيلَ يَا نُوحُ اهْبِطْ بِسَلاَمٍ مِّنَّا وَبَركَاتٍ ...أَعِظُكَ أَن تَكُونَ مِنَ الْجَاهِلِينَ عَلَيْكَ وَعَلَى أُمَمٍ مِّمَّن مَّعَكَ وَأُمَمٌ سَنُمَتِّعُهُمْ ثُمَّ يَمَسُّهُم مِّنَّا عَذَابٌ أَلِيمٌ"

(And it was said (3rd, SG, M, Passive): 'earth, swallow up your waters. heaven, cease! 'The water subsided and the matter was accomplished. And the ark came to rest upon (the mountain of) aljudi, and it was said (3rd, SG, M, Passive): 'be gone, evildoing nation! '…he said (3rd, SG, M, Active): 'Noah, he is not of your family. It is not a good deed. Do not ask me about things of which you have no knowledge. I reproach you lest you become among the ignorant. '…it was said (3rd, SG, M, Passive): 'o Noah, descend with peace from us and blessings on you and on the nations of those with you; and nations we shall give them enjoyment, and then from us they shall be visited with a painful punishment.')- Hud: 44, 46, 48

7. Dual shift : in one verse or a sequence of verses two types of Iltifat exist.

" إِنَّا أَرْسَلْنَاكَ شَاهِدًا وَمُبَشِّرًا وَنَذِيرًا. لِتُؤْمِنوا بِاللَّـهِ وَرَسُولِهِ وَتُعَزِّرُوهُ وَتُوَقِّرُوهُ وَتُسَبِّحُوهُ بُكْرَةً وَأَصِيلًا"

(We (1st, PL) have sent you (2nd, SG, M) (prophet Muhammad) as a witness and as a bearer of glad tidings and warning, so that you (2nd, PL, M) (believe in Allah and his messenger and that you support him, revere him (prophet Muhammad), and exalt him (3rd, SG, M) (Allah), at the dawn and in the evening.) - Al Fath: 8-9

8. Serial shift : in sequence of verses persons shift continuously and different kinds of Iltifat follow each other.

" الَّذِينَ آمَنُواْ وَتَطْمَئِنُّ قُلُوبُهُم بِذِكْرِ اللّهِ أَلاَ بِذِكْرِ اللّهِ تَطْمَئِنُّ الْقُلُوبُ... كَذَلِكَ أَرْسَلْنَاكَ فِي أُمَّةٍ قَدْ خَلَتْ مِن قَبْلِهَا أُمَمٌ لِّتَتْلُوَ عَلَيْهِمُ الَّذِيَ أَوْحَيْنَا وَلَقَدِ اسْتُهْزِئَ بِرُسُلٍ مِّن قَبْلِكَ فَأَمْلَيْتُ لِلَّذِينَ كَفَرُواْ إِلَيْكَ وَهُم يَكْفُرُونَ بِالرَّحْمَنِ ثُمَّ أَخَذْتُهُمْ فَكَيْفَ كَانَ عِقَابِ. أَفَمَنْ هُوَ قَآئِمٌ عَلَى كُلِّ نَفْسٍ بِمَا كَسَبَتْ وَجَعَلُواْ لِلّهِ شُرَكَاء قُلْ سَمُّوهُمْ أَمْ تُنَبِّئُونَهُ بِمَا لاَ يَعْلَمُ فِي الأَرْضِ أَم بِظَاهِرٍ مِّنَ الْقَوْلِ بَلْ زُيِّنَ لِلَّذِينَ كَفَرُواْ مَكْرُهُمْ وَصُدُّواْ عَنِ السَّبِيلِ وَمَن يُضْلِلِ اللّهُ فَمَا لَهُ مِنْ هَادٍ ... مَّثَلُ الْجَنَّةِ الَّتِي وُعِدَ الْمُتَّقُونَ تَجْرِي مِن تَحْتِهَا الأَنْهَارُ أُكُلُهَا دَآئِمٌ وِظِلُّهَا تِلْكَ عُقْبَى الَّذِينَ اتَّقَواْ وَّعُقْبَى الْكَافِرِينَ النَّارُ"

(those who believe, and whose hearts find comfort in the remembrance of Allah (3rd, SG, M). is it not with the remembrance of Allah that hearts are satisfied… as such, we (1st, PL) have sent you forth to a nation before whom others have passed away in order that you recite to them what we have revealed to you. yet they disbelieve the merciful (3rd, SG, M). say: 'he is my lord. there is no god except he. in him I have put my trust, and to him I turn. '…other messengers were mocked before you but I respited the unbelievers, then I seized them. And how was my retribution! What, he who stands over every soul for what it has earned, yet they made partners for Allah (3rd, SG, M). Say: 'name them. Or would you tell him of that which is unknown in the earth to him? Or in outward speech only? 'Indeed, their devising seems fair to the unbelievers, for they are barred from the right way. None can guide those whom Allah leads astray. The likeness of paradise which the righteous have been promised (3rd, SG, M, Passive) beneath it rivers flow, its produce and shade are eternal. Such is the payment of the righteous. But the payment of the unbelievers is the fire.)- Ar Ra'd: 28-34

This type is also divided into two categories;

a) *Linear :* Iltifat begins from a person and after shifts in sequence of verses, ends in a person other than the person it started.

في إِنَّا جَعَلْنَاهُ " " تَنزِيلَ الْعَزِيزِ الرَّحِيمِ إِنَّمَا تُنذِرُ مَنِ اتَّبَعَ الذِّكْرَ *أَعْنَاقِهِمْ أَغْلَالًا فَهِيَ إِلَى الأَذْقَانِ فَهُم مُّقْمَحُونَ وَخَشِيَ الرَّحْمَن بِالْغَيْبِ فَبَشِّرْهُ بِمَغْفِرَةٍ وَأَجْرٍ كَرِيمٍ * إِنَّا نَحْنُ نُحْيِي الْمَوْتَى وَنَكْتُبُ مَا قَدَّمُوا وَآثَارَهُمْ وَكُلَّ شَيْءٍ أَحْصَيْنَاهُ فِي إِمَامٍ مُبِينٍ"

(the sending down of the mighty, the most merciful (3rd, SG, M) … we (1st, PL) have bound their necks with fetters up to their chin, so that their heads are raised and cannot be lowered… you only warn he who follows the remembrance and fears the merciful (3rd, SG, M) in the unseen. Give to him glad tidings of forgiveness and a generous wage… surely, it is we (1st, PL) who revive the dead and write down what they have forwarded and what they have left behind; we have counted everything in a clear book.)-Ya Seen: 5, 8, 11, 12

b) *Sequential :* Iltifat begins from a person and after shifts in sequence of verses, ends in the person it first started.

"وَمَن يُؤْمِن بِاللَّـهِ وَيَعْمَلْ صَالِحًا يُدْخِلْهُ جَنَّاتٍ تَجْرِي مِن تَحْتِهَا الْأَنْهَارُ خَالِدِينَ فِيهَا أَبَدًا قَدْ أَحْسَنَ اللَّـهُ لَهُ رِزْقًا"

(Those (3rd, PL, M) who believe and do good deeds from the darkness into the light. Who ever believes in Allah and does good deeds he (3rd, SG, F) will admit to gardens underneath which rivers flow where they shall live for ever and ever. for those (3rd, PL, M), Allah has made a goodly provision.)- At Talagh: 11

V. Conclusion

To conclude the paper with a short summary, the research has demonstrated the holy book's cohesiveness and the high Quranic usage of reference and specifically personal reference within the grammatical person shift amongst all the cohesive elements that are studied in detail in the paper, on the basis of the integrated approach. The matter is presented together with the 8 resulted subdivisions of Iltifat in Quran on the basis of the research, as follows: grammatical person shift, number shift, person and number shift, number and gender shift, shift in the addressee, function shift, dual Iltifat and finally sequential Iltifat. The research also results in notifying exaggeration, reproach, reminding majesty and power, upbraiding, and annunciation as the explaining matters of the usage of Iltifat in the holy book.

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i As an instance, Hebrew obtains a sequence of tenses
that are to be used consecutively.

ii E.g., moreover, also, in addition, besides,
furthermore…

iii E.g., either   -or, whether or not…

iv E.g.,   however, yet, nevert   heless…

v E.g., because, since, as, thus, while, therefore…

6 The verbless sentences which contain the time of past,
present and future altogether.

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A Literature Review on the Effects of Islam on Entrepreneurship in Muslim Countries; With Focus on Iran

By José G. Vargas-Hernández , Mohammad Reza Noruzi

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Abstract - This paper aims to explore the Entrepreneurship in general; Islamic entrepreneurship and also Iran will be studied as a Muslim country.

Keywords : Entrepreneurship, Entrepreneurship in Islam, wealth in Islam, Iran

GJHSS-C Classification : FOR Code: 150304, 160401, 160505, JEL Code: O53 , L26

A LITERATURE REVIEW ON THE EFFECTS OF ISLAM ON ENTREPRENEURSHIP IN MUSLIM COUNTRIES WITH FOCUS ON IRAN

Strictly as per the compliance and regulations of:

A Literature Review on the Effects of Islam on Entrepreneurship in Muslim Countries; With Focus on Iran

José G. Vargas-Hernández[α], Mohammad Reza Noruzi[Ω]

Abstract - This paper aims to explore the Entrepreneurship in general; Islamic entrepreneurship and also Iran will be studied as a Muslim country.

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I. Introduction

Consider the developed countries; one sees so much wealth, so much beauty, high ways that are landscaped, and so many extra ordinary developments. This is something people see everywhere in developed economies. However, this is something not seen in most other places. There are about six billion people in the world. One billion people come from developed countries like North America, Western Europe, Japan , and perhaps four other Asian ''tiger s.'' But the majority of people are not in that situation. The other five billion come from what is typically called the developing world, or the Third World, and the former Soviet Union countries.

Until a few years ago, most of these countries were really following other systems rather than the capitalist system. That has all changed since the fall of the Berlin W all. Even Deng Xiaoping in 1978 started marching in a different direction in China when he said, ''It doesn't matter what color a cat is, as long as it catches mice.'' In the developing world, we've all begun to change, we've all been trying to get our macroeconomic systems in place, we've all been making sure that we have fiscal balance, and we've all been making sure that we don't issue too much currency. We are all trying to get our account balances in order, especially since the fall of the Berlin Wall (De Soto, 2006). Entrepreneurship is a factor that can change the economic equations of any country. And can engage lots of people as employee or self employed. Islam is one of the religions that try to encourage people to be entrepreneur.

This paper first defines the general entrepreneurship from different definitions and Schumpeter's View of Entrepreneurship then defines entrepreneurs and their common characteristics too. Then will have a brief comparative study on Entrepreneurship vs. Small Business. Later focuses on entrepreneurship in Islam and its relevant topics.

II. Definition of Entrepreneurship

Bob Reiss, successful entrepreneur and author of *Low-Risk, High-Reward: Starting and Growing Your Small Business With Minimal Risk*, says: "Entrepreneurship is the recognition and pursuit of opportunity without regard to the resources you currently control, with confidence that you can succeed, with the flexibility to change course as necessary, and with the will to rebound from setbacks"(Hupalo, 2007).

Linda Pinson, author of much of the SBA's material about writing a business plan and creator of business plan software (business-plan.com) says: "I have always thought of an entrepreneur as a person who starts a business to follow a vision, to make money, and to be the master of his/her own soul (both financially and spiritually). Inherent in the venture is the risk of what the future may bring. Therefore, I believe that an essential key to success is that the entrepreneur also be an "educated" risk taker.... "

The concept of entrepreneurship has a wide range of meanings. On the one extreme an entrepreneur is a person of very high aptitude who pioneers change, possessing characteristics found in only a very small fraction of the population. On the other extreme of

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definitions, anyone who wants to work for himself or herself is considered to be an entrepreneur (Hupalo, 2007).

Another definition of entrepreneurship is the assumption of risk and responsibility in designing and implementing a business strategy or starting a business (Investor words, 2006).

Also according to business dictionary, entrepreneurship is the capacity and willingness to undertake conception, organization, and management of a productive venture with all attendant risks, while seeking profit as a reward. In economics, entrepreneurship is regarded as a factor of production together with land, labor, natural resources, and capital. Entrepreneurial spirit is characterized by innovation and risk-taking, and an essential component of a nation's ability to succeed in an ever changing and more competitive global marketplace (business dictionary, 2009).

III.   Schumpeter's View of Entrepreneurship

Austrian economist Joseph Schumpeter's definition of entrepreneurship placed an emphasis on innovation, such as:
- new products
- new production methods
- new markets
- new forms of organization

Wealth is created when such innovation results in new demand. From this viewpoint, one can define the function of the entrepreneur as one of combining various input factors in an innovative manner to generate value to the customer with the hope that this value will exceed the cost of the input factors, thus generating superior returns that result in the creation of wealth (entrepreneurship, 2007).

IV.   Definition and Characteristics of an Entrepreneur

An entrepreneur : somebody who sets up a business or enterprise. Or an entrepreneur typically demonstrates effective application of a number of enterprising attributes, such as creativity, initiative, risk taking, problem solving ability, and autonomy, and will often risk his or her own capital to establish a business (BNET, 2006).

The word entrepreneur originates from the French word, entrepreneur, which means "to undertake." The Merriam-Webster Dictionary presents the definition of an entrepreneur as one who organizes, manages, and assumes the risks of a business or enterprise (entrepreneurship, 2007).

V.   Wiki Dictionary Definition for: Entrepreneur

- A person who takes the risk of turning an opportunity into profit.
- A person who takes the risk of managing and operating a business or businesses; term often used: '"a."' for one who does this for one or more businesses that he or she entirely or largely helps to create; '"b."' for one who takes on ownership, or significant ownership, of one or more business franchises.
- A person who creates one or more new nonprofit organizations, or one or more units of such organizations, and often has a key part in managing and operating the new entity or entities. Such a person is sometimes referred to as a "nonprofit entrepreneur" or "not-for-profit entrepreneur", and occasionally as a "public entrepreneur".
- A person who is talented or prolific at developing new programs inside existing organizations (BNET, 2006).

VI.   Characteristics of an Entrepreneur

The Department of Labor predicts that the employer in 2010 will be "self." An Internet poll of 25-44 year olds revealed that 90% of them hoped to own their own businesses. A survey conducted by Ernst & Young found that 75% of influential Americans believe that entrepreneurship will be the defining trend of the 21st century. Some of the factors that have attributed to the rise of the modern day entrepreneurial spirit are access to technology, a global economy and corporate stagnation. Some of common characteristics of entrepreneurs are: (Casto, 2008).

- Responsible
- Hard Worker
- Risk Taker
- Creative
- Flexible
- Follows through with ideas
- Personable
- Optimistic
- Perceptive
- Self-confident
- Determined
- High degree of energy
- Innovative
- Independent
- Ability to anticipate needs
- Effective communicator
- Responsive to criticism
- Able to take the lead
- Learn from mistakes
- Self-directed

VII. Entrepreneurship VS. Small Business

Many people use the terms "entrepreneur" and "small business owner" synonymously. While they may have much in common, there are significant differences between the entrepreneurial venture and the small business. Entrepreneurial ventures differ from small businesses in these ways:

1. Amount of wealth creation - rather than simply generating an income stream that replaces traditional employment, a successful entrepreneurial venture creates substantial wealth, typically in excess of several million dollars of profit.

2. Speed of wealth creation - while a successful small business can generate several million dollars of profit over a lifetime, entrepreneurial wealth creation often is rapid; for example, within 5 years.

3. Risk - the risk of an entrepreneurial venture must be high; otherwise, with the incentive of sure profits many entrepreneurs would be pursuing the idea and the opportunity no longer would exist.

4. Innovation - entrepreneurship often involves substantial innovation beyond what a small business might exhibit. This innovation gives the venture the competitive advantage that results in wealth creation. The innovation may be in the product or service itself, or in the business processes used to deliver it (entrepreneurship, 2007).

VIII. Islam and Entrepreneurship

Islam, currently the world's second largest religion (Hill, 2008), is described in the Qur'an as the submission to the will of Allah or God (Cullen and Parboteeah, 2008). The origins of Islam can be traced back to the Prophet Muhammad who is seen as the 'final agent of God's revelation (Ludwig, 2001: 428).

We propose that Islam views extrinsic aspects of work positively. It is clear that the Islamic work ethic argues that engagement in economic activities is an obligation (Yousef, 2000). Work is thus the source of independence and the means to achieve a fulfilled life. The *Qur'an* speaks in favor of free trade and legitimate profit so long as it is consistent with Islamic ethics and does not exploit others (Ludwig, 2001). In fact, Islam encourages prosperity through the appropriate use of the resources given by God. Such resources are seen as important to provide for basic survival and physical needs as well as accumulation of wealth (Kriger and Seng, 2005). As such, it is clear that those employees believing in Islam are likely to pursue extrinsic work values as such values are consistent with Islamic teachings. We thus expect that Islamic employees will also view the extrinsic aspect of their work positively as

for 'Muslims, economic life is thus seen as a means to a spiritual end, where prosperity means the living of a virtuous life' (Kriger and Seng, 2005: 777).

Islamic teachings also suggest a positive relationship between Islam and intrinsic work values. As Islamic adherents approach work, they are likely to view the intrinsic aspects of work (i.e. having an interesting job or a job useful to society, etc.) positively, as 'work is considered to be a source of independence and a means of fostering personal growth, self-respect, satisfaction, and self-fulfillment' (Yousef, 2000: 515). Thus the Islamic work ethic encourages adherents to view the intrinsic aspects of work positively. As mentioned earlier, intrinsic aspects relate to openness to change and the pursuit of initia- tive and creativity at work. The Islamic work ethic clearly emphasizes creative work as an important source of accomplishment (Yousef, 2001: Parboteeah, 2009, p.57).

The pursuit of wealth must accompanied by intention, means, management and usage as stipulated by Islam. Entrepreneurship and entrepreneurs have a special place in Islam. The call for Muslim to be in business is complete. Figure 1 summarizes the entire spectrum. Islam propagates business activities; provide the infrastructure; outlines the rules and procedures; and God promises rewards. To complete the model, Islamic history features role models for Muslim to emulate. The Quran and Hadiths provide ample support for the model.

IX. Iran and Entrepreneurship

In Iran some policies have been formulated to support entrepreneurial activities such as:

1. Entrepreneurship education for all ages
2. Different loans for entrepreneurship in different fields
3. Facilitating those who start a new business
4. Some structural changes in government to support entrepreneurs easily
5. Fostering entrepreneurial culture
6. Festivals of stars in entrepreneurship at a national level. (Moghimi, 2002: 22).

Important Educational Institutions In Iran For Entrepreneurship

1. Deputy of Planning and Strategic Supervision
2. Parliament
3. High schools
4. Ministry of education
5. Technical and occupational centers
6. Jahade daneshgahi
7. Entrepreneurship faculties and departments
8. Karad (Entrepreneurship education in universities)
9. Scientific parks & Incubators
10. Other universities
11. Scientific parks & Incubators
12. GEM in Iran

13. Ministry of higher education
14. Labor and social security institute
15. Ministry of Labor and social affairs
16. Ent. Centers in universities (Rahmati and et al, 2010).

X. Challenges for Entrepreneurship in Iran

Some challenges for entrepreneurship in Iranian universities according to the study of Rahmati and others, 2010 are:

- Respecting efficiency rather than effectiveness in evaluating adopted policies
- Non considering the execution and evaluation in policy formation step
- The weakness in policy evaluation system due to the lack of exact and comprehensive statistics and information
- The lack of proper policies in selecting and utilizing education policies appropriate with current national conditions
- The lack of an assigned organization in the field of policymaking and non accompanying it by other institutions
- The weakness of education policies in considering specialized educations and emphasis on general entrepreneurship education
- The lack of a certain policy on defined indicators for various dimensions of entrepreneurship education
- The lack of manpower with knowledge, experience and skill in entrepreneurship and policymaking for entrepreneurship education
- Focus and non assigning necessary authorities to institutions and provinces in executing policies
- Instability in adopted of policies
- Non executing devised policies (Rahmati and et al, 2010).

Possession Of Wealth Is Allowed Based On The Following Principles

The standard definition of money in contemporary economy is a commodity that is generally accepted as a medium of exchange. However, this definition is only partly accepted from the Islamic economic concept. Islam acknowledged the fact that money is a medium of exchange, hence should functions as a measure of value. Yet, Islam strongly dismissed that money is a commodity by itself (Ismail, 2006, p.9).

- Allah , Subhanahu wa ta'ala, s.w.t is the absolute owner of wealth
- Allah created wealth in abundance and sufficient for all
- Wealth is created for mankind
- Wealth is entrusted to mankind

XI. Success Formula by Al-Qurtubi

What motivates Muslim entrepreneurs? Success, however, the meaning of success and the entrepreneur's journey towards success is unique. Hamat (1992) explained that success as mentioned in the al-Quran is associated with words like *falaha*, *aflaha* and the verbs *faza fauzan.* Wherever those verbs are found in the Quran, the will always be conditions and relationships with other factors that may lead to success or failure (Radiniz, 2007).

- Halal – livelihood that are in accordance to what is being outlined by Allah SWT and syariah.
- Qanaah – be pleased and thankful with one's earning
- Taufiq-Asking for the blessing of Allah in proportion to one's expectation
- Sa'adah-Spiritual happiness
- Jannah – Worldly success should act as the bridge to the ultimate success in the life hereafter (paradise).

Success therefore encompasses both the worldly and the hereafter. *Muflih* may also be interpreted as success. It means to achieve what is desired; happiness in both worlds; prosperity; free from worries, dificulties, or mental anguish. (See interpretation of ayat 104: *al-Imran*). The paradox of success also offered. Usually, success is akin to 'receiving' (ataining), but Islam also propagates 'giving' as a rightful pair to the term success. (See interpretation of ayat 130: al-Imran). Imam Al Ghazali in his book Minhajul 'Abidin, outlined seven steps for success (Radiniz, 2007):

- Knowledge and gnosis (ma'rifat) stage;
- Repentance (taubat) stage;
- Temptation stage;
- Obstacles stage;
- Motivation stage;
- Imperfections stage; and
- Praise and thankful (syukur) stage.

XII. Islamic Entrepreneurship

The Islamic society has witnessed vigorous economic activity since the Prophet (PBUH) first came to Medina. To this agrarian community was added a group of experienced traders from Mecca, a great center of inter-regional trade. Monetization came early, and the ban on unequal exchange of similar fungibles seems to have facilitated the process. Muslims started with Byzantine gold dinars and Persian silver dirham, but early on they began to mint their own coins. The state had a monopoly on coinage, and any tampering with their weight or purity was severely punished (Ismail, 2006, p.2).

Besides being holistic in approach, Islamic entrepreneurship dictates that the individual must first be a religious person, then a practitioner (religious

person who also practice what he learn). The benevolent person (insan berihsan) submits only to the Almighty. Through his/her vocation the person is expected to perform his/her duties as an *ibadah* and entrusted with the role of a responsible leader (*khalifah*) (Radiniz, 2007).

The concept of entrepreneurship in Islam also bases on co-operation, generosity and benevolence. That is why Islam really encourages *'uqud al-tabarruat* or unilateral contract such as loan (*al-Qard*) in order to promote cooperation and inculcate sense of brotherhood amongst Muslims. At the same time Islam extremely prohibited monopoly, exploitation, fraud or usurious transactions. In other word, every entrepreneur should always preserve the good deeds and avoiding the evil such as being honest, fair, and accurate in every transaction (Ismail, 2006, pp.12-13).

Islamic Entrepreneurship Focus on Eight Principles of Thoughts

1. Entrepreneurship is an integral part of Islamic religion.
2. By virtue of human nature, the Moslem entrepreneurs are 'khalifah' and have the responsibilities developed prosperity and sees business as part of *ibadah* or good deed.
3. Motivation – success in Islam is not merely measured by the end result but also the way and means of achieving them.
4. *Ibadah* – business activity is part of *ibadah* or "good deed"
5. Position of Entrepreneurship and business in Islam – Islam encouraged its *ummah* to venture into business. Prophet Muhammad S.A.W expounded that 9 out 10 source of rizque (reski) can be found in business.
6. Islamic Economic System - Islamic Entrepreneurship should operate within the domain of Islamic Economic system and act as the vehicle towards global acceptance of Islamic Economic System.
7. Guiding Principles of Islamic Entrepreneurship is by the al-Quran and al-Hadith
8. Entrepreneurial Ethics based on exemplary conducts of Prophet Muhammad S.A.W (Radiniz, 2007)

XIII. ISLAMIC ENTREPRENEURSHIP AS INTEGRAL PART OF THE RELIGION

Islam is a complete way of life. There is no separation between business and religion. Islam has its own entrepreneurship culture and guiding principles based on the Al-Quran and Hadith to guide business operation. By virtue of the human nature, the person must firstly be a Muslim, then an entrepreneur. He has the responsibility to perform *'ibadah'* and be a *'khalifah'*.

Muslim entrepreneur should search for God's blessings above all other factors. Muslim entrepreneurs perform business not solely for profit, but above all, to fulfill the 'fardhu *kifayah'*.

Muslim Entrepreneurship Ethics

- To prevent laziness – entrepreneurship requires hard work
- To eradicate fear – risk taking is necessary
- To search for legitimate ventures
- To avoid forbidden sources of income and property
- To show gratitude and thankfulness of whatever has been acquired
- To grow and develop capital and profit
- To diversify business ventures
- To avoid greediness

XIV. THE ETHICAL BEHAVIOR OF MUSLIM ENTREPRENEURSHIP

- To avoid malicious behavior
- To avoid squandering
- To avoid stinginess
- To pay alms *(zakat)*
- Trustworthy
- To pray consistently
- *Tawakkal*
- Patience
- *Qana'ah*

XV. EXEMPLARY FOR GOOD MUSLIM ENTREPRENEURS IN ISLAM

- Business is secondary when being called for other form of crusade
- Avoid using influence for self interest
- Afraid of accumulated wealth
- Leadership qualities in all aspects
- Practice moderate way of life

XVI. DISCUSSIONS AND CONCLUSIONS

Entrepreneurs have to have objectives and targets but these are subservient to the ultimate objective of acquiring the blessing of Allah s.w.t. In Islam, to indulge in business is to perform an obligatory duty (*fardhu kifayah*); unless and until there is an entrepreneur in a community, the entire community is deemed to be sinful! That's how seriously Islam perceives and encourages entrepreneurship. Profits are merely incidental in the fulfillment of the *fardhu kifayah.* But that does not imply weakened profit motivating among practitioners. Profis are encouraged in order to prosper the community through donations, taxes, *zakah, sadaqah,* tithes and the like. With *ubudiah* (state of servitude before god) and *tauhid* (oneness of God), risk taking becomes a guided Endeavour; regardless of the

outcome the entrepreneurial Muslim will always be humble and *redha* (contented with what god has given) (Radiniz, 2007). In contrast to the Western concept of the Economic Man, Islamic entrepreneurship propagates the concept of the Islamic Man. Some summarized characteristics are:

• Most entrepreneurs have the desire to achieve successful business venture.
• The successful path and means for achieving success for Muslim entrepreneurs are unique.
• Success in Islam is not merely measured by the end result, but also the means and ways of achieving them.
• Entrepreneurship is the symbol of business steadfastness and achievement. Entrepreneurial revolution is critical to economic growth. Entrepreneurship may affect our future in many ways:
• Innovative creation of opportunity
• Example: Portable phones linked to faxes and laptop will turn cars, train, and airport terminal into offices.
• Entrepreneurship not only affect our lives through innovation but represent the working future for many of us due to lays off by large organization and shrinking of job opportunities for graduates.
• Entrepreneurship is synonymous to creation of new venture and small businesses. SMIs have been important contributors to local economic growth (Mohd Jan &Alias, 2009)

Muslims should note that it's time to build on their self-confidence as they have shown the world that their financial and other relevant Islamic systems they have, can withstand the recent financial turmoil. So one way to improve one's self-confidence is to study their strengths and weaknesses and to be surrounded with honest and positive people,"

Some suggestions for enhancing entrepreneurship in Iran are [f]

Some suggestions in Iran for enhancing entrepreneurship according to the study of Rahmati and others , 2010 are mentioned below:

• Forming proper policies to organize entrepreneurship coaches and teachers
• Emphasizing on knowledge and experience in policies to employ education courses personnel
• Respecting and emphasizing on execution and evaluation the policies during development
• Selecting a policymaking institution as the main custody of policymaking in entrepreneurship education
• Establishing a central headquarters to harmonize entrepreneurship centers
• Fascinating policymakers to the position and importance of entrepreneurship in social growth and development

• Attracting policymakers to the systemic relationship between entrepreneurship and other needed supports for entrepreneurship
• Respecting culture – building, awareness and propaganda to execute adopted policies
• Forming measuring policies for learners and audiences of courses and adjusting the courses in terms of competencies and capabilities of learners
• Forming the national document of entrepreneurship education policies
• Forming policies to support graduates
• Designing a system to evaluate the effectiveness of entrepreneurship education
• Designing incentive mechanisms for job creation as an effective entrepreneurship education criterion
• Determining the exact role and position of each institution in policymaking process for entrepreneurship education
• Forming administrative rules to develop entrepreneurship culture for all people along with provided educations
• Reforming baking – official rule to promote and enhance trained entrepreneurs
• Emphasizing on process – orientation in policymaking system for entrepreneurship education
• forming a policy to integrate policies and localize entrepreneurship education materials
• Learners' and graduates' polling as a tool for effective policy evaluation
• Designing a local entrepreneurship education paradigm by considering national Thematic segregation of policymaking institutions and determining the role of each institution in terms of a special title
• Governance in policymaking by government and assigning it to local and private sectors
• Policymaking to train entrepreneurship since childhood in families, media and journals
• requirements and circumstances
• Respecting the evaluation of adopted policies in the light of an effective education evaluation system (Rahmati and et al, 2010).

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Samuel Beckett's rough For Theatre I and II: A Revolt against Absurdity

By Pouria Torkamaneh, Noorbakhsh Hooti

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Abstract - Deemed as depictions of dejection intermingled with penetrative multiaccentuality, nothingness, and murkiness, Beckett's multilayered texts lead the mind of the reader/observer into a deadlock in rendering a plausible connotation camouflaged in their sub-texts. As a result, the paradoxical and baffling amalgamation of simplicity and complexity in his works keeps the readers and pundits captivated in the fanciful web of the text. Expectedly, this delusive feature has tantalized a bumper crop of articles to mark Beckett down as a paragon of absurdism and atheism over the past few decades. However, by ploughing new fields and charting new territories of his works, we can redefine and re-delineate Beckett's ideologies as non-absurdist and theist and ultimately he himself as an absurdistic writer rather than an absurdist author. Contrary to the mainstream impression of hermeneutists about Beckett's rationalizations that are fallaciously thought to be absurd and purposeless, his argumentations of absurdity are not a stymie to propagandize absurdism, but an initiative to actuate our consciousness to eschew our absurd life in order to lead us to a new sphere of reality and meaning. Therefore, this paper is to underpin the above-mentioned avowals by re-introducing Beckett as a crusader against absurdity and mental stagnation through a comparative review of Rough for Theatre I and II.

Keywords : Beckett, absurdity, existence, God, death, the Hereafter, revolt

GJHSS-C Classification : FOR Code: 420219, 420220

SAMUEL BECKETTS ROUGH FOR THEATRE I AND II A REVOLT AGAINST ABSURDITY

Strictly as per the compliance and regulations of:

Samuel Beckett's *rough For Theatre I* and *II*: A Revolt against Absurdity

Pouria Torkamaneh[α], Noorbakhsh Hooti[Ω]

α

Abstract - Deemed as depictions of dejection intermingled with penetrative multiaccentuality, nothingness, and murkiness, Beckett's multilayered texts lead the mind of the reader/observer into a deadlock in rendering a plausible connotation camouflaged in their sub-texts. As a result, the paradoxical and baffling amalgamation of simplicity and complexity in his works keeps the readers and pundits captivated in the fanciful web of the text. Expectedly, this delusive feature has tantalized a bumper crop of articles to mark Beckett down as a paragon of absurdism and atheism over the past few decades. However, by ploughing new fields and charting new territories of his works, we can redefine and re-delineate Beckett's ideologies as non-absurdist and theist and ultimately he himself as an absurdist*ic* writer rather than an absurdist author. Contrary to the mainstream impression of hermeneutists about Beckett's rationalizations that are fallaciously thought to be absurd and purposeless, his argumentations of absurdity are not a stymie to propagandize absurdism, but an initiative to actuate our consciousness to eschew our absurd life in order to lead us to a new sphere of reality and meaning. Therefore, this paper is to underpin the above-mentioned avowals by re-introducing Beckett as a crusader against absurdity and mental stagnation through a comparative review of *Rough for Theatre I* and *II*.

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I. Introduction

Stylistically discrete and mystifying, writings of Samuel Beckett seem to be more labyrinthine and cryptic than most of the works of his contemporary authors and somehow more elaborate and sinuous than how we usually strive to decode his works via our 'interpretations.' Precisely, his literary works seem to pull the rug from underneath the feet of the philosopher or clouding the mind of the reader by substantiating the possibility of decrypting and comprehending his works as a long shot with expressing too much by saying too little. Studying his works, especially his plays, creates the impression that there are multiple nuances of exegeses, underlay and disguised by the main text, which lead any first time reader down to an impasse in dissecting or even understanding the real and intended connotation of the text. Epistcemologically speaking, his

works cross-examine the reader in descrying the preconceived purports of his works, that in pursuing them there appears an amalgamation of umpteen possible denotations and connotations, in which each possible meaning 'defers' and contradicts the other 'different' meanings, which link up and highlight the role of multiaccentuality of the sign effectively. Relatively speaking, this nature of complication in the subtexts, which are interconnected and make each study more serpentine in certain cases, is oscillating in Beckett's works in which truth and language are somehow lost in their ways in becoming an intelligible and coherent text. Absolutely borderless, his enigmatic works make any dilettante reader fail to grasp the meaning of his works if s/he jumps straight in, out of nowhere proclaiming his/her opinions and making rash generalizations. In this regard, Derrida as one of the giant philosophers opines that:

> When I found myself, with students, reading some of Beckett's texts, I would take three lines, I would spend two hours on them, then I would give up because it would not have been possible, or honest, or even interesting, to extract a few 'significant' lines from a Beckett's text. The composition, the rhetoric, the construction and the rhythm of his works, even the ones that seem the most 'decomposed', that is what 'remains' finally the most 'interesting', that is the work, that is the signature, this remainder which remains when the thematics are exhausted (Quoted in Royle, 1995: 61)

Beckett is a playwright who only 'presents' absurdity of life and does not 'argue' it. Nonetheless, numerous studies of Beckett's works have vindicated that they still tender a number of areas that deserve exploration, particularly its authentication of anti-absurdism points, which are predominately taken for granted. Accurately, to date, scholars have not yet proffered or consulted a new and state-of-the-art approach in scrutiny of his works' absurdity panorama that limn this vaunted playwright in a contrastive image of how he has customarily been advertised. Insightfully, his works are bolsters of his penchant to knock down all the obstacles of living a rational and hopeful life commingled with his downright endorsement of belief in a metaphysical power and the Hereafter. Therefore, by tracking down the traces of a transcendent belief in the supernatural power and the Hereafter as the highlight of this paper, it endeavors to deracinate and redefine the

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unjustifiable labels of absurdity from Beckett's works via a comparative review of *Rough for Theatre I* and *II* as two samples of his countless works. However rather than simply providing answers or decoding and deciphering a text or even solving conundrums, this study strives to introduce a new dimension of Beckett's multifaceted works through these two long-forgotten plays. In fact, to engage effectually with Beckett's works does not mandatorily mean to decode their underneath obscurity, but it is to first inhume our ego and judgment before appraising the play and then to fuel all expositions espoused by various attitudes as an appreciable and 'possible' vista, as Beckett once said, "the key word in my plays is 'perhaps.' " (1979: 220)

Although *Theatre I* and *II* have received inadequate attention, due to other apocalyptic works of Beckett, we cannot disavow the appreciative dexterity of thought, perplexity of dialogues, and idiosyncrasy (although fascinating) captivation of the words, which have been interpolated in these two works premeditatedly. Like his other works, melancholy, prorogation, skepticism, and ambivalence, just to name a few, are the oozed and prima facie flavors of *Theatre I* and *II* as well.

However, with these well-expounded and oft-proclaimed life-is-meaningless doom and gloom catchphrases, the real tenor of his works still seems obfuscating. At the very beginning, he plunges the audience into the terra incognito atmosphere of the play so adroitly that consequently the perplexed readers that are wavering on a contour between the eyes that see and a heart that feels, are gradually dissociated from the real and contrived orientation of the play.

Thereby, those who criticize Beckett's works through pessimistic spectacles tend to miss this fundamental difference that as long as things are in the process of ending, they have not yet ended (and perhaps never will), as Rathjen notes, "[his works] deal with the process of ending but seldom or never with an actual end." (2006: 163)

II.   Absurdity Argument

Though a contrapuntal anatomization of both plays, it seems that the quintessential stream of storylines are after the desire to catch up on the pathetic and piteous living condition, afflicted upon the main characters, in a simple but pre-tailored condition. Critical analysis of the characters in both *Theatre I* and *II* illuminates and functionalizes the radix of debasement and reclusiveness, engaged in their crestfallen life in their own attitude and reaction toward the exterior world. *Theatre I* sets out a character that sustains the ramifications of living a fallaciously irrational, apathetic, and fantasized life of his mind and how it leads him to a poignant living condition and unimagined hell. Settled in the corner of a street with a couple of roads intersected upon it; Billy's chosen position of living is the first

impetus to his stagnant and monotonous life. Though he encounters two different paths to explore new experiences and opportunities of life, de facto two 'life-affirming' options, he spares no efforts to change his atrocious living condition. He is glued to his seat with no penchant of action, and stuck-still like a zombie till he becomes "unhappy enough to die." (Becket, 1958: 69) The blind man reveals the reminiscence of how his wife deserted him and he is expectantly, although illusively, hearing her back now and again.

You were not always as you are," asks the other character curiously, "What befell you? Women? Gambling? God? " but he retorts that, "I am always as I am, crouched in the dark, scratching an old jangle, to the four winds." (68)

Although he used to have a euphoric life with his family and 'woman', but he missed her as the chance to be his companion and blames the world for his loneliness. Interestingly the other character appears to be a logical person, and who has had the same experience, berates and wakes him that, "We had our women, had not we? you yours to lead by the hand and I mine to get me out of the chair and back into it again and eventually to help [us], but [we] lost them." (ibid) Therefore, it is demonstrative of how their harrowing life has been (mis)shaped by their own pitfalls. To consummate their collection of altering a hopeful life into a hopeless one (absurd), they miss the most perceptible glitter of hope or window of opportunity of companionship, provided for them by rejecting to help one another reciprocally. Clearly put, these two physically incapacitated characters come to know each other fortuitously and their diametrically opposed deficiencies dispose them to join forces in order to help and make up for each other's impairment. Practically, Billy could simply help the other walk and push his wheelchair and the other could role as the eyes that Billy never possessed, but they dither and rebuff mutual support and finally never get together as a pair.

Scrutiny of *Theatre II* homes in on the same root of calamities through character's own decisions and standpoints toward the world as well. Through torrent of catastrophes of "Sick headaches, irrational fear of vipers, ear trouble, fibroid tumors, pathological horror of songbirds,   need of affection, morbidly sensitive to the opinions of others" (82) and many others, there does not exist any cruel reason conclusive to any sign of irrationality from the probable absurdity of life. However, the following incentives emphasize how stimulants like his youth's mischief along with many others initiated, instantiated and precipitated his dispirited life instead of a serene one and eventually probable act of suicide as a means of a gateway out of his life:

Age ten runs away from home for the first time, brought back next day, admonished, forgiven…aged seventeen, runs away from home for [fifth and] the last time, crawls back a year later on his hands and his knees, kicked out, forgiven. (84-5)

Mr. Peaberry testifies that, "of our national epos he remembered *only the calamities*, which did not prevent him from winning a minor scholarship in the subject." (80) It is the substantiation of how he has taken the role of hope for granted in certain sections of his life, and the justification of how he was plunged into melancholy that he became unable to alter his desolate state of mind. Completely and successively deteriorated by living as a leashed slave of despondency and nonchalance, arising chiefly from his deep-seated sense of self-alienation; Croker's wrong actions one after the next pile up his hoard of misfortunes and are to lead him to new territories of bad luck. They tangle him in a life bereft of transcendent hope and pessimism, just like the characters in *Theater I*. As a result, Beckett (with morbid sensitivity to the opinions of others about his works) who has the courage to confront us with how we have sabotaged our living circumstances, revolts against this type of absurdity and presents an analysis of the fundamentals: the core, or 'essence' of what maps out human experience. Accordingly, he abrogates the unjustifiably guided hallucinations about his works that "[his] works are a matter of fundamental sounds, no joke intended" (Harmon, 1998: 24), which are the sounds of our well-structurally pathetic life. Still and all, we erroneously gauge him and his plays or novels as paragons of absurdism, although he only presents our self-made absurdity in confrontation with the world.

These two interconnected, perfectly conflated, and well-crafted plays seem to contribute more than it initially meets the eyes. Predetermindely, Beckett has supplemented and integrated certain ingredients of both plays to convey a designative point. In *Theatre I,* Billy has practiced segregation that he seems to have lost his sanity and asks, "if it is day or not", "how the trees are doing" or if "there [is] grass anywhere?" (Becket, 1958: 68) It seemingly anchors his apathy and obvious ennui, which stems from his immobility. Having considered that, the second layer of this utterance qualifies itself in that, apart from Billy's indifference, this excerpt is also indicative of Billy's metaphysical desire for time and peace in which allegorically we, people, look for peace only in the appearance of night. This idea of lack of order and peace that Billy is troubling to regain endlessly to put an end to his perpetual sufferings does not end in that pronouncement. In fact, Beckett does not only suffice it to shed light on how we are making a mess out of our personal lives, but he also takes one more step ahead and underlines how we have managed to traumatize each other's life and destabilize its balance. In the latter parts of *Theatre I*, Billy needs to know the time and if it is day or night and therefore asks: "Will it not soon be night? which seems to be a simple question. However, the other character provides a relatively knotty respond that "Day...night... sometimes it seems to me the earth must have got stuck...one sunless day...in the heart of winter...in the grey of the evening." (72)

III. God and the Hereafter

A rigorous and attentive exploration of the play's unique textual characteristics reveals Beckett's beliefs in something metaphysical and supernatural, which mysteriously has been seeped 'indirectly' through the text. A detailed inquiry at the linear development of both plays uncovers that the incidents, dialogues, and the plot of *Theatre I* is proceeded by some pertinent and corresponding coincidences in *Theatre II*. In fact, *Theatre II and I* seem to be complementary and interdependent. In truth, Beckett keeps drilling his creeds, argument, and revolts against absurdism by moving into a further sphere of his beliefs portraying and emphasizing the end and after life. *Theatre I* seems to stage the life of two elderly men who are spending the twilight days of their lives in the secular world and thus *Theatre II*, in continuity of *Theatre I*, is sketching out the trial of Croker, probably in the other world, who can be considered samples like the characters in *Theatre I*. Croker who is catatonic or probably dead is standing in the window, suspended between the earth and the night sky, probably entangled between this world and the other, and therefore, analogous to being judged by Morvan and Bertrand. It can be surmised that he is supposed to be positioned in that location premeditatedly in order to foster the audience have the opportunity to draw conclusion about his life and destiny. Indeed, being scrutinized by two bureaucrats in a gloomy room and being ensnared in time and space, Croker and his life are reckoned to be the tool that Beckett has utilized to influence the audience and let them envisage the last of Croker or even the last of human condition on themselves. Beckett tries to elucidate this freedom of judgment and suspension of Croker simply by putting him on the centre of a high double window, probably closer to the sky (sixth floor), Jupiter planet, and the moon, which highlights the practicality of the notion of the 'theatre on trial'. It somehow feels like Beckett has deactivated the passage of time in order to commingle our consciousness and emotions with a person who is about to take a giant leap into the other world and entitle the reader to speculate and judge about Croker's destiny as a sample human being. McMullan confirms this feature of Beckett's works as follows:

The elements of performance in Beckett's plays foreground the interrelated processes of production, perception, and judgment: both through his characters' attempts to represent and perceive their existence as an image or a narrative and through the structure and texture of the plays, which foreground the production of visual and verbal signifying material for perception and judgment by an audience. (1993: 10)

Similarly enough, it is now possible to postulate that *Theatre I* and *II* can be viewed as a supplementary two-episode televised serial that never ends as Croker never commits suicide, and therefore Beckett delegates

the final assessment of everything upon the observer as the astute director of this bizarre movie. Accurately *Theatre I* can be read and considered an illusion to the ending days of each human being's life in mundane world(Billy and his only companion), and respectively *Theater II* can be deemed as the viaduct or window to transfer humans (*Theatre I*) to the other world and Croker is an example of this transference.

Precisely, Bertrand and Morvan, who create the impression that they are not from the mundane world, are providing service to someone out of this ordinary world, and just before starting reading the testimonies Bertrand says, "I still do not understand, why he needs our services? A man like him…and why we give them free…men like us…mystery." (Becket, 1958: 77) This terse but expressive dialogue indicates someone other than what we initially assume of the antecedent of 'him'. Simply put, it comprehensibly feels like all three characters in *Theatre II*, (second episode after *Theatre I*) are beyond our perception of life and this world. Plainly defined, ''Beckett places the[se] 'characters' in locations that are beyond life and death." (Boulter 2008: 8) Considering the bureaucrats as two divine beings, who are supposed to be agents, checking and evaluating people's afterlife, they are mentioning someone whom they are providing service for and it can be presupposed that they are talking about a metaphysical power.

Billy who was formerly characterized as a chimerical character describes his feelings as if he sometimes hears people around him whispering. Although both Billy and the other character along with the audience are fully aware that there is no one around who wants to reside in that place, he utters, "Sometimes I hear steps and voices. I say to myself they are coming back, some are coming back, to try to settle again, or to look for something they had left behind, or to look for someone they had left behind." (Becket, 1958:69) This section of Billy's dialogues can be decoded that if we take the derelict road in which they are residing in, as an allusion of this secular world and its ephemerality, and on the other hand postulate the people who are coming back as those who are living in the other world (afterlife), we can respectively reach the conclusion that Beckett is warning us about something forgotten. Specifically, they are coming back remorsefully for what they lost and ignored, that is living a conscious and objective life; in lieu of spending it improvidently and disgracefully, thus it feels like these two characters are somehow neither in this world, nor in the other. As a hypothesis, they are entrapped between 'Inferno' and 'Paradiso', which is intermediary and is precisely called 'Purgatorio', and are somehow narrating everything from an exterior/dominant panorama or vantage point. These three terms are undoubtedly the three Canticas (sections) which are allegorized by Dante in *Divine Comedy,* which reveals Beckett's inclination to make use of these metaphors in

his own works. According to McDonald, "throughout his works vivid images of suffering from Dante's masterpiece often resurface. His student copy of *the Divine Comedy* would be at his beside when he died in 1989." (2006: 10) Moreover, Beckett's apprehension of other world can be justified through Palacious (1919) argumentation that Dante derived many features of and episodes about the Hereafter from the spiritual writings of **Ibn Arabi** and from the **Isra and Mi'raj**. Therefore, it demonstrates Beckett's awareness of these phases of life and how deliberately he has sketched out these images and stages. Contrary, a bumper crop of articles have constantly been titled and resonated with the idea of a non-religious Beckett, however, the above-mentioned avowals seem to inoculate him against the encroachment of a presumed disbelief in someone or something other than what we are cognizant of. As Cronin attests,

Beckett always possessed a Bible, at the end more than one edition, and Bible concordances were always among the reference books on his shelves. He certainly knew the book backwards and as a boy he won a prize for knowing it in the diocesan synod examination (1996: 21)

Beckett also tries to claw at deeper and greater levels of intuition and experience by stimulating and activating the readers' five senses in certain parts of his plays in an intangible method, although unfortunately, most readers do not get the learning curves of identifying these momentous moments. In one of these instances, he tests the readers' eyesight and consciousness in which he displays something that is not mentioned in the screenplay. He has deposited a pole with a sign submitting a pair of crossed lines in which they put embargo on some sort of an action in that certain part of the street. Crucially enough, that pole has been set right in front of Billy's place of living, which signifies something of great import. It is weird that the street betokens of nothing but deterioration. It shows that how beautifully Beckett has delved into the world of those individuals who have drowned themselves in the convulsive ocean of absurdity and pessimism. However, there seems to be a kind of bamboozling misconceptions on Becket's notions on absurdity, but Beckett does not give an absurd picture of life or existence as a totality. Indeed, he tries to show the innermost layer of those individuals who find themselves too weedy to break the crust of pessimism, the pessimism, which has become a mind blocking obstacle of entering the new arena of the current dominant circumstances of life, which portray the epistemological truth of existing existence of the individual. The tragic and heart lacerating point of the modern man is that he depends on what he was more than what he is now.

We should not take life as a totalizing sequel, but as fragmented forms, and if we do so, we will never

grow the sense of absurdity and cynicism within us, because each fragmented episode of life has its own birth and death, which does not affect the birth of a new episode of our life. Each footstep of life has its own melody, and if one melody sounds off-key, it does not mean all the coming tones are bound to be off-key as well. Beckett in his play shows the inner world of those individuals who look at life as a totalizing sequel with a fast moving off-key rhythm. Indeed Beckett is jarred to see such dead but moving characters, who contaminate the world with their frustrating and dejecting dormant notions. Hence, Beckett tries to awaken man from the deep slumber of absurdity, which has grown to be a terrifying nightmare. He wants to say that if we break the fossilized shackles of the nightmare of absurdity, we can enjoy the sweet heartbeats of the moving moments as well.

Turning to *Theatre II,* this idea of credo and faith about the different phases of existence in different moves of life is alluded from the characters' dialogues as well. When Morvan is giving a rundown of another testament about Croker's misfortunes, they drop a hint about somewhere other than his home, since each home represents a different nature of existence.

To hear him talk about his life, after a glass or two, you would have thought he had never set foot outside of hell. He had us in stitches. I worked it up into a skit that went down well, Testimony of Mr. Moore. (Becket, 1958: 80)

First, it simply points to his adverse living condition, but Bertrand clarifies that, "you see! This is not his home and he knows it full well." (ibid.) This perplexing dialogue can be interpreted from various dimensions. First by his home, he means either this place or this world, which indicates the notion of 50/50 chances in Beckett works (uncertainty or multiaccentuality). Croker does not live in that home; instead, he lives in a barge. Therefore, we may deduce that by his home, he is talking about the current context of existence and that sooner or later his present life will die and consequently a new life will be born.

Through taking Croker and his heart-rending life into consideration, we may claim that croaking and dying are not necessarily about the declining years of our life or the death itself, but about imprisoning ourselves within a murky dungeon of a paralyzed world, which by itself is dead.

Beckett as a dexterous and astute playwright does not leave the subconscious territory of the reader/observer's mind at rest. *Theatre II* represents how with terse but pregnant and meaningful dialogues, Beckett indoctrinates his beliefs into the innermost section of the audience's mind. Walking in the dark room, Bertrand approaches Croker, who is rooted to that spot and is about to throw himself out of the window, looks at the hopeful bright sky and utters out, "full moon" but Morvan corrects him and says that it is "tomorrow". Then Bertrand asks, "What's the date?", and Morvan responds that, "twenty-fourth…twenty-fifth tomorrow." (78) Why does a person who wants to commit suicide in order to abandon the world, choose a place to throw himself under the bright night sky, the full moon (24th and 25th of the month) and on the sixth floor of an apartment? First of all, sixth floor of an apartment is much closer to the sky which symbolizes Beckett's yearning to depict his attention to the celestial bodies. This extraterrestrial depiction is not labeled only with full moon, but also with presence of Jupiter, twinkling in the sky. By resting in the central orbital line of planets, with four planets preceding and four planets extending past it, Jupiter and its position are idealized for justice, central power, and perfect order, which are rarely found on planet Earth. More importantly, the full moon has something to do with creation, manifestation, birth, and rebirth. The full moon completes the cycle, representing death, change, or tying up loose ends. It symbolizes the end chapter, shedding light on the things that we no longer need to hold on to. Full Moon is an opportune time of the month for purging 'rituals' to take place. The light of the full moon illuminates those things that are interfering with our spiritual advancements.

Once we have become enlightened to ways that are blocking us, the easier to let go. The full moon occurrence is for releasing or purging the things in our lives that no longer serve us good such as addictions to food, drugs, or sex, relinquishing suffering involved in hurtful relationships, discharging physical and emotional pains, and eventually cleansing our soul as the new moon appears. Respectively, this image of full moon in *Theatre II,* is echoed in *Waiting for Godot* clearly in which it snags our attention toward revitalization that is mingled with surrealistic replacement and renewal of day and night. Schneider states that, "when the highly stylized 'moon' suddenly rose and night 'fell' at the end of that first act, a simple representation of *rebirth* affected me beyond all reason." (1958: 192) Accurately, it manifests how Beckett tries to alert us about another world of existence by utilizing full moon, sixth floor of an apartment, Jupiter, and bright night sky, intermingled with hope, and how those can bring us elation and salvation. It authenticates Beckett's endeavors to seek sanctuary in somewhere other than the current existence, from the cruelties and absurdities that we have set up in the world unjustly.

However, it should be strongly reminded that though the coruscating moon is the harbinger of hope and rebirth, it does not necessitate this redemption through suicide as a dues ex machina or any other fallacious ends, but it can be implied that this is gained through natural death and purposeful life. Thereby, it highlights and underpins Beckett's desire to prove redemption, equilibrium, and justice through something apart from the current fragment of frustrating life, but from each upcoming episode, which has its own pros

and cons. Hence, Beckett looks at life with both appreciation and depreciation, which are the integral parts of life. Indeed, Beckett's main worries and concerns are on those individuals who are dressed in the black shroud of darkness and have buried themselves in a marooned island of just depreciation and absurdity.

IV. Conclusion

Rough for Theatre I and II as two convoluted, riveting, and epigrammatic, however forgotten works in Beckett's oeuvre, welcome the opportunity of detaching some of the hasty and predisposed generalizations about his doctrines. Absurdist, atheist, existentialist?, atheist existentialist and many other inequitable labels, encrusted with 'nothingness' are the common but unmerited adjectives affiliated to his works. However, "the whole 'negative way' of Beckett is a 'defiant creation from nothing,' an outpouring of 'reproductive and inventive energy,' which in turn tropes 'the generative power of what is as against the realm of what is not.'' (Wolosky 1991: 228)

Scrutinizing every single phrase of these two encoded plays and their gnomic dialogues, this paper attempted to re-introduce Beckett as a tactfully absurdist*ic,* and insightful author and philosopher who only tries to exhort us about some overlooked values and aims of life. The study further tried to unpick how Beckett in *Rough for Theater I* and *II,* unravels the mental stagnation of those individuals, whose disappointing *Past* is always present and the *Present* itself is never born and consequently no future can come to existence. Hence, such characters who are wedded to a world, which is no more, may not find the physical death or a reclusive life a shift from existence to non-existence. Indeed, such a shift may mean a move from one dungeon to probably a much darker one. Therefore, darkness for them does not mean really darkness since they are not familiar with beauty of light and illumination.

To put it in a nutshell, the veiled and sheathed layers of *Theatre I* and *II* tend to insinuate that Beckett wants to push us toward a logical, purposeful, and humanistic life and fight against the absurdities brought about by our own actions as human beings. Ergo, *Theatre I* and *II* are the apparatus that Beckett uses in order to revolt against this absurdity, even though only unprejudiced readers will uphold this uprising.

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New Trends in the African Human Rights System: Prospects Of African Regional Human Rights Courts*

By Timothy F. Yerima

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Abstract - One of the impacts of the Second World War (WW II) is the movement from the strict reliance on the principle of state sovereignty or domestic jurisdiction to the concept of universality.[1] The concept gave impetus to and culminated in the adoption of plethora of human rights instruments. Under the United Nations auspices, the Universal Declaration of Human Rights was adopted in 1948; [2] and today it "represents a major milestone in human progress."[3] It is also the "corner stone of contemporary human rights law,"[4]

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Strictly as per the compliance and regulations of:

New Trends in the African Human Rights System: Prospects Of African Regional Human Rights Courts[*]

Timothy F. Yerima

I. Introduction

One of the impacts of the Second World War (WW II) is the movement from the strict reliance on the principle of state sovereignty or domestic jurisdiction to the concept of universality.[1] The concept gave impetus to and culminated in the adoption of plethora of human rights instruments. Under the United Nations auspices, the Universal Declaration of Human Rights was adopted in 1948;[2] and today it "represents a major milestone in human progress."[3] It is also the "corner stone of contemporary human rights law,"[4]

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[1] Magdalena S., et al, Human Rights Reference Handbook (Costa Rica: University for Peace, 2004), at 14, where the authors stated that: "It was, however, only after the Second World War that political and civil society alike came to realize that national schemes for the protection of human rights did not suffice. Since then, human rights have found their way into a wide range of regional and global treaties".

[2] Universal Declaration of Human Rights, adopted and proclaimed by the UN General Assembly in Res. 217 (III) of 10 Dec. 1948 [hereinafter UDHR or Declaration].

[3] Javier Perez De Cuellar, "Message from the Secretary-General", in United Nations Human Rights: The International Bill of Human Rights (New York: United Nations Dept. of Public, 1988), at Vii.

[4] See Yerima T.F., "Internationalization of Human Rights: A Critical Appraisal and Comparison of the Trilogy of Documents in the UN Systems", Ikeja Bar Review, Vol. 1, Pts. 1 & 2, Sept. 2006-March 2007, at 29.

[5] European Convention for the Protection of Human Rights and Fundamental Freedoms (as amended by Protocol No. 11) Signed by the Members of the Council of Europe on 4 Nov. 1950 (entered into force on 3 Sept. 1953)[hereinafter European Convention]. Protocol No. 11 was adopted on 11 May 1994 [entered into force in 1998].

[6] Inter-American Convention on Human Rights, adopted by the Inter-American Specialized Conf. on Human Rights on 22 Nov. 1969 (entered into force on 18 July 1978)[hereinafter Inter-American Convention or Convention].

[7] While the European system has only a single Human Rights Court that operates on permanent basis (See Protocol 11 supra note 5, Art. 19), the Inter-American system, like its African Counterpart, operates a temporary Human Rights Court and a Human Rights Commission (See Inter-American Convention, Art. 33).

because it has given impetus to the adoption of other human rights instruments both at the international, regional and domestic levels.

At the regional level the UDHR gave impetus to the adoption of European Convention on Human Rights[5] and the Inter- American Convention on Human Rights.[6] These Conventions guarantee certain rights and freedoms to individuals and also impose certain obligations on state parties to the respective Conventions. They also established mechanisms for the enforcement of the rights and freedoms, which they have guaranteed.[7]

Under the African human rights system the African Charter on Human and Peoples' Rights,[8] was the first human rights instrument to be adopted as a result of the influence of the UDHR.[9] The Charter, apart from guaranteeing what has been tagged "three-generation rights,"[10] also established the African Commission on Human and Peoples' Rights with a tripartite mandate.[11] But the Commission since it was constituted in 1987 has been relegated as a tooth less bull dog,[12] because it has no legal stand to give binding decisions and enforce its judgments. These problems, among others, culminated to the adoption of the Protocol to the African Charter on the establishment of African Court of Human and Peoples' Rights in 1998.[13] Ten years later, another Protocol was adopted to merge the African Court of Human Rights and African Court of

[8] African Charter on Human and Peoples' Rights, adopted 27 June 1981 by the 18th Assembly of Heads of State of the Org. of African Unity OAU (entered into force on 21 Oct. 1986) [hereinafter African Charter].

[9] Id., 4th para. to the preamble.

[10] "First generation" rights are the civil and political rights; economic, social and cultural rights are regarded as "second generation" and group rights are considered as "third generation" or "solidarity" human rights. See Wallace R.M.M., International Law, 5th edn. (London: Sweet and Maxwell, 2005), at 226.

[11] See African Charter, Arts. 30 & 45.

[12] Udombana N.J., Human Rights and Contempory Issues in Africa (Lagos: Malt house Press ltd, 2003) at 125.

[13] Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights, adopted by the 34th Ord. See. of the Assemb. of Heads of State and Govt. of the AU on June 1998 (OAU Doc. OAU/LEG/MIN/AFCHPR/PROT./rev.2) (entered into force 25 Jan. 2004) [hereinafter African Human Rights Court Protocol or Protocol].

Justice as African Court of Justice and Human Rights.[14] But until a year after the Protocol of the merged Court comes into existence, the African Human Rights Court will remain the African Continental Human Rights Body and would determine cases of human rights violations in Africa.[15] The focus of this paper is to appraise the prospects of African Human Rights Court and the merged Court, which will later replace it. But before delving into the crux of the matter, it is crucial to survey the history of the Courts.

II.   Historical Survey

Although, the establishment of an African Human Rights Court is a recent development, the idea of establishing the Court is not a new development. It was mooted in 1961 at the Conference of African Jurists in Lagos, Nigeria. The Conference was convened to discuss enforcement mechanisms for the protection of human rights in the newly independent States of Africa.[16] The Law of Lagos, which was the outcome of the resolution of the Conference, called for the adoption of African Convention and establishment of African Human Rights Court to enforce the rights in the Convention.[17] Paragraph 4 of the Law of Lagos specifically declares:

> In order to give full effect to the Universal Declaration of Human Rights 1948, this Conference invites African Governments to study the possibility of adopting an African Convention of Human Rights in such a manner that the conclusions of this Conference will be safeguarded by the creation of a

Court of appropriate jurisdiction and the recourse there to be made available for all persons under the jurisdiction of the signatory States.

Despite this sound declaration, effort to establish Human Rights Court in Africa was an exercise in futility.

In 1963, with the formation of the OAU, the Organization rejected the draft Charter that provided for the "establishment of a Court of Mediation, Conciliation and Arbitration" in a separate treaty. African leaders rather created an *ad hoc* "Commission of Mediation, Conciliation and Arbitration", as a mechanism for the peaceful dispute settlement among Members of the OAU, to accomplish the purposes of the OAU Charter.[18] The Protocol, which defined the duties and powers of the Commission, later became an integral part of the OAU Charter.[19]

Another attempt was made at the Ministerial meeting in Banjul in 1981, when the proposal forwarded by Guinea on the establishment of an African Court to judge crimes against humanity and to protect human rights was turned down.[20] According to Justice Kebba M'baye, the expert group considered the idea of establishing an African Human Rights Court, but failed to make a recommendation to that effect since it felt that it was untimely to discuss it.[21] This conclusion was not surprising because the expert group was instructed "not to exceed that which African States were ready to accept in the field of protection of human rights".[22] It was glaring, therefore, that if African Charter had contained more than what it contains now or had established a Court, African leaders would have been reluctant to ratify it. But commentators are of the opinion that drafters of the African Charter would have overcome this obstacle in view of the fact that jurisdiction of the Court needed not be automatic but subject to separate declaration as was done in the case of former European system and the present Inter-American systems.[23] That today the Statute of the African Human Rights Court and Statute of the merged Court make provisions for additional declaration is in line with this observation.

That the proposal to establish African Human Rights Court was out rightly and flatly rejected after lengthy discussions depict that the representatives were reluctant "towards an effective enforcement mechanism" in Africa,[24] and, as a commentator pointed

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[14] Protocol on the Statute of the African Court of Justice and Human Rights, available at *http://www.hurisaorg.za/advocacy/AfricanCourt/ Single_Legal- Instrumentpdf* (last visited 12/03/2008) [hereinafter Protocol of the Merged Court].

[15] *Id.*, Art. 7.Under Art. 5 of Protocol, cases pending before African Human Rights Court that have not been concluded before entry into force of the Protocol shall be transferred to the Human Rights Section of the merged Court on the understanding that such cases shall be determined in accordance with the African Human Rights Court Protocol.

[16] The Conference, which was organized by the International Commission of Jurists (ICJ), convened almost 194 judges, lawyers and scholars from twenty-three countries for the theme on the Rule of Law, where Dr. Nnamdi Azikwe, the then Prime Minister of Nigeria, in his address first mooted the idea of the establishment of African Human Rights Court. See Kioko B., "The Road to the African Court on Human Rights", *Afric. Society of Inter'l & Comp. Law,* Proc. 10th Annual Conf. 1998, at 75.

[17] See Law of Lagos, Jan. 1961, reprinted in 3 *Journal of International Commission,* 1961.

[18] See Charter of the Organization of African Unity, May 25, 1963, [hereinafter OAU Charter], Arts. XIX, VII(4).

[19] See Protocol of the Commission of Mediation, Conciliation and Arbitration, 3 I.L.M. 1116, 1964, Art. 32.

[20] Frans, V., "Some Arguments in Favour of and against an African Court on Human and Peoples' Rights", *The African Society of Inter'l & Comp. Law Proc.* 10th Ann. Conf. 1998, at 22.

[21] Council of Ministers 37th Ord. Sess., OAU CM/1149 (XXXVII), at para. 117.

[22] Kioko B., *supra* note16, at 75.

[23] Naldi G.J., and Magliveras K., "The Proposed African Court on Human and Peoples' Rights" Evaluation and Comparison", *Afric. Journal of Inter'l & Comp. Law,* 1996, at 944.

[24] Frans V. *supra* note 20, at 22 citing K. M'baye, *Les Droits del' Humme en Afrique* (Paris: Editions A. Podone, 1992), at 164.

out: "In the 1960 and 1970s, the decolonization process and the protection of regional independence and freedom completely dominated African politics".[25] African States were strongly opposed to external meddling in their internal affairs and saw internal pressure concerning human rights protection as unwanted interference. No wonder, therefore, that most African leaders, having only then recently emerged from the yoke of colonial oppression, tend to jealously guard their newly – found Sovereign States against any perceived encroachment, even at the expense of human rights protection.[26] Article III(2) of the OAU Charter, which stresses full respect for state sovereignty and the principle of non-interference, justifies this point. That is why it took additional 20 years of extensive lobbying and much international pressure after the Lagos Conference before Africa's political leaders were reluctantly willing to accept an African Charter.

It is an indisputable fact that the Charter is a unique human rights instrument that embodies both Universal and African norms. However, its lack of provisions on the establishment of Human Rights Court undermines the Charter as effective human rights instrument. The question that continues to agitate the minds of scholars is why did African leaders prefer the establishment of African Commission to the establishment of African Human Rights Court? Or as a commentator asked: "Why African Governments are willing to submit to the jurisdiction of the International Court of Justice while refusing to even contemplate the existence of a judicial body indigenous to the continent?"[27] If one considers and answers this latter question, one would indeed conclude that the reason for the delay goes beyond the reluctance of African leaders to relinquish their hard – won States to external bodies.

One other strong reason pondered by scholars for the choice of establishing a Commission and not a Court is predicated on African norms and values or African societies' predilection towards amicable settlement of disputes in lieu of judicial decree. African leaders favoured negotiations, conciliation and other amicable forms as the appropriate methods for dispute settlement, and opposed the confrontational judicial settlement common to the West.[28] Kebba M'baye, one of the proponents of this notion had once said:

According to African conception of the law, disputes are settled not by contentious procedures, but through reconciliation. Reconciliation generally takes place through discussions, which end in a consensus leaving neither winners nor losers. Trials are always carefully avoided, they create animosity; people go to Court to dispute rather than to resolve a legal difficulty.[29]

Commentators have debunked this argument, pointing out that Courts are designed to provide a medium for resolving those agreements after they have defied amicable settlement. According to one of the commentators, "to argue that Courts tend to create animosity rather than promote the resolution of disputes is to flagrantly misrepresent the function and purpose of judicial institutions".[30] It has been importantly argued that though, amicable settlement of disputes in Africa is very significant, African traditions and norms do not exclude judicial settlement in cases involving human rights violations; "human rights conflicts in Africa of the 20th Centuries, like elsewhere in the modern world", it is concluded, "are…vertical conflicts between 'strong' States and 'weak' individuals, that cannot be adequately resolved on the basis of dialogue, good faith, or forgiveness".[31] There is also the imperative and possibility of obtaining a legal condemnation or getting compensation especially where violations of human rights are involved.[32]

Setting aside the reasons pondered by scholars for the choice of a Commission and not a Court, the inescapable fact remains that after the OAU adopted the African Charter, human rights situation in African continent continued to be bleak. This is because African human rights were built on shaky and ramshackle foundations. That is why Mr. Adama Dieg, Secretary-General of the International Commission of Jurists, saw the establishment of Human Rights Court in Africa as "an urgent necessity to curb human rights abuses".[33] Against this backdrop, human rights Non-Governmental Organizations (NGOs), and international bodies spearheaded aggressive campaigns for establishment of Human Rights Court in Africa. The relative success of

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[25] Anne, Pieter V.D.M., "The New African Court on Human and Peoples' Rights: Towards an Effective Protection Mechanism for Africa". Vol. 18, No. 1, *Leiden Journal of Inter'l Law,* 2005, at 114.

[26] Anthony A.E., "Beyond the Paper Tiger: The Challenge of a Human Rights Court in Africa". Summer 1997 *Texas International Law Journal,* available at *www.africancourtcoalition.org/content_files/files/beyond thetiger.dec.* (Last visited 04/03/2006).

[27] *Id.*

[28] Anne, Pieter V.D.M., *supra* note 25, at 115: Se also Dankofa Y., "Towards an Effective Safeguard for the Enforcement of Human Rights in Africa – the Need for an African Court", *Ahmadu Bello University Law Journal,* Vol. 21-22, 2003-2004, at 84; Anthony E.A. *supra* note 26, Udombana N.J., "An African Human Rights Court and an African Union Court: A Needful Duality or a Needless Duplication?", *Brooklyn Journal of International Law,* Vol. 28, No. 3, 2003, at 189, where he stated that: "The reason for this anti-Court approach stems partly from the nature of African Customary Law… Traditional African Dispute Settlement places a premium on improving relations between the parties on the basis of equity, good conscience and fair play, rather than on strict legality". Naidi G.J. and Magliveras K., *supra* note 23, at 944, stating that: "African conception of law is averse to third party adjudication, which is considered as confrontational. But alternatively is traditionally based on reconciliation reached through consensus".

[29] See Anthony A.E., *supra* note 26.

[30] *Id.*

[31] Anne, Pieter V.D.M., *supra* note 25, at 116.

[32] *Id.*

[33] See *African Topic;* Issue 10, November 1995, at 11.

the European Court and Inter-American Court also gave impetus to the establishment of the Court.

In pointing out this vital point, N.J. Udombana succinctly stated:

> Both the Inter-American and European Courts of Human Rights have gained the grudging respect of political leaders throughout their respective continents. Unlike the regional human rights Commissions State Governments almost universality respect judicial order of the regional human rights Courts. Both Courts have proved to be effective mechanisms for the protection of human rights in their regions.[34]

One of the efforts made by the NGOs was the session convened by the International Commission of Jurists in Dakar, Senegal in January 1993, in collaboration with the OAU General-Secretariat and the African Commission on the theme: "Strengthening the African Human Rights System". Participants unanimously concurred that time had come for the dream of establishing an African Human Rights Court to be transformed into reality. But some of the participants recommended that African Commission should be allowed to strengthen first.[35]

However, the tireless campaigns of the various bodies yielded positive results in 1994, when at the Summit of Heads of State and Government of the OAU, the leaders adopted a resolution requesting the Secretary-General of the OAU to call meeting of Government experts to ponder over the means to enhance the efficiency of the African Commission on considering particularly the establishment of an African Court on Human and Peoples' Rights.[36]

The first Government Legal Experts meeting on the Establishment of African Court was convened by the Secretary – General of the OAU in collaboration with Government of South Africa in Cape Town in September 1995, where the experts produced a draft Protocol on African Human Rights Court. In drafting the Protocol, Government legal experts were guided by several human rights instruments including, *inter alia,* the European Convention on Human Rights,[37] Statutes of the European Court,[38] Inter-American Convention on Human Rights,[39] Statute of the Inter-American Court,[40] Statute of the International Court of Justice[41] and most importantly the African Charter. The adoption of the draft Protocol[42] was really received with *warm arm* and seen as a triumph in the African human rights system.[43]

The second meeting of Government Legal Experts was convened in Nouakchott, Mauritania in April 1997,[44] inviting representatives of all Members of the OAU and all resource persons who participated in the drafting of the Protocol at the Cape Town meeting. The delegates did not only consider the draft Protocol, but also examined comments and observations received from 20 Member States.[45] The Nouakchott draft Protocol differed from that of the Cape Town in a number of ways:

(i) It introduced an amicable settlement of dispute into the Protocol for the first time; increased the number of ratification required to bring the Protocol into force from 11 to 15 and required the Court to be set in one instead of two Chambers;

(ii) It authorized the General Assembly of Heads of State and Government to intervene in the process of removing judges from the African Human Rights Court; and it limited automatic access to the Court to the Commission and States Parties to the Protocol;

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[34] Udombana N.J., *supra*, note 12, at 139.

[35] Kioko B., *supra* note 16, at 76.

[36] Report of Government Experts Meeting, AHG/Res 230 (XXX), 30th Ord. Sess. of the Assembly of Heads of State and Government, Tunis, Tunisia 1994.

[37] European Convention for the Protection of Human Rights and Fundamental Freedom as amended by Protocol No. 11, signed by the Members of the Council of Europe on 4 Nov. 1950 at Rome entered into force on 3 Sept. 1953 [hereinafter European Convention].

[38] The European Court of Human Rights Rules of Court (4 Nov. 1998).

[39] American Convention on Human Rights, Nov. 22, 1969, 1144 U.N.T.S. 123, O.A.S.T.S. No. 36, 1970 (entered into force July 18, 1978) [hereinafter Inter-American Convention].

[40] Statute of the Inter-American Court of Human Rights, adopted by the General Assembly of the OAS, Oct. 1979, available at http://www.oas.org.xxxvqa/english/doc_referential/Wstatuto_Corte IDHpdf (last visited 28/11/2008).

[41] Annexed to the Charter of the United Nations [hereinafter UN Charter], which established the International Court of Justice (ICJ), as the Principal Judicial Organ of the UN to enforce its principles. See ICJ Statute, Art. 92. The Statute of the ICJ is an integral part of the Charter. See *Introductory Note* to the UN Charter, *infra*, note 54.

[42] OAU/LEG/EXP/AFC/HPR (1), reproduced in 8 *Afric. Journal of Inter'l & Comp. Law,* 1996, 493.

[43] For example, Mr. A. Hagg and Mr. Dullah Omar, the Assistant Secretary- General of the OAU and the South African Minister of Justice respectively "expressed the hope that the proposed Court would be able to make a contribution towards the economic development of Africa". See Naldi G.J. and Magliveras K., *supra* note 23, at 946.

[44] See Second Government Legal Experts Meeting on the Establishment of an African Court on Human and Peoples' Rights, April 11-14, Nouakchott, Mauritania, OAU/LEG/EXP/AFR/HPR.RPT (2), reprinted in *9 Journal of Inter'l & Comp. Law,* 1997, 423.

[45] The States were Algeria, Burkina Faso, Burundi, Benin, Cote d'Ivoire, Egypt, Ethiopia, Lesotho, Mauritius, Madagascar, Gambia, Namibia, Niger, Tanzania, South Africa, Swaziland, Senegal, Sierra Leone and Togo.

(iii) NGOs access was to be strictly limited to exceptional cases involving a series of "serious" and "massive" violations of human rights.[46]

That provision on amicable settlement was not introduced in the initial draft Protocol debunks the argument that the choice of establishing a Commission rather than a Court was predicated on African norms and values, which favoured amicable settlement.

The Ministers of Justice and Attorney-General in their Conference held in Addis Ababa, Ethiopia, considered the draft Protocol and in particular, the issue of access to the Court (Arts. 5 and 6, which till now are controversial provisions under the African human rights system) and the question whether judges should perform their duties on part-time or on full time basis. But it was argued that the issue should be left pending till when the Court had enough work.[47]

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[46] Udombana N.J., *supra* note 12 at 142.

[47] Kioko B., *supra* note 16, at 81.

[48] See African Human Rights Court Protocol or Protocol, *supra* note 13.

[49] Udombana N.J., *supra* note 12, at 143.

[50] Other judges included: Sophia A.B. Akuffo (Ghana), Hamdi Faraj Fanoush (Libya), El Hadji Guisse (Senegal), George W. Kanyeihamba (Uganda), Kecello Justina Mafaso-Guni (Lesotho), Fatsah Ougurgouz (Algeria) and Emile Somda (Burkina Faso). The eleven judges took the oath of office on the 2nd July 2006 during the Seventh Ord. Sess. of the African Union Heads of Government in Banjul, the Gambia. See Coalition for an Effective African Court on Human and Peoples' Rights: "The African Court Judges" available at
 http://www.africancoalition.org/
editorial.asp?page_id=62 (last visited 24/11/2008). Note however, that during the 11th AU Summit held in Sharm El-Sheikh, Egypt in July 2008, another election of the judges to the African Human Rights Court took place. Four of the first 11 judges whose 2-year terms had expired in July 2008 were eligible for re-election. But only 3 were nominated by their countries; Hon. Lady Justice Sophia A.B. Akuffo (Ghana), Hon. Justice Bernard Makgwo Ngeope (South Africa) and Hon. Justice Jean Emile Somda (Burkina Faso), Hon. Justice George W. Kanyiehamba (Uganda) was dropped and Justice Joseph Nyamihana Mulenga was nominated to replace him. Other Justices nominated at the Summit include: Mr. Jose Ibraimo Abudo (Mozambique), Mr. Sylvain Ore (Cote d'Ivoire) and Mr. Githu Muigai (Kenya). See African Court Coalition Organization, *supra* note 16. Also, African Court Judges in their meeting in Arusha, Tanzania in their 10th Session, 15th Sept. 2008 elected judge Jean Mutswinzi (Rwanda) and Judge Sophia A.B. Akuffo (Ghana) as the new President and Vice President of the African Human Rights Court to replace Judge Gerald Niyungeko and Judge Modibo Tounty Guindo respectively. See African Court Coalition Organization: "New President and Vice-President for the African Court", available at http://www.africancourtcoa lition.org/editorial.asp?page_id=167. (last visited 04/03/2006).

[51] This was following the proposal by the Chairperson of the Assembly of the AU and Head of the Federal Republic of Nigeria, President Olusegun Obasanjo. There was the concern at the tremendous growing of AU institutions, which the Organisation could not afford to support. For stages of the integration, see Coalition for an Effective African Court on Human and Peoples' Rights, available at http://www.africancourtcoalition.org/editorial.asp?page_id=46.

At the 34th Ordinary Session of Assembly of Heads of State and Government meeting held in Ouagadougou, Burkina Faso, the African leaders finally adopted the Protocol to the African Charter establishing African Court to complement the protective mandate of the African Commission.[48] Taking into account the stages the Protocol had undergone, it is convincing to agree that "it represents a compromise between different trends in the history of its drafting".[49]

The Protocol establishing African Human Rights Court came into force on 25 January 2004; and exactly two years after (January 2006), the Executive Council of Ministers of the AU in Khartoum, Sudan elected the eleven judges of the Court.[50] The establishment of African Human Rights Court fills a gap in the African human rights system by placing it on the same pedestal with the European and Inter-American systems; it provides judicial guarantees at the regional level for the protection of human rights in Africa.

However, immediately the African Human Rights Court Protocol entered into force, the Assembly of Heads of State and Government of the AU took a decision to merge the African Human Rights Court and African Court of Justice to create an African Court of Justice and Human Rights.[51] This dream was fulfilled at the 11th AU Summit held in Sharm El-Sheikh, Egypt when the Assembly of Heads of State and Government adopted the Protocol and Statute of the African Court of Justice and Human Rights.[52] The Protocol and the Statute annexed to it shall enter into force thirty days after the deposit of the instruments of ratification by 15 Member States of the AU.[53] The immediate topic is devoted to the prospects of the Courts.

III. Prospects of African Human Rights

a) *Strengthening Universality and Discouraging Strict adherence to the Doctrine of State Sovereignty*

The concept that human rights are universal can be traced to the internationalization of human rights in 1945, when the UN Charter was adopted.[54] The period of 20th Century witnessed the revival of natural law; and natural rights.[55] Prior to that period, the doctrine of state

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[52] Protocol on the Statute of the African Court of Justice and Human Rights, available at http://www. hurisa.org.za.Advocacy/AfricanCourt/Single_Legal_Instrument.(hereina fter Protocol of the merged Court), Arts. 1 & 2.

[53] *Id.*, Art. 3 (3).

[54] The Charter of the United Nations (UN) was signed on 26 June 1945, in Francisco, at the Conclusion of the UN Conf. on Inter'l Orgs., and came into force on 24 Oct. 1945. See Charter of the United Nations and Statute of the Inter'l Court of Justice, 1945, *Introductory Note*.

[55] Adaramola, Basic Jurisprudence, 3rd edn. (Lagos: Raymond Kunz Comms., 2004), at 40. Stating that: "A vigorous resurgence of natural law philosophy occurred in the twentieth century despite the un bated opposition of jurists such as Han Kelsen and the Scandinavian Realists".

sovereignty reigned supreme,[56] though attempts were made on *ad hoc* basis to prohibit some flagrant violations of human rights.[57]

To root the concept of universality of human rights, the General Assembly of the UN did not only adopt the UDHR, but also proclaimed the Declaration "as a common standard of achievements for all peoples' and all nations…"[58] and imposed obligation on all individuals and Governments to nationally and internationally secure the universal and effective recognition and observance of the declared human rights and freedoms.[59]

Although, the UDHR was not intended to be a binding document at the time it was adopted, it has given impetus to the adoption of other human rights instruments at both the international, regional and domestic levels. The African Charter, one of the regional human rights instruments that the UDHR influenced, reveals that "having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights"[60] and thereby "recognizing…that fundamental human rights stem from the attributes of human beings, which justified their international protection".[61] This buttresses that, *prima facie,* in terms of substantive norms, African States have concurred to the universality of human rights

It is, however, not correct to view universality of human rights only from the angle of the adoption of African Charter and other human rights instruments, but also in terms of establishing mechanisms for enforcement of the rights guaranteed by the Charter. But that African leaders established only African Commission with questionable features and ignored establishing African Court indicates that they were not ready to submit themselves to a thorough human rights scrutiny and universality.

It is predicated on this point that the establishment of African Human Rights Court, and indeed the merged Court fills the gap left by the African human rights system; it strengthens the universality of human rights and discourages the strict adherence to the much-vaunted principle of state sovereignty or non-interference; the effect of which the way African leaders treated their citizens were regarded as within the internal sphere of national jurisdiction.[62] The concept had done a great damage to African human rights system. It was considered as one of the OAU centre creeds, which culminated in the reluctance of the OAU Member States to promote human rights aggressively and to criticize one another about human rights violations.[63] That is why the OAU was vilified and relegated as a "Heads of States Club." because the Organisation protected the interests of African Heads of State without addressing the real problems that plague the continent. [64]

It cannot be disputed that the principle of absolute state sovereignty or non-interference, was given teeth to bite because neither the OAU Charter nor the African Charter established an effective enforcement mechanism of its provisions. Some provisions of the African Charter, especially those relating to the African Commission, including provisions on confidentiality, none-binding decisions, absence of effective remedies and enormous powers given to the General Assembly over the affairs and decisions of the Commission relegated the Commission to a research centre.[65]

With the establishment of African Human Rights Court and the merged Court with power to give binding decisions against a State that embark on violation of human rights and the power to award effective remedies to victims of human rights violations, there is at least a glimmer of hope that African States have taken the universality concept seriously.

On the other hand, the operation of African Human Rights Court, and the merged Court would not be an affront to the sovereignty of African States, most especially that the contentious jurisdiction of the Courts is optional.[66] Even though, the Special Protocol of the

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[56] Shaw M.N., *International Law,* 5th edn. (Cambridge: Cambridge University Press, 2004) at 252, where he declared that "Virtually all matters that would be classified as human rights were at that stage universally regarded as within the internal sphere of national jurisdiction; See also Harris D.J., *Cases and Materials on International Law,* 5th edn. (London: Sweet and Maxwell, 2004), at 654.

[57] For example, the General Act of the Brussels Conference for the Repression of the African Slave Trade, 1890, *Le Louis* (1817) 2 Dods. 210, codified in the Slavery Convention 1926 60 LNTS 253 (as amended by the Supplementary Convention on the Abolition of Slavery (1953), 266 UNTS 3), *et cetera.*

[58] UDHR, 8th para. to the preamble.

[59] *Id.,* 6th para. to the preamble.

[60] African Charter, 4th para. to the preamble.

[61] *Id.,*6th para. to the preamble.

[62] See Ijalaye D.A., " The Concept of Domestic Jurisdiction in the United Nations Charter," *Nigeran Annual of International Law,* Vol. 1, Oxford, 1976,at 44; Umozuke U. O., " Human Rights and Democracy in the 20thC: The African Challenges," in Ladan M.T.(ed.), *Law, Human Rights and Administration of Justice in Nigeria,*(Zaria: A. B. U. Press, 2001), at36)

[63] Steiner H. and Hilston P., *International Human Rights in Context: Law, Politics and Morals,* 2nd edn. (Oxford: Oxford University Press, 2000), at 921.

[64] Magdalena S., *et al, supra* note 1, at 15.

[65] Kayode E., "An Anatomy of the African Charter for Human and Peoples' Rights: Is it of *Hope-Vil non'* in Yakubu J.A. (ed.), *Administration of Justice in Nigeria* (Ibadan: Malthouse Press, 2000), at 174.

[66] Statute of the African Human Rights Court, Arts. 5(3) and 34(6); Protocol of the merged Court, Art. 8 and Statute of the merged Court Arts. 28 & 30(f).

Courts *per se* is subjected to severe criticism,[67] it seems it is a device incorporated in the Charter to strike a balance between the non-intervention concept and the universality concept. In the sentiment of a commentator: This optional jurisdiction would essentially permit the African human rights enforcement system to have an independent functioning body while at the same time allowing apprehensive states to accede to the African Charter without fear of coming under the jurisdiction of the Court.[68]

So, the option is for a State to compromise absolute sovereignty by the adoption of the Special Declaration to ensure universal adherence to human rights. Once that is done, African citizens would be afforded access to an institution not affiliated with a particular State or group of States, and the institution would serve to protect African citizens from their own Governments when such protection is in need. There is no doubt, therefore, that with the establishment of African Human Rights Court, and the merged Court, the previous dogmatic approach to preserving State sovereignty may begin to fade in some quarters.[69]

In adopting the African Human Rights Court Protocol, African Heads of State and Government were firmly convinced that the attainment of the objectives of African Charter required the establishment of an African Human Rights Court to complement and reinforce the functions of the African Commission.[70] Similar convictions were made under the Protocol establishing the merged Court.[71] NGOs, for example Amnesty International, also saw the establishment of African Human Rights Court as "an extremely positive step towards demonstrating African Government's commitments to realize the spirit and letter of African Charter and ensure the protection of human rights in Africa."[72]

Notwithstanding the fact that some provisions of the Statute of African Human Rights Court and Protocol of the merged Court are severely criticized, at least on paper and in theory, African human rights system has been placed on the same pedestal with the European and Inter-American human rights systems. The establishment of the two Courts represents the third instalment in attempts since Second World War to create Human Rights Court at the regional level;[73] the first being the European Court of Human Rights in 1950, followed by the Inter-American Court of Human Rights in 1979. At present, the European human rights system has only a permanent Human Rights Court. The basis for abolishing the temporary Human Rights Court and Human Rights Commission is justified.[74] The Inter-American system operates both Human Rights Court and Human Rights Commission *pari materia* with the African human rights system, and efforts are being put in place to establish Human Rights Court for the Caribbean countries. It is, therefore, gratifying to say that having established Human Rights Court in line with the model accepted in other continents, African States have adhered to the universal norm.

b) Development of an African Human Rights Jurisprudence

One remarkable feature of African Human Rights Court and also the merged Court is that the Court would be able to give decisions on some areas which are distinct features of African Charter. In pointing out the imperative need for the development of African Human Rights Jurisprudence, a commentator stated that "human rights protection in any region requires regional human rights jurisprudence. African human rights system needs it most, due to the restricted formulation of many rights in African Charter and the need to inspire domestic Courts."[75]

The African Commission has applied the civil and political rights provisions to a wide range of situations including detention *in communicado* without trial of at least eleven journalists by Eritea, where Eritea was found to have violated rights such as freedom of expression, the right to liberty and the right to fair trial.[76]

Apart from guaranteeing the traditional first generation rights- civil and political rights, which all other international, regional and municipal human rights instruments have guaranteed and/or recognized, the African Charter places the civil and political rights on the same pedestal with socio-economic rights;[77] "and that

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[67] Pityana N.B., "The African Court on Human and Peoples' Rights in Municipal Law", Seminar for Eastern and Southern African States on the "Ratification of the Protocol to the African Charter…on the establishment of African Court on Human and Peoples' Rights", Gaborone, Botswana 9-12 Dec. 2003, available at *http://www.unisa,ac.39/contents/about/principle/docs/mu nicipal_law.doc* (last visited 24/11/2008).

[68] Anthony A.E., *supra* note 26.

[69] Sceats S., "Africa's New Human Rights Court: Whistling in the Wind?", *International Law,* March 2009/IL BP 09/01, available at *http://www.chathamhouseorg.uk/files/13587bp0309S.ceatspdf (Last visited 03/12/ 2009).*

[70] African Human Rights Court Protocol, 7th para. to the preamble.

[71] Statute of the merged Court, 10th para. to the preamble, however, states: "Convinced that the present Protocol shall supplement the mandate and efforts of other continental treaty bodies as well as national institutions in protecting human rights".

[72] Amnesty International: African Union, Entry-into force of the Protocol Establishing an African Court on Human and Peoples' Rights-A significant Development,(22 Jan. 2004) at *http://web.amnesty. or g/library/index/engafri010042004* (Last visited 06/05/2006).

[73] Sceats S., *supra* note 69.

[74] This was to overcome the problem of delay of cases before the European Commission. "A permanently sitting Court will be better able to deal with the increasing case load". See Juliane K., "The protection of Fundamental Rights under German and International Law", 8 *Afric. Journal of Inter'l & Comp. Law,* 1996, at 360.

[75] Frans V., *supra* note 20 at 27.

[76] African Comm., Communic. No. 275/2003 (2007).

[77] For detailed discussions on socio- economic rights, see Udombana N." The Role of Courts in making Economic, Social and Cultural Rights Justciable in Nigeria" *Fountain Quaterly Law Journal*, Aug. 2004 at160-174; Fon Coomas (ed.), *Justiciability of Economic and Social Rights: An Experience from Domestic Systems* (Belgium: Enter Sentia Publishers), 2006.

civil and political rights cannot be dissociated from economic, social and cultural rights."[78] Although, the interpretation of socio-economic rights would definitely be one of the serious challenges of African Human Rights Court and the merged Court, ultimately, it would aid in the development of African human rights jurisprudence.

Another problem and challenges of the African Human Rights Court and the merged Court in the development of African human rights jurisprudence, is the interpretation of peoples' rights in the African Charter; and other international human rights instruments. The pronouncements of these Courts on peoples' rights would be significance in view of the inescapable fact that the problems emanating from these rights are enormous. J. Machoski pointed out the problems in the following words:

> The crucial question posed both by scholars and law-makers is: who are the subjects and beneficiaries of peoples' rights? By definition, it is suggested that they are the people. But that logical and relatively simple answer immediately raises more questions, namely: who are the people? What is their position in international law? And finally, what are the relationships and borderlines between peoples' rights and human rights, group rights, and also the relationship of states under international law?[79]

Another complex problem of definitions is that of the notions such as "peoples", "population", "nation" or "country" and "state". In the absence of explicit and uniform definitions under the African Charter and other international human rights instruments, it is difficult to establish precisely the subjects of peoples' rights.[80] So,

there is dire need to develop African human rights jurisprudence in these controversial areas.

Even though the African Commission, like the ICJ,[81] had made some pronouncements on the right to self-determination, the Commission's effort is not seen as anything order than shielding away responsibility. In *Katangese Peoples' Congress v. Zaire*,[82] the Commission held that under certain exceptional circumstances, a sub-state group (a people) who complains of being encircled by a State Party has the right to secede from that State. Although, this decision was regarded by a writer as: "the Commission's increasingly bold interpretation behavior,"[83] another commentator saw it as tactics adopted by the Commission to shield away from making a pronouncement as to whether or not it had the competence to review self-determination claims.[84] It is, therefore, not in doubt that though the right to self-determination "is widely accepted by African Governments and is consistent with many of the African culture,"[85] there is need for judicial pronouncements on the right under the African human rights system.

The African Commission has, however, set a pace in the interpretation of the right to a general satisfactory environment as guaranteed under the African Charter.[86] In the case of *Social and Economic Action Rights Centre (SERAC) and another v. Nigeria*,[87] the Commission declared that the right to a general satisfactory environment imposes clear obligations upon a Government. In the words of the Commission:

> It requires the State to take reasonable and other measures to prevent pollution and ecological degradation, to promote conservation, and to secure ecological sustainable development of natural resources.

The Commission also laid down a very important principle that the right to food is inseparably linked to the dignity of human rights and is crucial for the enjoyment and fulfillment of such other rights as health, education, work and participation.[88]

Similarly, with regard to Article 21 of the African Charter dealing with the right of all peoples to freely dispose of their wealth and natural resources, *inter alia,* the African Commission held that failure of the Government of Nigeria to involve the Ogoni Communities in the decision that affected the development of Ogoni land and the lack of material benefits accruing to the local population constituted a violation of Article 21.[89]

Although, the principles in the foregoing case refute the argument paddled by many groups, including the UK Government that socio-economic and cultural rights cannot be dealt with by Courts, they cannot be considered as land mark principles in the development of jurisprudence of African human rights system, in view of the fact that the Commission is not a body with binding authority; its decisions are only

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[78] *Id.,* 8th para. to the preamble.

[79] Macheski J., "Peoples' Rights as a New Form of Human Rights", in Emmanuel G.B. and Bola A.A. (eds.) *Contemporary International Law and Human Rights* (The Hague: Martinus Nijhoff Publishers Vol. 1, 1991) at 349.

[80] *Id.*

[81] For example *Western Sahara's* case (1975) ICJ Rep. 12.

[82] (Comm. No. 75/92 (1996) 3 *Inter'l Human Rights Reports* 136.

[83] Obiora C.O., *The African Human Rights System: Activist Forces and Interpretational Institutions* (Cambridge: Cambridge University Press, 2007), at 86.

[84] Ankumah E.A., "The African Commission on Human and Peoples' Rights: Practice and Procedures"(Tha Hague: Martinus Nijhoff, 1996), at 164.

[85] McCorquodale R., "Self-determination Beyond Colonial Context and its potential Impact on Africa", 4 *Afric. Journal of Inter'l & Comp. Law,* 1992, at 605-606.

[86] African Charter, Art. 24.

[87] Comm. No. 155/96, available at *www.law.wits.al.39/humanits/afric ca/comcases/155 - 96.html* (Last visited 12/11/2008).

[88] *Id.*

[89] *Id.*

recommendatory. There is the imperative need for such pronouncements to be made by a judicial body as the African Human Rights Court and later the merged Court. B.O. Nwabueze had evaluated the crucial role of judicial body in this regard, where he postulated:

> A fact-finding Commission is useful, it needs to be reinforced by a machinery with compulsory jurisdiction to interpret and enforce, by the rendering of binding decisions, the provisions of the Charter when efforts at amicable settlement fails. Such is the position in the European Convention on Human Rights.[90]

In other words, the African Commission has no legal stand to develop the jurisprudence of human rights in Africa because, apart from the fact that it is a fact-finding body with only *quasi*-judicial power, its decisions do not bind the Assembly of Heads of State and Government nor the parties before it. It has even been criticized that what the African Charter established is a mere fact-finding, not enforcement machinery.[91]

On the contrary, the establishment of African Human Rights Court and the merged Court marked a watershed in African human rights system because the Courts would give binding decisions and award effective remedies.[92] Being judicial bodies, the Courts would be able to analyze issues before them in detailed, reflect full reasoning for both their contentious and advisory decisions. All these would culminate in the development of a human rights case law.

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[90] Nwabueze B.O., *Constitutional Democracy in Africa,* Vol. 2, (Ibadan: Spectrum Books Ltd., 2003), 84.

[91] *Id.,* 80-81.

[92] Shu'aib U.M. "The position of the African Court on Human & Peoples' Rights within the African Union" *Lead City University Law Journal,* a pub. of the Fac. of Law, Lead City University, Ibadan, Nig. (LCULJ) Vol. 1, Pt. 1, Jan-June 2008, at 125.

[93] African Charter, Art. 59(1).

[94] Saffari A., "The Enforcement of Human Rights", *The Afric. Society of Inter'l & Comp. Law, Proc.,* 10th Annual Conf., 1998, 299.

[95] African Human Rights Court Protocol, Art.10 (1) Statute of the merged, Art. 39.

[96] *Id.,* Arts.10 (1) & 39 respectively.

[97] *Id.,* Arts. 28(5)(6) & 43(4) respectively.

[98] *Id.,* Arts. 28 (7) & 44 respectively.

[99] *See* Art.31 of the African Human Court Protocol.

[100] Dakas C.D., "The Lessions of History: Understanding the African Charter on Human and Peoples' Rights with Reference to the Legislative History", *Journal of Public Law and Private Law,* a publication of the Dept. of Public and Private Law, Uni. Jos, Fac. of Law, 2003, at 25.

[101] Shu'aib U.M., *supra* note 92, at 126.

[102] Idubor R., *Principles of Human Rights-Introduction,* Vol. 2 (Benin: Newera Pubs., 2000), at 79.

[103] Umozurike U.O., "The Significance of the African Charter on Human & Peoples' Rights", in Awa U.K. and Osibanjo Y. (eds.), *Perspectives on Human Rights,* Fed. Min. of Justice, Law Rev. Series, Vol. 12 at 80.

[104] Mutua A., "A Two Legal Stool?" 21 *Human Rights Quarterly,* at 342-358.

However, the significance of African Human Rights Court and the Merged Court would certainly depend on the quality of the case law they generate especially in the area of socio-economic rights, group rights as well as duties of individuals. Courts and legal practitioners in other regions would watch with keen interest the development of jurisprudence in these areas.

c) *Heralding a New Era of Transparency and Accountability and Attracting more Publicity and Media Exposure*

It is crucial to reiterate that under the Commission system, measures taken with respect to procedures of the Commission remain confidential until such time as the Assembly of Heads of State and Government decides otherwise.[93] Consequently, the Commission could not publish vital information such as the names of States against which complaints of human rights violation have been leveled. Thus, the confidentiality clause did protect (as it was intended) States Parties from being exposed of flagrant violations of human rights which African States have been known for. A scholar pictured the record of human rights violations in Africa where he said:

> The record of human rights violations in Africa has been appalling considering the previous murderous regimes of Mathius of Equatorial Guinea, Idi-Amin of Uganda and Jean Bedel Bokassa of Central African Republic…Ethnic wars in Rwanda, and Burundi, the civil wars in Liberia, Somalia, political unrest in Egypt and Mauritania do not add up any credit to the record.[94]

It is predicated on the foregoing fact that the establishment of African Human Rights Court and the merged Court, heralds a new era of transparency and accountability in human rights cases. The Courts would conduct proceedings in open Court,[95] though secret proceedings could be held in exceptional cases;[96] judgments of the Courts and reasons for the judgments must be read in an open Court[97] ; and there is room for dissenting opinion.[98] The Court themselves are required to submit report of their work during the previous year specifying cases in which a State fails to comply with their Court's judgment.[99]

This procedure, no doubt, will attract more publicity; it will give room to assess the role of African Human Rights Court, and later the Merged Court in the development of the jurisprudence of human and peoples' rights, which under the Commission system, is considered, "a Herculean task".[100] The activities of the Court being in secret would definitely attract media attention to expose States that embark on flagrant violation of human rights.[101] The significance of such publication cannot be underscored: it is "a particularly effective means of putting pressure on government"[102] or a "potent weapons against human rights denials";[103] and it is also a device to "mark out the violator."[104] The

device is more effective under the Statute of the merged Court, because where a State fails to comply with judgment of the Court, the Assembly might impose sanctions in accordance with Article 23(2) of the AU Constitutive Act.[105] Even if the State against which the sanction is imposed does not stop embarking on violation of human rights, which is very possible, the imposition could succeed in exposing the State as a human rights violator.

d) Fulfilling Past Dreams and Changing African Outmoded Perception on the Establishment of an African Human Rights Court

It is apposite to reiterate that though, the establishment of Human Rights Court is a recent development, the idea dates back to 1961 at a Conference on the "Rule of Law" organized by International Commission of Jurists (ICJ) in Lagos, where African leaders were called upon to adopt a Human Rights Convention for the continent and to create a Court that would be accessible to victims of human rights violations.[106] But the proposal was flatly rejected. It was, therefore, not surprising that twenty years after the Conference, when the African Charter was adopted, the idea to create African Human Rights Court had been sunk into oblivion, despite the fact that human rights abuses in Africa had been and has reached its peak.

The strongest reason often given by scholars is that the preference of a Commission to a Court was predicated on "the nature of African customary law and long-time dispute settlement practice."[107] It has been argued that African norms and values favoured negotiation, conciliations and other amicable forms as the appropriate methods for dispute settlement and would oppose the confrontational judicial settlement; common in the west.[108] The choice of a Commission

was justified on the basis that it functions in a way similar to the OAU Commission of Mediation, Conciliation and Arbitration, which conforms to the African approach to dispute resolution.[109] But it is doubtful, whether this reason is genuine. Scholars have agued that, though in Africa the significance of amicable dispute settlement may be stressed more than elsewhere, African traditions and norms do not, especially in cases involving human rights violations, exclude judicial settlement.[110] The assumption that litigation was avoided in the pre-colonial Africa is a myth or a fallacy, when one took a cursory glance at the political traditions of societies in that period. In the demonstration of A.E. Anthony:

> The Amhara of Ethiopia…historically thrived on litigation and the vigorous examination and cross-examination of witnesses. In a similar vein, in present-day Congo, the Tio people had a strong tradition of jurisprudence…with specific rulings for penalties… Likewise, among the Akomba of present –day Ghana, the Council of Elders existing in each separate community was responsible for rendering judgment on matters insoluble by reconciliation. Each party to a dispute was charged with presenting its case and thereafter was required to abide by any decision that was reached by the Council of Elders. Moreover, a series of sanctions was imposed by the Court based on the extent to which an accused deviated from Akomba customary law…[111]

The foregoing statements are pointer to the tacit fact that reference to typical African norms and values or customs could have motivated the choice for a human right Court.[112] It is, therefore, not surprising that, though the African leaders did not give reason for the choice not to establish a Court, Judge Keba M'baye revealed the reality at the 1985 Conference on the African Charter to the effect that the establishment of such a Court would be "premature".[113] The reason for the choice not to establish a Human Rights Court, therefore, was to protect the sovereignty of the newly independent African States against any perceived intervention even at the expense of human rights promotion and protection.[114]

Two decades after most African States had regained their independence, African leaders were still simply reluctant to subject themselves to a supra-national Court.[115] Even of more recent, some scholars still held firm that "the creation of a Court will mainly be of symbolic value".[116]

That African Heads of State and Government today have established a human rights Court depicts that the dream of the 1961 at the Lagos Conference has been fulfilled. It also indicates a change of perception of

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[105] Statute of the merged Court, Art. 46(5).

[106] Inter'l. Comm. of Jurists, *Afric. Conf. on the Rule of Law*, Lagos (Nig.), 3-7 Jan. 1961 – Report on the Proceedings of the Conference, 1961, at 9. See also Kioko B., *supra* note 16; Anthony A.E., *supra* note 26.

[107] Kayode E., *supra* note 65 at 175.

[108] Naldi G.J. and Maghiveras K., *supra* note 23, at 944; Philip A., "The African Charter on Human and Peoples' Rights – An Effective Weapon for Human Rights", 4 *Afric. Journal of Inter'l & Comp. Law,* 1992, at 237; Anne Pieter V.D.M., *supra* note 25, at 115.

[109] Anthony E.A. *supra* note 26.

[110] Anne Pieter V.D.M. *supra* note 25, at 115-116.

[111] Anthony E.A. *supra* note 26.

[112] *Id.*

[113] *Id.*

[114] Udombana N.J., "An African Human Rights Court and an African Union Court: A Needful Duality or a Needless Duplication?", *Brooklyn Journal of Inter'l Law,* Vol. 28, No. 3, 2003, at 818.

[115] Kunig, "The protection of Human Rights by International Law in Africa", *German Year Book of Inter'l Law,* 1982 at 38-39.

[116] See personal Communication by Michaelo Hansungule of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, University of Lund, Sweden, March 1997.

Africa and Africans on the establishment of African Human Rights Court. A scholar captured this change in perception, where he said:

> In the public perception, also in modernized Africa, a meaningful rule of law has come to be associated with the existence of impartial Courts. Without the existence of a Court, a system of human rights protection is seen as toothless. The establishment of a Court that gives binding judgments will foster the perception that the rights under the Charter are enforceable, and that the system should be taken seriously. Such perceptions are prerequisites for the development and sustained legitimacy of the State.[117]

e) Setting Precedents for Sub- Regional Institutions and Domestic Courts

Developing African human rights jurisprudence is not only relevant for African Human Rights Court and the Merged Court but also African sub-regional and domestic Courts. The power to interpret the African Charter is not the monopoly of African Human Rights Court (later the Merged Court) and African Commission;

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[117] Frans V., *supra* note 20.

[118] These institutions include: Court of Justice of the Economic Community of West African States, East African Court of Justice, South African Development Community Tribunal, *et cetera.*

[119] For example, Nigeria since 1983 incorporated the provisions of the African Charter into its Municipal Law in compliance with Section 12 of the constitution of the Federal Republic of Nigeria 1979 (now 1999) known as African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap. 10 Laws of the Federation of Nigeria (LFN 1990) (now Cap. A9 2004).

[120] *Gemera; Sani Abacha & 3 Ors. v. Chief Gani Fawehinmi* (2000) 2 SCNQR 489 at 496 per M.E. Ogundore JSC at 514.

[121] Madhuku L., "The Impact of the European Court of Human Rights in Africa: The Zimbabwe Experience", 8 *Afric. Journal of Inter'l & Comp. Law,* Vol. 8, Pt. 4, Dec. 1996 at 934.

[122] *State v. A. Juvenile* (1987) 2, 246 per Dumbutshena CJ.

[123] Frans V., "The Relevance of the Inter-American Human Rights System for Africa", 11 *Afric. Journal of Inter'l & Comp. Law,* 1999, at 660.

[124] These cases include: *Tyre v. United Kingdom* (1978) 2 ECHRI (corporal punishment); *Echle v. Germany (Federal Republic)* (1983) 5 EHRRI & *Foti v. Italy* (1983) 5 EHRR 313 (right to a speedy trial); *Soering v. United Kingdom* (1989) 11 EHRR (delay in the execution of the death sentence); *Abdulaziz Calales and Balkandali v. United Kingdom* (1985) 7 EHRR 471 & *Berrehab v. Netherlands* (1989) 11 EHRR 322 (the right to freedom of movement and its relationship with family life); *Golder v. United Kingdom* (1975) 1 EHRR 524, *Silver v. United Kingdom* (1983) 5 EHRR 347, *Handyside v. United Kingdom* (1976) 1 EHRR 737, *Christians against Racism & Facism v. United Kingdom* App. No. 8440/78 & *H. v. Austria* 15 EHRR 77 (freedom of expression and assembly). On detailed discussions of application of these cases by the Zimbabwean Supreme Court, See Madhuku L., *supra* note 121, at 934-943.

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there also exist in Africa proliferation of sub-regional institutions with direct or indirect mandate to interpret the African Charter.[118] The decisions of African Human Rights Court and the Merged Court would serve as precedents to these Courts.

In the same advantage, domestic African Courts would make frequent use of the jurisprudence of African Human Rights Court and later the Merged Court. This is important because the provisions of African Charter have been incorporated in the municipal laws of some African countries that practiced dualism system;[119] and having been incorporated, the provisions of the Charter become part of domestic law with international flavour that "possesses 'greater vigour and strength' than any domestic Statute.[120] Some provisions of the African Charter upon which the decisions of the African Human Rights Court and later the decisions of the merged Court will serve as precedents to municipal Courts include provisions on claw-back clauses, individual duties, socio-economic rights *et cetera.*

Moreover, there are certain areas which are not covered by the African Charter or other international human rights instruments that are applicable in Africa but which a case might arise begging for urgent attention. A judge of a Municipal Court might look up to the cases decided by the African Human Rights Court and the merged Court to tackle the problem at hand. By so doing, the hands of domestic judges would not only be strengthened; but might also justify decisions that could embarrass States. In addition, decisions of African Continental Courts would not only encourage African domestic Courts to rule to the same end,[121] but also African domestic human rights jurisdiction would be enriched.[122]

Although, the African Commission was constituted over two-decades now, its decisions cannot and would never serve as precedents for African domestic Courts for the simple reason that the Commission is not a judicial body with power to give binding decisions. That African domestic Court will make use of the decisions of African Human Rights Court and the merged Court as precedents can be evidenced from the fact that "domestic African Courts have made frequent use of the jurisprudence of the European Court… case-law as a guide to constitutional interpretation."[123] It is our prediction that African domestic Courts will make use of the decisions of African Human Rights Court and later the merged Court more than they have made use of the decisions of the European Courts because, while the decisions the former Courts are binding, those of the later are only persuasive.

For example, it has been fished out that in many cases decided by the Zimbabwean Supreme Court on the Bill of Rights; the Court has not only referred to many of the European Court of Human Rights judgments,[124] but also treated the judgments as if they are a binding

body of law.[125] "The result of this process", according to a scholar "has been to develop enriched and respectable domestic human rights jurisprudence."[126]

IV. CONCLUDING REMARKS

It is not in doubt from the foregoing discussions that the establishment of African continental Human Rights Courts is a welcomed development in the African human rights system. However, "the mere establishment of a Court empowered legally to condemn state parties for human rights violations is no guarantee of success. An effective human rights mechanism requires more."[127] The success of the Courts, therefore, depends on the extent which African leaders will be willing and able to tackle some impediments which render the African Commission a *paper tiger.* These include substantial amendment of the provisions of African Charter, the willingness of the State parties to meet their financial obligations, compliance with the rulings, order and judgments of the Courts, *et cetera.* If only these can be done, Africa, which is laughing last for the establishment of the Court, will laugh better.

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[125] Madhuku L., *supra* note 121.

[126] *Id*

[127] Anne Pieter V. D. M., *supra* note 25, at 114.

On the Rural Land Consolidation Liability Legislation in China[1]

By ZHAO Qian

Abstract - The purpose of this paper is to perfect China's rural land consolidation liability legislation, so as to strengthen the executive ability and actual effect of the rural land consolidation supervision in China. Method of literature analysis was employed. The results indicate: (1) to do the theoretical research based on legislative text is the most relevant research method; (2) the integral research on China's rural land consolidation liability legislation includes three aspects, i.e., legislative system, legislative language and legislative content. It is concluded that to perfect the rural land consolidation liability legislation in China by the formulation or modification of relevant legislation is very necessary and possible.

Keywords : land law; rural land consolidation; liability; comment

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ON THE RURAL LAND CONSOLIDATION LIABILITY LEGISLATION IN CHINA

Strictly as per the compliance and regulations of:

On the Rural Land Consolidation Liability Legislation in China[1]

ZHAO Qian

Abstract - The purpose of this paper is to perfect China's rural land consolidation liability legislation, so as to strengthen the executive ability and actual effect of the rural land consolidation supervision in China. Method of literature analysis was employed. The results indicate: (1) to do the theoretical research based on legislative text is the most relevant research method; (2) the integral research on China's rural land consolidation liability legislation includes three aspects, i.e., legislative system, legislative language and legislative content. It is concluded that to perfect the rural land consolidation liability legislation in China by the formulation or modification of relevant legislation is very necessary and possible.

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I. INTRODUCTION

Guided by the Planning of National Land Development and Consolidation from 2001 to 2010, the rural land consolidation has been carried forward energetically and its corresponding supervisions have also obtained certain achievements. "A more comprehensive monitoring system whose cores are project legal person responsibility system, announcement system, tendering and bidding system, supervision system, contract system and auditing system has been basically established." [1] However, China's rural land consolidation legal liability legislation is relatively legging behind, and the imperfection in the legislative system, the legislative language and legislative content weakens the execution and effects of rural land consolidation supervision. Hence, it's necessary to perfect the rural land consolidation liability legislation in China.

II. AN OVERVIEW OF RURAL LAND CONSOLIDATION LIABILITY LEGISLATION IN CHINA

The rural land consolidation liability refers to the unfavorable legal consequences that the subject of rural land consolidation legal relation has to undertake owing to its unlawful actions in accordance with related legislative provisions. The relevant legislations of rural land consolidation liability in China mainly consists of departmental regulations, local laws and regulations, and regulations of local governments. Departmental regulations include "the Interim Measures for Funds Management of Land Development and Consolidation Project" issued by Ministry of Land and Resources in 2000, "the Stipulations for an Incorruptible Construction on Land Development and Consolidation Project and Funds Management by Ministry of Land and Resources in 2001", "Some Suggestions for the Planning and Management of Land Development and Consolidation in 2002", "the Interim Measures of Implementation and Management about National Investment for Land Development and Consolidation Project in 2003", "Some Suggestions for Land Development and Consolidation in 2003", "the Interim Measures of Completion Acceptance on National Investment for Land Development and Consolidation Project in 2003", "A Notice of Issues about Information Records of Land Consolidation Reclamation Project by Ministry of Land and Resources in 2008" ; the local law and regulation refers to "the Regulations of Land Development and Consolidation in Hunan Province in 2006"; regulations of local governments include "the Administrative Measures for Land Development and Consolidation in Hebei Province in 2002", "the Interim Measures for Land Reserve and Consolidation Management in Hainan Province in 2006", "the Provisions of Land Development and Consolidation Management in Tianjin in 2008", and "the Administrative Measures for Land Consolidation and Reserve in Tianjin in 2008". [2]

Article 15 of "the Interim Measures for Funds Management of Land Development and Consolidation Project" sets the Ministry of Land and Resources as the supervision department, the financial sectors of units that undertake each project as the specific functional department, and divides the corresponding liability into the three kinds of "criticism and the termination of funding and project etc, economic and administrative responsibility, criminal responsibility". In "the Stipulations for an Incorruptible Construction on Land Development and Consolidation Project and Funds Management by Ministry of Land and Resources", article 9 further clarifies that the supervising departments of land development and consolidation project's implementation and use of funds are the administrative department, financial department and censorial department of land development and consolidation at all

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levels of Land and Resources System, and classifies the corresponding liability into three kinds of "taking resolute measures to stop and correct, economic and administrative responsibility, and criminal responsibility"; and article 10 stipulates that the imputation procedure of "related responsible staff and leaders" is from "calling to account" to "imposing the punishment about the Communist Party and Chinese government disciplines", then to "transferring to judicial authorities". Article 16 of "Some Suggestions for the Planning and Management of Land Development and Consolidation" stipulates that the supervision departments of "the implementation condition of land development and consolidation planning in this administrative region" are "the land administration departments of People's Governments above the county level", and the liability of "violating the land development and consolidation planning" should be "ordering to make corrections by a prescribed time and giving punishments". In the "the Interim Measures of Implementation and Management about National Investment for Land Development and Consolidation Project", article 21 prescribes that the supervision department of national investment for land development and consolidation project should be "the management departments of national territory and resources at all levels"; article 22 divides the corresponding liability into three sorts of "correcting, investigating, giving criminal sanctions". Article 34 of "Some Suggestions for Land Development and Consolidation" formulates in the item of "Strengthening the building of an honest government and regulating the relevant disciplines seriously" that "with respect to the actions of violating related national laws and relevant provisions, or heavy losses caused by mistakes, the responsibility of the persons concerned shall be investigated and dealt with severely. Article 17 of "the Interim Measures of Completion Acceptance on National Investment for Land Development and Consolidation Project" classifies the liability of "committing fraud and practicing favoritism of the personnel concerned with the completion and final acceptance" as two kinds of "strictly making investigations and giving criminal sanctions". Article 4 of "A Notice of Issues about Information Records of Land Consolidation Reclamation Project by Ministry of Land and Resources" provides in the item of "Filing responsibilities" that "violation of the provisions shall be dealt with severely according to relevant regulations". "Chapter VI: Legal Liability" of "the Regulations of Land Development and Consolidation in Hunan Province" specifically divides the corresponding liabilities into 5 sorts of "making corrections by order, administrative punishment, administrative penalties, civil liability, criminal liability". And "Chapter VI: Legal Liability" of "the Administrative Measures for Land Development and Consolidation in Hebei Province" divides the corresponding liabilities into 4 kinds of "making corrections by order, administrative punishment, administrative penalties, and criminal liability". In "the Interim Measures for Land Reserve and Consolidation

Management in Hainan Province", the 26th article sets the legal liability of unlawful acts of "administrative authorities and their staff" as 3 kinds of "administrative sanctions, accountability and criminal liability"; the 27th article stipulates that the supervision department of "the actions of damaging or moving government land reserve boundary markers and marks" shall be "administrative departments of land", and its corresponding liability shall be "ordering to make corrections and imposing a fine". Article 24 of "the Provisions of Land Development and Consolidation Management in Tianjin" rules that the supervision department of "the conductions of breaching laws and disciplines such as fraud, interception, misappropriation and misuse of project funds, etc" shall be "the administrative department and the financial sector of national territory and resources", and its corresponding legal liability shall be the three kinds of "circulating a notice of criticism and terminating funding and the project etc, economic and administrative responsibility, criminal liability". In "the Administrative Measures for Land Consolidation and Reserve in Tianjin, article 27 regulates that the legal liability of illegal actions of "the staff of land consolidation center and its entrusted units" shall be the 2 sorts of "administrative punishments and criminal liability".

III. THE DEFECTS OF RURAL LAND CONSOLIDATION LIABILITY LEGISLATION IN CHINA

a) Unsound legislative system

Low level of the relevant legislation of China's rural land consolidation legal liability resulted in the difference of legal liability regulatory system. From the 3 aspects of departmental regulations, local laws and regulations and local government regulations, relevant legislations have given specific stipulations on rural land consolidation liability, which are related to various forms of liability like administrative liability, civil liability and criminal liability. "Whether different interest subjects can enjoy effective legal protection about their land rights is an urgent issue to be resolved for rural land system reform"[3] But, in China, the legislation in the aspects of high-hierarchy laws and administrative regulations didn't involve the rural land consolidation liability, then how could the different interest subjects get effective protection for the realization of rights unification in the rural land consolidation? Certainly, this problem is mainly the consequence of the lack of "Rural Land Consolidation Act in People's Republic of China" and the unsound rural land consolidation department's law system. Moreover, compared with other legislations, the legislation of legal liability puts more emphasis on the consistency of content rather than differences, the same or at least the same type of disadvantageous legal consequences should be undertaken in terms of the same type or same nature of illegal activities of subjects with different legal relations, and the principle of

"proportionate liability" should be followed in accountability.

Although rural land consolidation in China has formed three kinds of typical normal operating mode at present, including the comprehensive consolidation of "field, water, roads, woods and villages" in the area of plains, the comprehensive consolidation of "mountains, forests, fields, water and villages" in hilly and mountainous area and single land consolidation,[4] the composition of legal liability's content due to different modes of rural land consolidation is actually consistent, so we shall consider from the 3 aspects of liability subjects, liability actions and liability forms, and at most the difference exists in type selection or scope setting of adverse legal consequences caused by the disparity of each element's manifesting form in specific circumstances. However, the departmental regulations, local laws and regulations and regulations of local governments as the legislation carriers of current rural land consolidation liability belong to the same legislation hierarchy, no matter the liability subjects, liability actions or liability forms, all respectively gives different stipulation from different angles. And in their respective process of application, the inevitable intersection and overlap of applicable scope will easily lead to application contradiction and application difficulties to some extent. Hence, there is a need to make principled provisions for the composition of rural land consolidation liability through higher-hierarchy legislation, which may be helpful to bridge the application problems caused by the different expression of low-hierarchy laws via interpretation.

b) *Unperfected use of legislative language*
i. *Some language expression of relevant legislation is vague*

A case in point is the expression of "dealing with seriously" in article 34 of "Some Suggestions for Land Development and Consolidation" and article 4 of "A Notice of Issues about Information Records of Land Consolidation Reclamation Project by Ministry of Land and Resources". These two statements are all formulated as a form of legal liability, but the meaning of "dealing with seriously" is too general and broad, then how to make it a specific disadvantageous legal consequence for subjects of legal relations who violate laws to bear. The style of legislative language can generally be categorized as accurate, concise, standard, serious and simple.[5] It is necessary to illustrate such sort of legal liability forms like "dealing with seriously" with more proper language according to such kind of style.

ii. *Some language expression of relevant legislation is nonstandard*

What's typical is the expression of the legal liability form of "criminal liability". A total of nine pieces of legislation stipulates the legal liability form of "criminal liability", its representation falls into three categories: the first is the expression of alleged involvement, as the ninth article of "those who are suspected of being involved with economic crimes shall be handed over to judicial authorities and be investigated for their criminal liability" in "the Stipulations for an Incorruptible Construction on Land Development and Consolidation Project and Funds Management by Ministry of Land and Resources"; the second is the expression of handover, like article 22 of "those who commit crimes seriously shall be transferred to the judicial authorities to be investigated for criminal liability in accordance with the relevant law" in "the Interim Measures of Implementation and Management about National Investment for Land Development and Consolidation Project"; the third is the general expression of "those who commit crimes shall be investigated for criminal liability according to law", and such representation includes article 15 of "the Interim Measures for Funds Management of Land Development and Consolidation Project", article 17 of "the Interim Measures of Completion Acceptance on National Investment for Land Development and Consolidation Project", article 29, 30, 31 of "the Regulations of Land Development and Consolidation in Hunan Province", article 31, 32 of "the Administrative Measures for Land Development and Consolidation in Hebei Province", article 26 of "the Interim Measures for Land Reserve and Consolidation Management in Hainan Province", article 24 of "the Provisions of Land Development and Consolidation Management in Tianjin" and article 27 of "the Administrative Measures for Land Consolidation and Reserve in Tianjin". To illustrate "criminal liability" as the most punitive form of legal liability with more uniform, refined and precise language is necessary.

c) *Unclear definition of legislative content*

i. *In terms of the definition of supervision department*

There are 10 kinds of expression about the supervision department defined by relevant legislation, including "the finance sector of the Ministry of National Land and Resources and each project undertaker", "the management department, finance department, discipline inspection and supervision department of land development and consolidation at all levels in the system of National Land and Resources", "the discipline inspection and supervision department at all levels in the system of National Land and Resources", "the land administration department of the People's Government above the level of county", "the management department of the National Land and Resources at all levels", "provincial department of the National Land and Resources", "the administration department of the National Land and Resources above the level of county", "the finance and auditing department of the People's Government above the level of county", "the administration department of land" and "the administration department and finance department of the National Land and Resources".

ii. In terms of the definition of liability subject

The 9 kinds of expression of liability subject defined by relevant legislation are "the units that undertake land development and consolidation projects and the related responsible personnel", "the project's management department, its undertaking unit and related responsible personnel", "the responsible personnel who violate laws and disciplines", "concerned personnel of completion acceptance", "the ministry of national land and resources responsible for projects' acceptance", "directly responsible supervisor and other direct responsible personnel", "related state personnel", "personnel of direct responsibility and main responsible staff" and "staff of the land consolidation center and its entrusted units".

iii. In terms of the definition of liability action

There are 11 sorts of expression of liability action defined by relevant legislation which consist of "the illegal action and disciplinary offence of falsification, intercepting, embezzling, diverting and unauthorized using project funds", "actions of violating related state laws, regulations and departmental rules", "the activities of carrying out land consolidation, reclamation and development by breaching land development and consolidation planning", "improper behavior in the implementation of the project", "the circumstance of causing heavy losses owing to working mistakes", "falsification and **irregularities for favoritism**", "Arbitrarily changing the design of land development and consolidation project", "abuse of power, **irregularities for favoritism**, and misprision", "the occurrence of soil erosion, salinization and desertification due to land development", "damaging or moving the boundary markers and signs of government land reserve", and "misprision, misuse of privilege, demanding or illegally accepting other people's property".

iv. In terms of the definition of liability form

The 11 kinds of expression of liability form defined by relevant legislation are composed of "circulating a notice of criticism, terminating funding and project", "investigating economic and administrative responsibilities", "investigating criminal liability", "taking decisive measures to stop and correct", "inquiring into responsibility and giving sanctions for violating party discipline and administrative discipline", "ordering to make corrections within a definite time and giving punishment", "correcting for investigation", "dealing with severely", "ascertaining civil liability", "calling to account" and "ordering to make corrections and imposing a fine".

The various relatively confused definitions of supervision department, liability subject, liability action and liability form without uniform standard prescribed by relevant legislation are not clear enough to distinguish the disadvantageous consequences that are presented in a variety of combination form and should be assumed by subjects of legal relations of rural land consolidation,

and then difficult to achieve the value orientation of "establishing impeccable corresponding dispute resolution mechanism, and putting emphasis on the rationalization and right-orientation of the relevant order itself while emphasizing strengthening management". [6] We might as well draw on the 39th and 40th legislative experiences of "Rules for punishment" in Chapter eight of "The regulation of re-partitioning rural land" in China Taiwan region in 1980. Article 39 of "The regulation of re-partitioning rural land" stipulates that "somebody who does one of the activities in the left column shall be given less than one year's imprisonment and detention, or imposing a fine below 2,000 Yuan, and ordering to restore the original condition: 1)those who change the use of redistributed rural land without permission; 2)those who encumber the implementation of repartitioning rural land due to violating the 9th announcement;   3)those   who   hamper   the implementation of repartitioning rural land by occupying, cultivating, using or other methods." Article 40 provides that "someone who does one of the activities in the left column shall be imprisoned for less than three years, detained, or punished or totally fined less than 5000 Yuan: 1) those who impair the design and implementation of replotting project, or redistributing land owing to moving or damaging the replotting surveying mark; 2) those who interfere with the construction of replotting project by means of violence, coercion or other methods; 3) those who impair the irrigation, drainage or passing of farm roads and waterways by way of blocking, damaging or other means." On one hand it states the liability action; on the other hand it illustrates liability form and its specific application range. The contrast between " either punishing or punishing together" and "dealing with severely", and between " 'less than a year', 'below 2,000 Yuan', 'less than three years', 'below 5,000 Yuan'" and " 'investigating the criminal liability', 'giving penalty'" worth legislators' pondering. In a word, it's necessary to summarize through principled provisions of high-hierarchy legislation or to enumerate via implemented provisions of high-hierarchy legislation in order to more clearly define the legislative content such as supervision department, liability subject, liability action and liability form.

IV. Improvement Ideas of Rural Land Consolidation Liability Legislation in China

a) Perfecting the legislative system of rural land consolidation liability legislation

Improving the legislative system of rural land consolidation liability legislation in the process of constructing rural land consolidation departmental law system is possible. "It's really necessary to build a complete rural land consolidation departmental law system cored with the Rural Land Consolidation Act of

People's Republic of China and complemented by related supporting laws and regulations."[7]

i. *Formulating relevant provisions of the legal hierarchy*

The legislative experience of "the Regulations of Land Development and Consolidation in Hunan Province" and "the Administrative Measures for Land Development and Consolidation in Hebei Province" may be incorporated into the formulation of the Rural Land Consolidation Act of People's Republic of China in the future with principled stipulation through the chapter of "Legal liability". We shall clarify the supervision system, demarcate the main and auxiliary department, and unify the expression of supervision departments' name. Furthermore, as for different liability subjects and their different kinds of liability actions, the administrative responsibility, criminal responsibility and civil responsibility, duty responsibility and non-duty responsibility, property responsibility and non-property responsibility, and dos responsibility and don'ts responsibility they shall bear ought to be summarized concisely and clearly.

ii. *Establishing relevant provisions of administrative laws and regulations*

We may consider to refine in terms of the implementation provision of rural land consolidation liability content according to the relevant principled stipulation of legal hierarchy in the "Enforcement regulations of land management law of People's Republic of China drafted by the State Council, and then to list in terms of different sorts of liability subjects an liability actions. Explicit provisions: the administrative responsibility generated from violating administrative laws and regulations in the specific operation process of rural land consolidation; the criminal responsibility created by crimes with serious illegal activities; the civil responsibility caused by the problems such as land property dispute and redistributing land. Clear definition: the duty responsibility caused by the subordinate staff of the administrative department of national land and resources, the association of land consolidation and the city planning department etc for official business; the non-duty responsibility produced by the above staff's activities in their own position. Clear definition: the property responsibility that complements the loss of oblige with property content as the key element in order to highlight compensation; the non-property responsibility that does not punish doer's action with the property content as the key element in order to highlight sanction. Clear definition: the dos responsibility that initiatively violates relevant legislative regulations in the process of rural land consolidation; the don't responsibility that although with active duty but passively carries out the rural land consolidation activities or don't carry out completely.

iii. *Modifying and drawing up the legal hierarchy of departmental rules, local laws and regulations and regulations of local governments*

First of all, we need to amend the existing 12 departmental regulations, local laws and regulations and regulations of local governments, and to modify combined with the content of high-hierarchy legislation, and especially to unify the basic expression language of the constituent elements of supervision government and legal responsibility. Then we should further intensify the implementation characteristic of the legislation in this hierarchy, and orientate the relevant provisions of the legislation in this hierarchy with "implementing regulations", and combine the provisions of legal responsibility with different categories of rural land consolidation activities, and afterwards promote more local governments to start the formulating procedure of local laws and regulations and regulations of local governments. Under the premise that no contradiction exists with higher-level laws, the detailed regulations of rural land consolidation liability with local features as "the Interim Measures for Land Reserve and Consolidation Management in Hainan Province" should be established in accordance with local conditions.

b) *Amending the legislative language of rural land consolidation liability legislation*

i. *Amendment of vague language expressions*

The vague language expressions like the sort of "dealing with severely" shall be modified to let the legislation intention and policy of legislative subjects present exactly with more accurate and affirmative written language. "Dealing with severely" can be revised to "punishing or investigating criminal responsibility" in order to avoid the different awareness and understanding of legislation observers and suitable people due to the difference of profession, experience, sex and education level and finally to transmit specific and unambiguous information to legislation embracers via expressions directly reflect "serious" meaning.

ii. *Amendment of non-standard language expressions*

The non-standard language expression as the sort of "criminal responsibility" shall be modified. We should unify the basic expressing language of "'expression of alleged involvement', 'expression of handover' and 'common expression'", and absorb their respective advantages of the 3 kinds of expressions to transmit the related information of legislation subjects with more standard form. The 3 kinds of expression can be integrated into "those who are suspected of a crime shall be transferred to judicial authorities to be investigated for criminal responsibility" so as to accord with language expression customs of the most criminal responsibility provisions and also to highlight "the principle of no conviction without trial" and "the principle of due legal procedure" gradually set up in Chinese judicial process.

c) *Clarifying the legislative content of rural land consolidation liability legislation*

i. *Clarification of supervising system*

As a kind of typical legal relationship of economic law, rural land consolidation legal relationship is concerned with administrative legal relationship and civil legal relationship. The administrative legal relationship refers to both interior administrative actions and exterior administrative actions, and the civil legal relationship involves civil contracts among equal subjects and administrative contracts among unequal subjects. Except the administrative sector of national land and resources as responsible department shall take part in it, the related finance sector, auditing sector and the discipline inspection and supervision sector also shall participate in because the fund of Chinese rural land consolidation is mainly from governments. Hence, the supervising system of Chinese rural land consolidation shall be "unitary and compound". The administrative department of national land and resources as the main supervising sector shall monitor the whole process of rural land consolidation activities; the auxiliary supervising departments include finance department, auditing department and discipline inspection and supervision department, the finance department is mainly in charge of monitoring the budget of rural land consolidation fund allocated by government and its enforcement, the auditing department is principally responsible for supervising the operation performance of rural land consolidation fund allocated by government and acceptance enforcement of rural land consolidation project, and the discipline inspection and supervision department mainly takes chare of supervising actions of main responsible personnel, direct responsible personnel and other people in government offices involved with rural land consolidation. Besides, "administrative department of national land and resources" can be used to unify the various expressions of relevant main supervising departments such as "the system of national land and resources", "administrative department responsible for land", "management department of national land and resources", "department of national land and resources" and "administrative department responsible for national land and resources".

ii. *Summary of liability subject*

In accordance with the nine expressions of liability subject in the related laws of China, the liability subject could be summarized as the actor of rural land consolidation. The actor surely takes on different looks in various legal relationships of natures, which could be sorted into three categories, that is, the major responsible personnel, the direct responsible personnel and other work staff in national offices; the major responsible personnel, the direct responsible personnel and other work staff who participate in social groups like the farmers' specialized cooperative society of the rural

land consolidation; the citizens who join in the rural land consolidation personally.

iii. *Enumeration of liability action*

In accordance with the 11 expressions of related laws of China, four varieties can be generated for responsibility behavior. Firstly, the behaviors that caused losses due to misbehavior in compiling and approving the rural land consolidation plan. Secondly, the behaviors that hinder the implementation of the rural land consolidation plan by occupying, farming on, or using the land or other methods; the action of removing or destroying the surveying marks; the action of disturbing design construction and land distribution; the action of obstructing the construction through force, threat or other means. Thirdly, behaviors leading to poor project quality that caused losses, misuse of authority, playing favoritism and fraud, dereliction of duty, doing bribery, corruption, embezzling funds on land collating. Lastly, behaviors of privately changing the land use ways without approval.

iv. *Enumeration of liability form*

In combination with Chinese relevant legislation, the 11 kinds of liability forms can be divided into 4 categories. The first is administrative sanction which aims at the main responsible personnel, direct responsible personnel and other work staff in government offices involved with rural land consolidation and consists of warning, recording misconducts, recording serious misconducts, demotion, dismissal and expulsion. The second is administrative penalty that directs at the main responsible personnel, direct responsible personnel and other personnel who take part in social groups of rural land consolidation and citizens who participate in rural land consolidation personally. It covers ordering to correct in a limited time, circulating a notice of criticism, warning and imposing a fine. The third is civil responsibility for the 3 kinds of subjects who join in rural land consolidation in equal status and form the civil legal relationship, including stopping funding, termination of the project, economic compensation and indemnifying losses. The fourth is criminal responsibility for the 3 sorts of subjects suspected of a crime in the rural land consolidation, including fine, surveillance, detention and three years' imprisonment.

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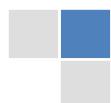
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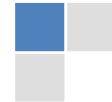
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1. General,

2. Ethical Guidelines,

3. Submission of Manuscripts,

4. Manuscript's Category,

5. Structure and Format of Manuscript,

6. After Acceptance.

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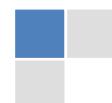
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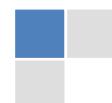
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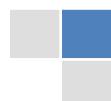
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sufficient. Use words properly, regardless of how others use them. Remove quotations. Puns are for kids, not grunt readers. Amplification is a billion times of inferior quality than sarcasm.

32. Never oversimplify everything: To add material in your research paper, never go for oversimplification. This will definitely irritate the evaluator. Be more or less specific. Also too, by no means, ever use rhythmic redundancies. Contractions aren't essential and shouldn't be there used. Comparisons are as terrible as clichés. Give up ampersands and abbreviations, and so on. Remove commas, that are, not necessary. Parenthetical words however should be together with this in commas. Understatement is all the time the complete best way to put onward earth-shaking thoughts. Give a detailed literary review.

33. Report concluded results: Use concluded results. From raw data, filter the results and then conclude your studies based on measurements and observations taken. Significant figures and appropriate number of decimal places should be used. Parenthetical remarks are prohibitive. Proofread carefully at final stage. In the end give outline to your arguments. Spot out perspectives of further study of this subject. Justify your conclusion by at the bottom of them with sufficient justifications and examples.

34. After conclusion: Once you have concluded your research, the next most important step is to present your findings. Presentation is extremely important as it is the definite medium though which your research is going to be in print to the rest of the crowd. Care should be taken to categorize your thoughts well and present them in a logical and neat manner. A good quality research paper format is essential because it serves to highlight your research paper and bring to light all necessary aspects in your research.

Informal Guidelines of Research Paper Writing

Key points to remember:

- Submit all work in its final form.
- Write your paper in the form, which is presented in the guidelines using the template.
- Please note the criterion for grading the final paper by peer-reviewers.

Final Points:

A purpose of organizing a research paper is to let people to interpret your effort selectively. The journal requires the following sections, submitted in the order listed, each section to start on a new page.

The introduction will be compiled from reference matter and will reflect the design processes or outline of basis that direct you to make study. As you will carry out the process of study, the method and process section will be constructed as like that. The result segment will show related statistics in nearly sequential order and will direct the reviewers next to the similar intellectual paths throughout the data that you took to carry out your study. The discussion section will provide understanding of the data and projections as to the implication of the results. The use of good quality references all through the paper will give the effort trustworthiness by representing an alertness of prior workings.

Writing a research paper is not an easy job no matter how trouble-free the actual research or concept. Practice, excellent preparation, and controlled record keeping are the only means to make straightforward the progression.

General style:

Specific editorial column necessities for compliance of a manuscript will always take over from directions in these general guidelines.

To make a paper clear

· Adhere to recommended page limits

Mistakes to evade

- Insertion a title at the foot of a page with the subsequent text on the next page

- Separating a table/chart or figure - impound each figure/table to a single page
- Submitting a manuscript with pages out of sequence

In every sections of your document

· Use standard writing style including articles ("a", "the," etc.)

· Keep on paying attention on the research topic of the paper

· Use paragraphs to split each significant point (excluding for the abstract)

· Align the primary line of each section

· Present your points in sound order

· Use present tense to report well accepted

· Use past tense to describe specific results

· Shun familiar wording, don't address the reviewer directly, and don't use slang, slang language, or superlatives

· Shun use of extra pictures - include only those figures essential to presenting results

Title Page:

Choose a revealing title. It should be short. It should not have non-standard acronyms or abbreviations. It should not exceed two printed lines. It should include the name(s) and address (es) of all authors.

Abstract:

The summary should be two hundred words or less. It should briefly and clearly explain the key findings reported in the manuscript-- must have precise statistics. It should not have abnormal acronyms or abbreviations. It should be logical in itself. Shun citing references at this point.

An abstract is a brief distinct paragraph summary of finished work or work in development. In a minute or less a reviewer can be taught the foundation behind the study, common approach to the problem, relevant results, and significant conclusions or new questions.

Write your summary when your paper is completed because how can you write the summary of anything which is not yet written? Wealth of terminology is very essential in abstract. Yet, use comprehensive sentences and do not let go readability for briefness. You can maintain it succinct by phrasing sentences so that they provide more than lone rationale. The author can at this moment go straight to
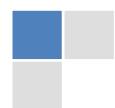
shortening the outcome. Sum up the study, with the subsequent elements in any summary. Try to maintain the initial two items to no more than one ruling each.

- Reason of the study - theory, overall issue, purpose
- Fundamental goal
- To the point depiction of the research
- Consequences, including <u>definite statistics</u> - if the consequences are quantitative in nature, account quantitative data; results of any numerical analysis should be reported
- Significant conclusions or questions that track from the research(es)

Approach:

- Single section, and succinct
- As a outline of job done, it is always written in past tense
- A conceptual should situate on its own, and not submit to any other part of the paper such as a form or table
- Center on shortening results - bound background information to a verdict or two, if completely necessary
- What you account in an conceptual must be regular with what you reported in the manuscript
- Exact spelling, clearness of sentences and phrases, and appropriate reporting of quantities (proper units, important statistics) are just as significant in an abstract as they are anywhere else

Introduction:

The **Introduction** should "introduce" the manuscript. The reviewer should be presented with sufficient background information to be capable to comprehend and calculate the purpose of your study without having to submit to other works. The basis for the study should be offered. Give most important references but shun difficult to make a comprehensive appraisal of the topic. In the introduction, describe the problem visibly. If the problem is not acknowledged in a logical, reasonable way, the reviewer will have no attention in your result. Speak in common terms about techniques used to explain the problem, if needed, but do not present any particulars about the protocols here. Following approach can create a valuable beginning:

- Explain the value (significance) of the study
- Shield the model - why did you employ this particular system or method? What is its compensation? You strength remark on its appropriateness from a abstract point of vision as well as point out sensible reasons for using it.
- Present a justification. Status your particular theory (es) or aim(s), and describe the logic that led you to choose them.
- Very for a short time explain the tentative propose and how it skilled the declared objectives.

Approach:

- Use past tense except for when referring to recognized facts. After all, the manuscript will be submitted after the entire job is done.
- Sort out your thoughts; manufacture one key point with every section. If you make the four points listed above, you will need a least of four paragraphs.
- Present surroundings information only as desirable in order hold up a situation. The reviewer does not desire to read the whole thing you know about a topic.
- Shape the theory/purpose specifically - do not take a broad view.
- As always, give awareness to spelling, simplicity and correctness of sentences and phrases.

Procedures (Methods and Materials):

This part is supposed to be the easiest to carve if you have good skills. A sound written Procedures segment allows a capable scientist to replacement your results. Present precise information about your supplies. The suppliers and clarity of reagents can be helpful bits of information. Present methods in sequential order but linked methodologies can be grouped as a segment. Be concise when relating the protocols. Attempt for the least amount of information that would permit another capable scientist to spare your outcome but be cautious that vital information is integrated. The use of subheadings is suggested and ought to be synchronized with the results section. When a technique is used that has been well described in another object, mention the specific item describing a way but draw the basic

principle while stating the situation. The purpose is to text all particular resources and broad procedures, so that another person may use some or all of the methods in one more study or referee the scientific value of your work. It is not to be a step by step report of the whole thing you did, nor is a methods section a set of orders.

Materials:

- Explain materials individually only if the study is so complex that it saves liberty this way.
- Embrace particular materials, and any tools or provisions that are not frequently found in laboratories.
- Do not take in frequently found.
- If use of a definite type of tools.
- Materials may be reported in a part section or else they may be recognized along with your measures.

Methods:

- Report the method (not particulars of each process that engaged the same methodology)
- Describe the method entirely
- To be succinct, present methods under headings dedicated to specific dealings or groups of measures
- Simplify - details how procedures were completed not how they were exclusively performed on a particular day.
- If well known procedures were used, account the procedure by name, possibly with reference, and that's all.

Approach:

- It is embarrassed or not possible to use vigorous voice when documenting methods with no using first person, which would focus the reviewer's interest on the researcher rather than the job. As a result when script up the methods most authors use third person passive voice.
- Use standard style in this and in every other part of the paper - avoid familiar lists, and use full sentences.

What to keep away from

- Resources and methods are not a set of information.
- Skip all descriptive information and surroundings - save it for the argument.
- Leave out information that is immaterial to a third party.

Results:

The principle of a results segment is to present and demonstrate your conclusion. Create this part a entirely objective details of the outcome, and save all understanding for the discussion.

The page length of this segment is set by the sum and types of data to be reported. Carry on to be to the point, by means of statistics and tables, if suitable, to present consequences most efficiently.You must obviously differentiate material that would usually be incorporated in a study editorial from any unprocessed data or additional appendix matter that would not be available. In fact, such matter should not be submitted at all except requested by the instructor.

Content

- Sum up your conclusion in text and demonstrate them, if suitable, with figures and tables.
- In manuscript, explain each of your consequences, point the reader to remarks that are most appropriate.
- Present a background, such as by describing the question that was addressed by creation an exacting study.
- Explain results of control experiments and comprise remarks that are not accessible in a prescribed figure or table, if appropriate.
- Examine your data, then prepare the analyzed (transformed) data in the form of a figure (graph), table, or in manuscript form.

What to stay away from

- Do not discuss or infer your outcome, report surroundings information, or try to explain anything.
- Not at all, take in raw data or intermediate calculations in a research manuscript.
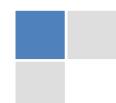
- Do not present the similar data more than once.
- Manuscript should complement any figures or tables, not duplicate the identical information.
- Never confuse figures with tables - there is a difference.

Approach
- As forever, use past tense when you submit to your results, and put the whole thing in a reasonable order.
- Put figures and tables, appropriately numbered, in order at the end of the report
- If you desire, you may place your figures and tables properly within the text of your results part.

Figures and tables
- If you put figures and tables at the end of the details, make certain that they are visibly distinguished from any attach appendix materials, such as raw facts
- Despite of position, each figure must be numbered one after the other and complete with subtitle
- In spite of position, each table must be titled, numbered one after the other and complete with heading
- All figure and table must be adequately complete that it could situate on its own, divide from text

Discussion:

The Discussion is expected the trickiest segment to write and describe. A lot of papers submitted for journal are discarded based on problems with the Discussion. There is no head of state for how long a argument should be. Position your understanding of the outcome visibly to lead the reviewer through your conclusions, and then finish the paper with a summing up of the implication of the study. The purpose here is to offer an understanding of your results and hold up for all of your conclusions, using facts from your research and generally accepted information, if suitable. The implication of result should be visibly described. Infer your data in the conversation in suitable depth. This means that when you clarify an observable fact you must explain mechanisms that may account for the observation. If your results vary from your prospect, make clear why that may have happened. If your results agree, then explain the theory that the proof supported. It is never suitable to just state that the data approved with prospect, and let it drop at that.

- Make a decision if each premise is supported, discarded, or if you cannot make a conclusion with assurance. Do not just dismiss a study or part of a study as "uncertain."
- Research papers are not acknowledged if the work is imperfect. Draw what conclusions you can based upon the results that you have, and take care of the study as a finished work
- You may propose future guidelines, such as how the experiment might be personalized to accomplish a new idea.
- Give details all of your remarks as much as possible, focus on mechanisms.
- Make a decision if the tentative design sufficiently addressed the theory, and whether or not it was correctly restricted.
- Try to present substitute explanations if sensible alternatives be present.
- One research will not counter an overall question, so maintain the large picture in mind, where do you go next? The best studies unlock new avenues of study. What questions remain?
- Recommendations for detailed papers will offer supplementary suggestions.

Approach:

- When you refer to information, differentiate data generated by your own studies from available information
- Submit to work done by specific persons (including you) in past tense.
- Submit to generally acknowledged facts and main beliefs in present tense.

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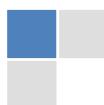
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Grades			
	A-B	**C-D**	**E-F**
Abstract	Clear and concise with appropriate content, Correct format. 200 words or below	Unclear summary and no specific data, Incorrect form Above 200 words	No specific data with ambiguous information Above 250 words
Introduction	Containing all background details with clear goal and appropriate details, flow specification, no grammar and spelling mistake, well organized sentence and paragraph, reference cited	Unclear and confusing data, appropriate format, grammar and spelling errors with unorganized matter	Out of place depth and content, hazy format
Methods and Procedures	Clear and to the point with well arranged paragraph, precision and accuracy of facts and figures, well organized subheads	Difficult to comprehend with embarrassed text, too much explanation but completed	Incorrect and unorganized structure with hazy meaning
Result	Well organized, Clear and specific, Correct units with precision, correct data, well structuring of paragraph, no grammar and spelling mistake	Complete and embarrassed text, difficult to comprehend	Irregular format with wrong facts and figures
Discussion	Well organized, meaningful specification, sound conclusion, logical and concise explanation, highly structured paragraph reference cited	Wordy, unclear conclusion, spurious	Conclusion is not cited, unorganized, difficult to comprehend
References	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring

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