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Design Thinking as Innovative Management Method

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ABSTRACT: Business organizations are constantly looking for new managerial techniques and tools, to satisfy customer needs for new products, processes and services. Customer satisfaction is in the focus of contemporary organizations because of its great importance for performance and shareholder value creation. Design thinking has been recognized as innovative management method for product innovation and process or service improvement. In contemporary business organizations, design thinking is increasingly gaining importance because, on the one hand, it is directed towards customer; while at the same time it is managing multidimensional problems. As a new innovative management method, design thinking concept was created by studying the work of successful designers and applying their best practices into business world. Today, it is used in processes of innovation management, product development, and the improvement of customer relationship management. As design thinking is still a relatively new and insufficiently researched management method, the aim of this paper is to explore its role and development in contemporary business practice. In addition, in this paper we will describe the tools and techniques that are used in the process of design thinking. This study will contribute to entrepreneurs and managers in terms of understanding the design thinking concept, along with the possibilities of its application in business practice in order to improve performances and increase shareholder value.

KEYWORDS: design thinking, management method, innovative management, managerial technique, customer satisfaction

Introduction

Design thinking is considered to be one of the best approaches for innovation and creativity stimulation in business organizations, as well as for multidimensional problems solving (Gasparini 2015). The importance of this management method for solving multidimensional problems has been particularly emphasized in the literature over the last ten years (Brown 2009; Martin 2009). Liedtka & Ogilvie (2012) consider design thinking to be the best approach when: a person is at the center of a problem; there is a need for a deep understanding of individuals involved; there is ambiguity about the problem definition; there is a significant number of unknowns; there is simply not enough relevant data to carry out quality analysis. Contrary to the view that design thinking significantly influences business and society as a whole (Brown 2009; Martin 2009; Liedtka & Ogilvie 2012), there are authors who consider this management method a myth and a failed experiment (Norman 2010; Nussbaum 2011), which is partly the result of concept misunderstanding as well as a fundamental misunderstanding of its application in practice.

The design thinking concept was created by studying creative and successful designers and applying their best practices in the business world. In contemporary business environment, design thinking is a proposition of mindset and innovation

process, that is, a broad tool that entrepreneurs and managers can use to accelerate innovation activities and improve business results.

Besides its implementation in the process of innovation generating, design thinking is also an approach to solving multidimensional organizational and broader problems, through a continuous circle of idea generating, consequences predicting, testing and generating. Design thinking is a necessary skill that contemporary entrepreneurs and managers need to possess, in order to generate innovations and create a sustainable competitive advantage, and to provide answers to a wide range of multidimensional problems.

Theoretical background and development of design thinking concept

Design thinking originated during research in the 1960s with the goal of understanding the processes and methods used by successful designers to carry out design activities. Nobel Prize winner in Economics Herbert Simon laid the theoretical foundation for design thinking. Although he did not use this term, Simon is still a reference point for the design thinking literature, because he divided activities into two fundamental types, namely: the activity of creating new, and the activity of existing state (Simon 1969). In his book *The Sciences of the Artificial*, Simon identifies design as a type of knowledge in professions such as: engineering, management, or medicine (Simon 1969). In his most significant article on design theory, Simon states that design is not only about the technical education, but that design is a fundamental discipline for any liberally educated person (Simon 1969). He sees design as a rational set of procedures that provide answers to problems, whereby the problem-solving process itself involves disassembling into simpler parts, finding and selecting alternatives (Simon 1969; 1973). One of the first authors on the design thinking as a management method was Peter Rowe (1987). He studied architects and urban planners and, through case studies, described design professionals as individuals who rely on assumptions, not just facts, whereby the nature of problem-solving process shapes the solution itself.

There are numerous critical approaches in the literature concerning the design thinking concept as contemporary management method. Design thinking is relatively new concept in business practice and is considered confusing by some authors (Kimbell 2009), incomplete (Cross 2006), and inconsistent in application and articulation (Lourens 2015). Chick and Micklethwaite (2011) point to the need for critical and skeptical view at the new value brought by contemporary concepts, such as design thinking. Badke-Schaub et al. (2010), Kimbell (2009) and Nussbaum (2011) criticize the construction and definition of design thinking, and state the need for differentiation of design thinking from other terms. Kimbell (2011) and Lourens (2015) find the design thinking concept confusing, as it should be called design thinking, skills, and action. Furthermore, Kimbell (2009) considers the literature on which design thinking is based to be controversial, and Hassi & Laakso (2011) believe that more empirical research is needed to understand the concept and its applicability more clearly. Badke-Schaub et al. (2010) also find that the contemporary idea of design thinking is not based on empirical research. Another challenge is the fact that design thinking is often considered a general solution to problems that require very specific and contextual knowledge (Lourens, 2015). The literature states the need for a coherent definition of design thinking, with a view to understand its value (Hassi & Laakso 2011). Some of the critics of design thinking include the ambiguity of answering questions as when and how this management method should be implemented into practice (Dorst 2011). Walters (2011) states the importance of defining the role of each individual in design thinking process. Nussbaum (2011), Norman (2010) and Winchester (2011) deny design thinking as a

term, and consider creative intelligence a more appropriate concept. Because of all the above criticisms, Norman (2010) and Nussbaum (2011) consider design thinking a new myth and a failed experiment.

In addition to stated critical attitudes towards design thinking concept, a number of authors advocate this concept as a contemporary management method, and explain its application in business practice. Design thinking in management specifically builds on the business model innovation and the creation of sustainable business organizations (Bonakdar & Gassman 2016; Lehmann et al. 2015). Business model innovation is considered to be a key element in achieving the competitive advantage of contemporary organizations (Teece 2010). Lehmann et al. (2015) find that design thinking can be an approach that helps creating sustainable business models. More specifically, design thinking can help mitigate differences in understanding between team members, catalyze team agreement and disagreement, incorporate various aspects that are important to each team member, and more quickly integrate in-group, intergroup and external feedback. Also, this approach supports identifying weaknesses and defects, generating additional ideas, ranking different options for modifying a proposal. As a new field in management, design thinking does not have a unique definition, but different authors define the term differently. Design thinking can be defined as “discipline that uses the designer's sensibility and methods to match people's needs with what is technologically feasible and what a viable business strategy can convert into customer value and market opportunity” (Brown 2009, 86).

While the term design thinking is created by academics who have explored the design discipline, today it is most commonly referred to the challenges of business organizations (Johansson-Sköldberg et al. 2013). Design thinking is often equated with creativity, as it allows managers to think more creatively. Johansson-Sköldberg et al. (2013) state that creativity represents only one part of managerial job. The challenge of applying design thinking is knowledge and skills of managers using this method, which are competencies acquired through continuous training (Johansson-Sköldberg et al. 2013).

Tools and techniques used in the process of design thinking

Design thinking in the context of job design within an organization can be presented through six key elements of new work experience: Identify real and compelling needs; Focus on values and values; Design the employee experiences, not just workflows and tools; Collaboration, co-creation, co-production; Sensory and emotional engagement; Creating a Narrative (Gruber et al. 2015). The key elements of design thinking process are: emphasis on collaboration; strong use of empathy; and the strong use of visualization and prototyping (Liedtka 2015).

Design thinking has the potential to reduce the cognitive biases that decision makers face (Liedtka 2015), whereby cognitive biases can be sorted into three categories. The first is directed at the inability of decision makers to look beyond them, and to avoid relying on previous experiences, current state and tendency to be influenced by specific factors. The second category refers to the inability of product / service users to articulate future needs and provide accurate feedback on new ideas, which complicates the development process. Finally, the third category refers to deficiencies in decision makers' ability to test the hypotheses they have developed (Liedtka, 2015; Mahmoud-Jouini et al. 2016).

Liedtka (2015) suggests that design thinking as management method can help decision-makers address cognitive biases. He highlights the following tools as design thinking responses to cognitive biases (Liedtka 2015):

- Visualization involves the use of imagery, either visual or narrative. In addition to traditional charts and graphs, it can take the form of storytelling and the use of metaphor and analogies, or capturing individual ideas on post-it notes and whiteboards so they can be shared and developed jointly.
- Ethnography encompasses a variety of qualitative research methods that focus on developing a deep understanding of users by observing and interacting with them in their native habitat. Techniques here would include participant observation, interviewing, journey mapping, and job-to-be-done analysis.
- Structured collaborative sense-making techniques like mind mapping facilitates team-based processes for drawing insights from ethnographic data and create a “common mind” across team members. Collaborative ideation, using brainstorming and concept development techniques, assists in generating hypotheses about potential opportunities. These tools leverage difference by encouraging a set of behaviors around withholding judgment, avoiding debates, and paying particular attention to the tensions difference creates in the process of seeking higher-order thinking and creating more innovative solutions.
- Assumption surfacing focuses on identifying assumptions around value creation, execution, scalability, and defensibility that underlie the attractiveness of a new idea.
- Prototyping techniques facilitate making abstract ideas tangible. These include approaches such as storyboarding, user scenarios, metaphor, experience journeys, and business concept illustrations. Prototypes aim to enhance the accuracy of feedback conversations by providing a mechanism to allow decision makers to create more vivid manifestations of the future.
- Co-creation incorporates techniques that engage users in generating, developing, and testing new ideas.
- Field experiments are designed to test the key underlying and value-generating assumptions of a hypothesis in the field. Conducting these experiments involves field testing the identified assumptions using prototypes with external stakeholders, with attention to disconfirming data.

In addition to primary analytical, critical thinking when making decisions, managers also need to enrich their competence repertoire with design thinking. Boland & Collopy (2004) consider that managers are decision makers, but also designers, whereby they must adopt a design attitude that implies analytical perspectives and methods. The design thinking approach has led to the creation of set of tools for managers that can be used in a variety of situations, such as post-acquisition and merger integration activities, strategic planning thinking, strategic networking, business model innovation, etc. (Liedtka & Ogilvie 2012; Mahmoud-Jouini et al. 2016; Bonakdar & Gassmann 2016; Liedtka et al. 2013).

Thinking design is not just about cognitive activity; it is also a collective organizational activity that involves the joint action of different actors, both internal and external. Hooge & Dalmaso (2015) find that a strong correlation between R&D, marketing, and design activities, as well as the formation of multidisciplinary teams, results in successful processes and innovative products. Meinel & Leifer (2015) state that design thinking is innovator based, and they believe that teams should be heterogeneous in different dimensions, such as gender, culture, ethical background, personality mix, nationality, education, etc.

Design thinking is part of an organizational culture, with the key elements being empathy, ideation, collaboration, and iteration (Rosenberg et al. 2016). The necessary elements to guide the organizational culture towards design thinking are: leadership tenure, with design thinking as a corporate priority; targeted infrastructure, such as the

innovation sector; own creative process that is appropriate to the nature of business, the resources of organization, and the current culture; a supportive organizational culture, which places an emphasis on openness to new ideas and reduces the fear of risk and failure of iterations (Rosenberg et al. 2016).

Application of design thinking concept in business practice

Design thinking (as an approach to solving business problems) is applied in business practice to manage innovation or to solve multidimensional problems, while relying on intuition and creativity as well as in-depth analysis. The design thinking process as a management method is considered to be a combination of micro and macro processes, whereby micro process is based on the principles of design thinking as a way of thinking, while macro process consists of key goals that manifest themselves in prototyping to meet defined needs (Brenner et al. 2016).

The application of design thinking can be realized through four basic stages: research, analysis, synthesis and realization, which can also be considered as a macro process (Kumar 2013). The stated process stages are nonlinear and iterative, meaning that some (or all) of the stages will be repeated until the final solution is reached. Within these stages, seven modes of design thinking and innovation process can be defined: sense intent, know context, know people, frame insights, explore concepts, frame solutions and realize offerings (Kumar 2013). The stages and modes of design thinking process are given in Figure 1.

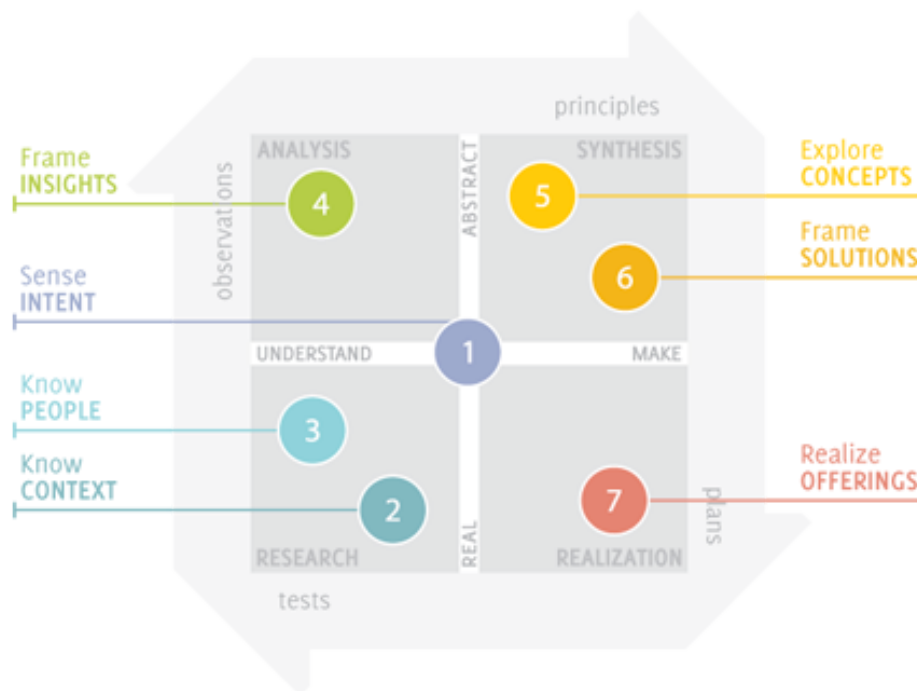


Figure 1. Seven modes of design thinking

Source: Kumar, V. (2013). *101 Design Methods: A Structured Approach for Driving Innovation in Your Organization*. John Wiley & Sons

Sence intent. This mode involves looking at the external environment, all the changes happening in business, technology, society, culture, policy, and others. The effects of these changes on business and innovation opportunities are examined.

Know context. Involves looking at market opportunities, organization strengthens and weaknesses, competition and complementors, government policies and regulations and their effect on business and innovation opportunities.

Know people. In this mode it is necessary to understand the needs of end-users and other stakeholders. Traditional market research techniques are used, as well as observational and ethnographic research methods.

Frame insights. This mode is a sublimation of previously collected data. In doing so, patterns that point to untapped market opportunities or niches are determined.

Explore concepts. Involves structured brainstorming, identifying opportunities and exploring new concepts. New concepts include new products, services, communications, environments, brands, business models, and other. Based on the capabilities and new concepts of the business on the results from previous modes, they will be realistic and reasonable.

Frame solutions. Evaluation of new concepts and identification of ones that bring the most value to stakeholders. Stakeholders mean users - consumers and business organization. The concepts are organized into useful categories and hierarchies in this mode.

Realize offerings. Evaluation of new concepts, with the purpose of their implementation. It is necessary to confirm that new concepts add economic value to business organization. In this mode, a business case is prepared, with clearly defined stages of implementation.

Successful implementation of design thinking in business organization requires adherence to certain principles, some of which are given in Table 1.

Table 1: Six principles of design thinking application in business practice

Place customer emotion—identified through customer experience/ journey, at the heart of the design process and don't just use customers as starting point	Suspend judgement and generate unconstrained ideas that create the best experience for customers	Keep it “Lean and Agile” – aim for smallest viable solution that generates customer value	Look to competitors and new technologies/ startups for inspiration and direction as well as for potential partners and providers of services	Focus on reaching the fastest path to experience to enable rapid testing with customers	Continuously iterate designs based on customer feedback and increasingly refine solutions—experiment before freezing requirements
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Source: Genpact (2017). Design Thinking innovation for business processes and operations

Design thinking is a creative way of thinking within business organization where the whole team is involved, engaged in solving a business problem. This problem solving management method is focuses on the customer experience, as opposed to the product or service itself. For example, the question that design-oriented managers would ask is not how to make an attractive vase, but how to bring the scent of flowers into the home. This mindset allows creating a broader picture and finding the best solution for those whom the service and product are intended - users. Design thinking, as an approach to business development, is especially recommended for start-ups. In order for design thinking to arrive at the highest quality solution, it is necessary to bring together employees from different fields, e.g. architects, designers, engineers, economists and marketing professionals. In this way the creativity and success of design thinking is

emphasized, which involves recognizing problems and creating solutions from different perspectives.

Three factors are important to the success of design thinking in a business organization: (1) multi-disciplinary decision-capable teams; (2) design thinking process workflow; and (3) flexible work space (Plattner et al. 2011).

Multi-disciplinary teams means a heterogeneous team of five to six people, with different professional qualifications and functions in organization. Team members need to be open to different perspectives, which is the basis for creating a creative working atmosphere of design thinking. The team strives for concrete results, paying attention to the perspective of each member.

Design thinking process should include several stages to facilitate planning, team and production activities (Plattner et al., 2011), as shown in Figure 2.

1. Understand. Introducing team members to the problem.
2. Observation. Building empathy and understanding the people and situations that a given problem relates to. The goal is looking at the link between the problem and its context and finding the hidden needs.
3. Define the point of view. Defining a problem that involves critical thinking and interpreting skills to bring a large amount of information to the core.
4. Ideation. Generating ideas, the ideas of an individual build on the ideas of other participants, thus defining an action plan to solve the problem.
5. Prototyping. The prototype development phase is about bringing ideas to life, sharing with others, and testing them out on the market.
6. Testing. The goal of testing is to get feedback on the idea, generally is done on the appropriate target audience.

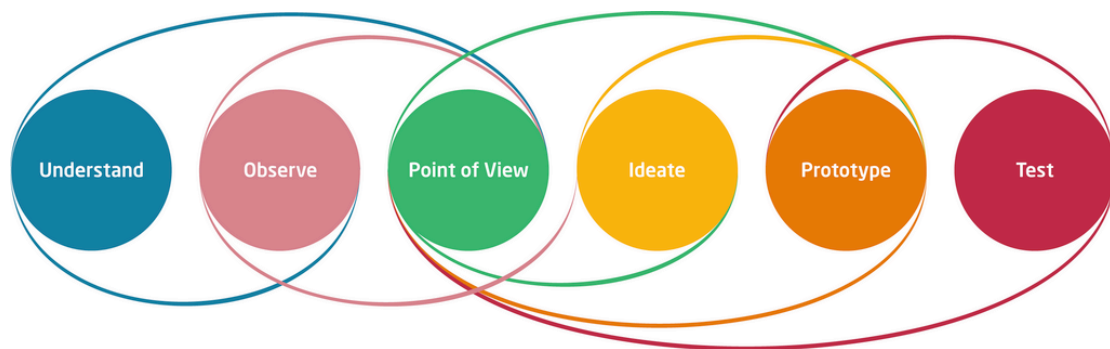


Figure 2. Stages of design thinking process

Source: Plattner, H., Meinel, C., Leifer, L. (2011). *Design Thinking*. Berlin: Springer

Flexible space. Application of design thinking concept in business organization involves the optimal conditions in the form of adequate office space. This allows for easier interaction between team members. A business organization must provide a flexible and well-equipped space, which includes movable furniture, whiteboards, presentation surfaces, materials for prototyping design ideas (Plattner et al., 2011).

Conclusion

Design thinking, as approach to business problems solving, has been recognized as new management method used in various organizations. The concept itself was created by studying creative and successful designers and applying their best practices in business

world. Today, it is used in business organizations as mindset and innovation process, as management method that can be used to accelerate innovation activities and improve results. Design thinking has strong potential to reduce cognitive biases of decision makers, with the process itself having several key stages. The concept involves, among other things, collection of data regarding end-user needs, generating ideas and testing prototypes. This problem solving management method is focuses on customer experience, opposed to the product or service itself. This mindset allows creating a broader picture and finding the best solution for those whom the services and products are intended – end-users.

Research shows that the success of design thinking is largely dependent on the capabilities of team members involved in decision-making process. Design thinking is a management method that contemporary business organizations and managers need to use in order to generate innovations and create sustainable competitive advantage, and provide answers to a wide range of multidimensional problems. Given that design thinking is still a relatively new and insufficiently empirically researched concept, this management method can be further explored within several research directions, such as: the role of design thinking in generating radical and incremental product, service and process innovations; redefining the business strategy and strategic transformation of organization; redefining the business model; the process of business organization growth; the role of team composition in the success of design thinking.

Design thinking, as approach to business problems solving, is applied in business practice to manage innovation or solve multidimensional problems, and it is necessary to rely on intuition and creativity and in-depth analysis at the same time. In order for design thinking to arrive at the highest quality solution, it is necessary to bring together employees from different fields, e.g. architects, designers, engineers, economists and marketing professionals. In this way the creativity and success of design thinking is emphasized, which involves recognizing problems and creating solutions from different perspectives. The paper provided an overview of design thinking development, clarified the role that concept plays in contemporary business practice, and provided an overview of tools and techniques used in the design thinking process and implemented in business practice. The paper contributes to entrepreneurs and managers to understand more clearly the design thinking concept and the wide range of its applicability in contemporary business practice, as well as to the scientific public interested in further studying this management method.

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Psychological Treatment of Binge-Eating Disorder: A Case Study

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ABSTRACT: We present an integrative, experiential-based, psychological treatment for binge-eating disorder (BED). The Millon Clinical Multiaxial Inventory III (MCMI-III), Eating Disorder Inventory 3 (EDI-3), Social Cognitive Scales of Healthy Eating Behavior have used pre- and post-treatment for the assessment of the personality features and associated symptoms, binge-eating symptomatology and eating behavior. The experiential psychotherapy consisted of 10 sessions. The reflective, mindfulness-based strategies, creative-expressive and behavioral techniques were focused both on the psychological maladaptive mechanisms, and symptoms of the BED. The psychological treatment reduced the BED symptomatology and depressive symptoms associated with BED.

KEYWORDS: binge eating, psychological treatment, behavioural techniques, creative-expressive techniques, creative meditation

Introduction

Binge-eating disorder (BED) is the most prevalent eating disorder. It was first included as its diagnostic condition in the Fifth Edition of the Diagnostic and Statistical Manual of Mental Disorder (DSM-5) within the Feeding and Eating Disorder Section (Frey 2018; Hilbert 2019) based on extant literature demonstrating the clinical significance of this disorder. BED's symptoms are recurrent binge eating, involving the consumption of an amount of food that is definitively larger than others would eat under comparable circumstances within a certain time associated with a feeling of loss of control over eating (Hilbert 2019). BED develops a complex etiology involving multiple psychological, biological, and sociocultural influences (Bakalar, Shank, Vannucci, Radin & Tanofsky-Kraff 2015; Hilbert 2019). Retrospective correlates of risk for BED were mostly shared with the other eating disorders and included premorbid negative affectivity, perfectionism, conduct problems, substance abuse, childhood obesity, family weight concerns and eating problems, parenting problems and family conflict, parental psychopathology, and physical and sexual abuse (Hilbert 2019; Hilbert et al. 2014). Many individuals with BED have comorbid emotional disorders (Dingemans, Danner, & Parks 2017; Glisenti, Strodl, & King 2018) including anxiety (Becker et al. 2017; Blomquist & Grilo 2015; Glisenti et al. 2018) and depression (Araujo, Santos, & Nardi 2010; Glisenti et al. 2018; Udo, McKee, & Grilo 2015). Difficulties in emotion regulation have been identified as an antecedent of many eating disorder behaviors, including binge eating (Glisenti et al. 2018; Lawson, Emanuelli, Sines, & Waller 2008; Leehr et al., 2015). Binge eating occurs in the absence of effective regulation skills related to experiencing and differentiating as well as attenuating and modulating emotions (Brockmeyer et al. 2014).

It is well established that psychotherapy can effectively treat eating disorders (ED) (Cuijpers, Reijnders, & Huibers, 2019; Godfrey, Gallo, & Afari, 2015). Recent meta-analyses of RCTs in patients with BED demonstrated that psychotherapy, specifically the most frequently used approach of cognitive-behavioral therapy (CBT),

has significant effects on the reduction of binge-eating episodes and remission from binge eating when compared with inactive control groups, mostly wait-list, at post-treatment (Hilbert et al., 2019; Linardon, de la Piedad Garcia, & Brennan, 2017; Peat et al., 2017). A superiority of CBT over other psychotherapies that specifically addressed the symptoms of BED, for example, interpersonal psychotherapy or psychodynamic therapy, was not found (Hilbert et al. 2019; Spielmans et al. 2013). Thus, other psychotherapies with tailored interventions for BED may be as efficacious.

Humanistic experiential psychotherapies (HEP) originated from the humanistic tradition, include person-centered, emotion-focused, existential, gestalt, creative-expressive, focusing-oriented approaches (Mullings 2017). HEP share a focus in promoting in-therapy client experiencing, defined as the holistic process of immediate, ongoing awareness that includes perceiving, sensing, feeling, thinking, and wanting/intending (Leslie et al. 2013). People are viewed as meaning-creating, symbolizing agents, whose subjective experience is an essential aspect of their humanity (Leslie et al. 2013). Internal tacit experiencing is seen as an important guide to conscious experience, fundamentally adaptive, and potentially available to awareness when the person turns attention internally within the context of the therapeutic relationship (Leslie et al. 2013). A growing number of actual approach from outside of the humanistic tradition have also begun to integrate elements of HEP (Angus, Watson, Elliott, Schneider, & Timulak, 2015; Mullings 2017). Although coming from a different tradition. "Third-generation" cognitive-behavioral therapies such as mindfulness-based cognitive therapy, acceptance and commitment therapy (ACT), and compassion-focused therapy have expanded to have much in common with HEPs (Leslie et al. 2013).

The newer approaches in the HEPs are focused on maintaining a creative tension between the person-centered emphasis on creating a genuinely empathic therapeutic relation, a more active, task-focused process-facilitation style of engagement that permits deeper experiencing and consequent meaning reaction (Leslie et al. 2013). The creative – expressive therapy (HECP) in the HEPs can facilitate psychological growth and support healing in several ways (Hinz 2006; Sporild & Bonsaksen 2015). A central idea of HCEP is that all humans, regardless of drawing skills or other creative skills, can express thoughts and feelings visually. When using art in therapy, there is knowledge to be gained from observing the creating person, from witnessing his or her creative process, and from viewing the resulting art product (Ball 2002; Sporild & Bonsaksen 2015). HCEP means both art creation and therapeutic analyses or intervention. The art therapeutic process implies, the subtle or more obvious activation of the multiple roles in the psychological dynamic of the patient (Petre 2018). In the course of HCEP treatment, the patient plays the role of the spectator, performer, and director of the specific stages. Thus, they could observe, manipulate, control, or change the art therapeutic environment, at first, and then the real world. Patient's artistic productions – drawings, collages, modeling, art genograms, could be both the question and the answer about a psychological issue because the creative production is concrete. It reflects that experience which has a meaning for the patient in a specific life moment. Thus, it permits to see better the problem, to clarify it, to manipulate it, to modify or change it. The art therapy facilitates direct contact with the symptomatology or problem and, with Self (Petre 2018).

The current case study provides preliminary evidence related to the protocol and outcomes of HCEP approach in BED. Additionally, this study seeks to examine changes in binge-eating psychopathology, binge-eating frequency (occurrence over 28 days), and eating disorder attitudes.

Method

Design

This study is a single-subject design. An HCEP approach was applied.

Participant

Table 1. Pretreatment participant characteristics

Age	Gender	Education	Employment status	Relationship status	BED onset	Binge eating episodes*	Comorbidity
29	Female	University	Employed	Married	22 y	56	GAD + MDD ¹

* Previous 28 days; ¹ GAD: generalized anxiety disorder; MDD: major depressive disorder.

Instruments

Binge eating psychopathology was assessed with Eating Disorder Inventory-3 (EDI-3). Eating Disorder Inventory (EDI)(Garner, Olmstead, & Polivy, 1983) is a self-report questionnaire widely used both in research and in clinical settings to assess the symptoms and psychological features of eating disorders. In version 2, EDI was developed by comprising three subscales measuring eating disorder symptoms, i.e., *drive for thinness* (DT), *bulimia* (B) and *body dissatisfaction* (BD), and five more general psychological features related to eating disorders, i.e., *ineffectiveness* (IN), *perfectionism* (PE), *interpersonal distrust* (ID), *interoceptive awareness* (IA) and *maturity fears* (MF) (Clausen, Rosenvinge, Friberg, & Rokkedal, 2011). In 1991, the EDI was enlarged from 64 to 91 items to measure additional general features related to *asceticism* (AS), *impulse regulation* (IR) and *social insecurity* (SI). The EDI-3 represents an expansion and improvement of the earlier versions of the EDI. It consists of the same 91 questions as the EDI-2, including the same three subscales of eating disorder symptoms. The reliability of these index scores collected from eating disorder patients appears excellent (Cronbach's $\alpha = .90 - .97$; test-retest $r = .98$) (Clausen et al., 2011; Wildes, Ringham, & Marcus, 2010).

Psychiatric comorbidity was evaluated with Millon Clinical Multiaxial Inventory-III (MCMI-III). MCMI-III is a 175-item, true-false self-report format. The inventory contains 24 clinical scales arranged into four distinct Clinical Personality Patterns, Severe Personality Pathology, Clinical Syndromes, and Severe Clinical Syndromes. MCMI-III has three stages of validation, it is closely aligned with the DSM-IV classification system, and it is associated with the comprehensive Theodore Millon's evolutionary theory (Jankowski, 2004).

Eating attitudes were assessed with the Social Cognitive Scales of Healthy Eating Behavior (SCT) (Dewar, Lubans, Plotnikoff, & Morgan, 2012). The Questionnaire was developed based on constructs from Bandura's Social Cognitive Theory and included the following scales: self-efficacy, intentions (proximal goals), situation (perceived environment), social support, behavioral strategies, outcome expectations, and expectancies.

Procedure

The patient was informed about the aim of the study: to provide a psychological intervention, designed to alleviate the negative psychological effects of BED. The patient was evaluated separately within a clinical setting. Firstly, the mental health state and psychological symptoms related to BED were assessed, through a semi-structured clinical interview. Secondly, the patient was invited to a psychological assessment of eating disorder assessment, personality, and other psychiatric comorbidities. A printed version of EDI-3, MCMI-III, and SCT were provided to the patient. The post-intervention assessment included the evaluation of the same outcomes.

HCEP Treatment

HCEP protocol consisted of 10 weekly creative-expressive sessions over 3 months. Seven main intervention were used in treatment, in line with HEP protocol (Angus et al. 2015; Glisenti et al. 2018; Mitrofan & Petre 2013):

1. *Empathic adjustment and validation* were used for setting an authentic therapeutic relationship to facilitate the client emotional resilience and develop more awareness and understanding of psychological experience.
2. *Creative meditation*, compared to other techniques used as experiential challenges to bring a person's real difficulties to the present, was used for the potential to both decrease the intensity of negative emotions and increase the intensity of positive emotions, reducing the possibility of memory distortions and helping mobilize personal resources (Răban-Motounu & Vitalia 2014).
3. *Food genogram*, a new technique innovated by this study author, consists in configuration, analyses, and reconstruction of intergenerational eating patterns by creating the constructive and experiential environment to stimulate the understanding of the psychological role of the food and eating attitudes in the transgenerational psychological dynamic. The experiential analyses within food genogram approach improve the awareness of the meaning of the past or even present eating behavior and finding a new meaning for the past emotional related eating experiences. The patient activates and creatively use their psychological resources to adopt new emotional and behavioral schemas, beginning with the rebuilding their transgenerational eating setting, followed by the "here and now" training of newly adopted strategies within the therapeutic environment.
4. *Experiential unfolding* using creative-expressive support (drawing, collage, modeling) for accessing and clarifying the emotions, cognitions, and behavior patterns related to difficult experiences.
5. *Experiential focusing* is used to guide a client to access and clarify the deeper dimensions of their experience by maintaining authentic contact with their true feelings and thoughts.
6. *Empty chair work* was used to recover the client emotions, which were captive in unresolved relationships, situations or experiences. It was facilitated the proper background for the client to express and confront significant other to develop a more differentiate psychological identity and recover and activate their psychological resources, which were kept in that maladaptive relationship.
7. *Two-chair work* was used for activating, expressing, and proper integration of the disconnected parts of Self, emotional or cognitive resources. The goal is to resolve the conflict between two sides by understanding the positive and negative role of both of them, the meaning and the effects of that psychological conflict in the personal life script.

Results and discussion

Binge eating symptomatology: Figure 1 outlines the EDI-3 baseline and post-treatment raw scores differences.

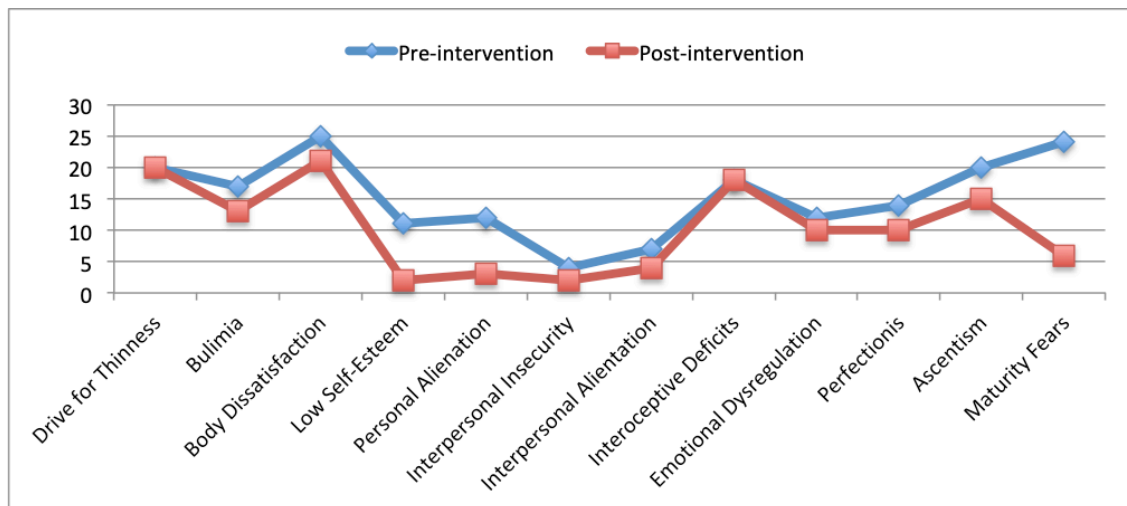


Figure 1. EDI-3 baseline and post-treatment raw scores

The most significant decrease was noted on the FM (Maturity Fears) scale (from 24 raw scores to 6), which could reflect the client 'psychological grow. In addition, the raw scores of the LSE scale (Low Self-Esteem) decrease consistently from 11 to 2, which sustain that the client is more confident. The post-assessment results show a negative significant difference of raw scores recorded at Ascendism (A), Personal Alienation (PA), Perfectionism (P), which could mean that the client tendency to self-restraint, self-denial, self-sacrifice is changing toward more balanced eating behavior. The social skills (PA) are more adequate to psychological needs. The perfectionism, which has been identified as a key feature in the development and maintenance of eating disorder, it seems to be diluted or compensated by other psychological resources. The "drive for thinness" (DT) and "interoceptive deficits" (ID) recorded no change in pretreatment and post-treatment raw scores, which could indicate that a client emotional difficulties to express their feeling in some specific context remains and should be addressed in the following intervention. On the other hand, as it could be seen from the personality assessment, the client has an avoidant personality type and related to this specific avoidant features, the psychological intervention should aim to guide and sustain the client to develop more adaptive behavior according to their personality structure. Binge-eating episodes frequency decrease from 56, over the previous 28 days, to 0 after 3 months of psychological treatment.

Eating attitude assessed with the Social Cognitive Scales of Healthy Eating Behavior (SCT) in the pretreatment stage recorded moderate level of self-efficacy to adopt healthy eating behaviors, high level of intentions, perceived environment as adequate for healthy eating, and expectancies related to healthy eating. The pre-assessment data show low social support and behavioral strategies regarding healthy eating. The post-treatment SCT scores indicate an increase of social support, which could be related to the client improvement of self-confidence and social skills and reflected on the EDI-3 scores.

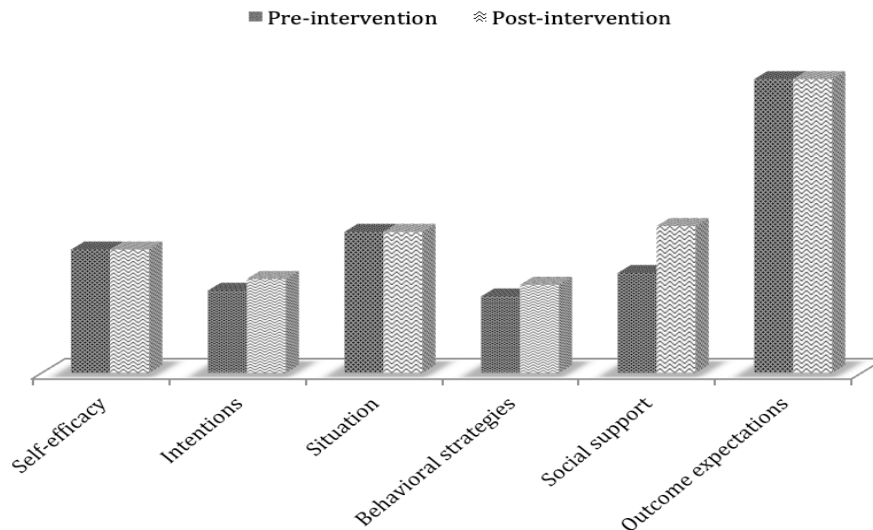


Figure 2. Social Cognitive Scales of Healthy Eating Behavior scores

The *depressive symptomatology* was significantly reduced (Table 2).

Table 2. MCMI-III Pretreatment and Post-treatment Scores

	MCMI-III BR Scores		Reliable change			
	PRE	POST	Worse	No change	Improved	Recovered
GAD¹	50	40			✓	
MDD²	77	25				✓

¹ Generalized Anxiety Disorder

² Major Depressive Disorder

Conclusions

Creative-expressive psychotherapy shows potential as a psychological treatment for BED. This case study provides evidence that HECF influences positive change in binge eating psychopathology, binge eating episode frequency and comorbid depressive symptomatology. Regarding the implications for psychotherapy practice, the results show that HECF is optimal for depth-oriented work, which is mandatory in BED conditions. The current study provides preliminary evidence to guide the development of an extensive trial to test the efficacy of HECF for BED as well as to identify the possible mechanism of change.

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Funeral Services: The Silent Oligopoly An Exploration of the Funeral Industry in the United States

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ABSTRACT: A large number of industries fall under the Oligopolistic Model, and extensive literature exists on their key elements such as marketing, price competition, product differentiation, and regulatory influence. An often-overlooked industry in the literature is the Funeral Services Industry. This paper delves into a brief history of the funeral service business and demonstrates how this peculiar industry in the United States functions within the economic elements of a traditional oligopoly. The unique challenges faced by the funeral industry are explored as are the service and product aspects that have few comparisons among other industries. The funeral industry is placed within the context of a detailed literature review and analysis of oligopolies and their features, with specific focus on how firms in this industry that provide inelastic “death services” thrive despite the limitations on what and how to advertise in the market. The existing void surrounding this fascinating business will be filled as we investigate death care in the United States – the silent oligopoly.

KEYWORDS: Funeral, oligopoly, mortuary, competition, unsought, pricing

Introduction

In economic terms, an oligopoly is an industry that consists of eight to ten key firms that compete for the market share by having significant control over pricing their products because the costs of entry and exit into the market are prohibitive to more competitors entering the market. As a result of this, the economic profit margins are expected to remain high for the firms and innovations in the market occur with a view to attracting the customers with the “biggest bang for their buck” by each competing firm. Thus, the oligopoly industry can also be referred to as a “price maker” industry since all the firms within it have tremendous amounts of price control over their own products. If an oligopoly industry remains free of significant government interventions, in the long run, it will turn towards a monopolistic competition model in which there is a large number of firms competing for market share with smaller economic profit margins (Case & Fair 2004). Some examples of oligopoly industries that exist in the current market are cell phone service providers, automotive manufacturing and sales, healthcare providers, insurance providers, and many fast food or grocery chains on a local level, to name just a few.

An industry that does not immediately occur to most people but follows the oligopoly model, is the funeral industry. We call it the “silent oligopoly.” The uniqueness and inelasticity of death care creates shared challenges as well as specific trials exclusive to this industry. The power exercised by the 19,177 U.S. funeral homes (14% of which are owned by conglomerates) to determine pricing and supply is held by a limited few among them (National Funeral Directors Association, 2018). At any given local level, there are only a limited number of funeral homes that provide death care services, making it an ideal example of an oligopoly. Moreover, the speed with which death care often needs to be provided typically ensures a lack of sufficient information on the part of the customers and creates a potential for over-pricing and restricted bargaining situations.

Unlike traditional oligopolies, a funeral home can hardly offer a “buy one, get one free” deal through advertisements due to the very sober nature of the services they provide. Thus, the question becomes how funeral homes set their pricing in a manner that allows them to sustain in a market that is unlimited in its scope of consumers and yet difficult to target prior to their need of the services.

This paper aims to establish that the specific characteristics of the funeral industry such as marketing strategy, price strategy, product differentiation, and compliance with regulations place it squarely into the oligopoly model of industries. The goal of establishing this is to provide some clarity about how the industry can continue to flourish in the market by following traditional oligopoly models rather than struggling to identify what optimal strategies should be followed to ensure success in the market.

History of the Funeral Industry in the United States

The care of the dead was originally the responsibility of the deceased’s family, who would bathe and shroud their loved one, keeping vigil in the home prior to a church service and earth burial. The wooden casket was often made by the family or purchased locally from a general store or furniture craftsman (Watson 2016). Though the Egyptians were the first to perform their version of the embalming process, it would not be embraced within the U.S. until the nation was rocked by the Civil War and the need to expeditiously return casualties home for interment. Beard & Burger (2017) credit scientific advances brought about by the Industrial Revolution, which contributed to the development of chemicals used for preservation and restoration as well as the first metal caskets. Embalming was the catalyst that resulted in the profession(s) of funeral directing and embalming emerging, and the creation of funeral homes. In 1882 the National Funeral Directors Association was formed, and the first mortuary school opened its doors in Cincinnati, Ohio. Six years earlier the first crematory was built in Washington, Pennsylvania. Though cremation was introduced in the late 1800s, it would not truly gain momentum until the late 1900s, when it would be the preferred method of disposition among 25% of client families (Cremation Association of North America 2019). Coincidentally, the Catholic Church reversed its previously rigid position in forbidding cremation in 1983, and in 1997 allowed for cremated remains to be present in the church for a traditional funeral mass (Catholic Education Resource Center 2018). Licensing requirements and standards of care would later develop, in addition to regulatory agency oversight. Advances in restorative art, technology, environmental awareness, and innovative disposition alternatives continue to shape an industry entrenched in tradition (Beard & Burger 2017).

Table 1. U.S. Funeral Industry History

Years	Changes in Funeral Industry
Prior – Mid 1800s	Family cares for the dead in their homes
Mid 1800s	Embalming introduced (Civil War Era); Profession and Funeral Homes are developed
1876	First crematory built in the U.S. – Washington, PA
1882	First Mortuary College opens in Cincinnati, OH Nat’l. Funeral Directors Association is formed
1913	Cremation Association of North America (CANA) is formed (originally Cremation Assoc. of America)
1962	First funeral home conglomerate (SCI) is established
1990s	Cremation gains momentum; method of final disposition for 25% of U.S. decedents
2016	Cremation surpasses burial as desired method of final disposition (50%>)

Characteristics of Funeral Industry as an Oligopoly

In this section we aim to analyze existing literature that looks at traditional marketing, price setting, product differentiation, and regulatory adherence with special attention to oligopolies and identify how these approaches would apply to the funeral industry in the United States.

Marketing Strategy

The purpose of marketing in any industry is to attempt to increase market share, while positively influencing the demand for the products offered by the industry or individual firms. For smaller firms, lack of resources can limit advertising activities (Dukes, 2004). The idea behind marketing efforts is that if a potential customer has prior exposure to information regarding a product, they are more likely to select that product out of the limited (or unlimited) choices available, when a purchase needs to be made. Thus, advertising and marketing play the role of investment in the market to ensure a higher consumption rate of the product simply based on the notion of familiarity with the product. In an oligopoly industry, the need to be memorable is even higher because the products offered by competing firms have clear and distinct characteristics that need to be highlighted to ensure market share. Traditional marketing incorporates the use of images, advertising jingles, mascots, celebrities or comedy to provide differentiation as well as become ingrained in the mind of the consumer (Beard & Burger 2017). For instance, insurance companies often use celebrities to market their services to become memorable for the consumers, fast food companies often resort to mascots and images, whereas the automotive industry relies heavily on jingles and images to retain the consumer's interest in their products over longer periods of time.

In the Internet and Social Media Age of the present day, marketing to the right consumer can be a challenging task, with browsers displaying search results that may enhance or reduce a firm's visibility based upon how popular the firm is, to begin with. Thus, comparison among firms becomes contingent on their market positioning, adding another layer to the marketing puzzle since if two firms are not positioned next to each other, they are fundamentally not competing against each other (Xu, Chen & Whinston 2011).

One key differentiator of firms, especially in marketing within an oligopoly is branding (Agarwal 2017). If a firm can brand itself with a logo or an image that is easily recognizable, it creates a long-term impact of its marketing in the minds of the customers and reduces future reliance on reminding people about the firm. This type of brand-recognition can often make the difference between successful firms and firms that get lost to anonymity. Brand-recognition also helps the firm if the industry were to start moving towards a monopolistic competition model. For instance, the Coca-Cola and Pepsi logos have sustained in the memory of the consumers even though the soft drink industry has now expanded to a monopolistic competition, ensuring that the largest consumer shares in the soft drink market are still owned by Coca-Cola and Pepsi.

Another form of ensuring customer loyalty also comes from the marketing standpoint, where customer relationships and referrals often give an additional advantage to a firm. The striving of various firms to ensure that their customers are satisfied and are willing to refer them to others, is a testament to how marketing through Word-Of-Mouth (WOM) or Electronic-Word-Of-Mouth (EWOM) remains powerful in ensuring market share (Beard & Burger 2017).

Thus, literature identifies the key aspects of advertising that can help a firm grow its market share as becoming memorable, maintaining market position, branding, and customer relationships. The fragility and undesirable nature of funeral goods and services creates

limitations about the nature of advertising and themes that a funeral home can use to improve its positioning in the market. Branding of funeral homes emerged during the creation of Service Corporation International (SCI), the largest funeral home conglomerate in the United States. SCI created seven different brands to differentiate full-service funeral homes, cremation specific firms, and Hispanic-oriented locations (Service Corporation International, 2016). The verbiage and logos are comparable in effectiveness to those that serve to differentiate other unwanted goods and services. “One of the increasingly popular ways funeral providers create choice is through the creation of goods and services that are tied to specific brands” (Sanders 2012, 267). Unlike firms such as hospitals, funeral homes can use branding to their advantage with relative ease.

Prior to the internet boom, funeral homes advertised their name, address, phone number, and age on a variety of media that included ads on radio and television, trinkets (paper fans, calendars, pens), and printed space on publications such as church bulletins or local school yearbooks (Armour & Williams 1981). With the evolution of technology funeral homes now advertise through websites, which may host client obituaries in addition to facility-specific photos, information about services offered, and staff biographical information.

To enhance customer relationships and improve the chances of getting referrals, funeral home owners often participate in community events, civic organizations, and actively manage the firms they founded, but later sold. According to Beard and Burger (2017) the use of “assets for diverse reasons” such as offering facilities for non-funeral use, pet care, and service personalization was a subject of considerable interest among funeral professionals seeking marketing options. Thus, the funeral industry overall, attempts to meet the fundamental marketing aspects within the confines of the market and its sensitivities regarding death care, to continue to improve their share in the market. Funeral homes that fail to meet these criteria often end up leaving the market.

Pricing Decisions

Oligopoly firms are reactive in nature. Actions are based upon those taken by a competitor, creating a ripple effect in the market. The Collusion Model for oligopoly industries suggests that when firms agree to abstain from price-based competition, their profit generation will increase. (Case & Fair 2004). This results in the businesses focusing on non-price-based advantages for differentiation and marketing purposes. In some instances, a cartel is created, with firms making pricing and supply decisions collectively, resulting in a monopoly of sorts (Case & Fair 2004). This is inherently illegal but theoretically, it is probable (U.S Department of Justice, 2015). The only issue is that cartels are unsustainable due to the incentives to break rules. For instance, Case & Fair (2004) state in the discussion on cartels that if prices in the market are being controlled by a cartel through the restrictions on how much output a firm can produce, there is substantial initiative among the members to cheat by increasing their own output and thereby getting a larger market share.

Another type of pricing collusion occurs through the Cournot Model when only two firms exist in a local industry, which is true for many funeral homes in smaller cities. Case & Fair (2004) state that the Cournot model is applied when there are two firms in the industry, both of which are positioned between organized competition and a monopoly setting regarding their output, thus maximizing their profits. The two can be harmonious in their coexistence when following the Cournot Model for pricing. Price leadership results when one firm sets the pricing, allowing other firms to follow suit.

The third type of price-setting in oligopolies occurs through the Kinked Demand Curve model which creates price discrimination processes for the consumer for each firm. Moreover, it can be assumed that a decrease in price by one firm would trigger similar actions by the others, in contrast to a price increase by one (Case & Fair 2004). In the event

of an increase, the other firms are steadfast in their position, allowing the price leader to act without duplicated efforts by competitors. In either case, the consumers can get the product/service in the market based upon their willingness-to-pay by price searching and weighing the available options. In such an event, it becomes even more imperative for the firms to have established a loyal consumer base via marketing or other means to restrict the desire to search for better prices (Chioveanu 2008).

Cell phone companies and automobile companies are extremely competitive because of the limitations they have in terms of product/service differentiation and engage in price wars routinely. Products and services are aggressively marketed, and consumers can compare amongst them with ease, even though the details of the information might or might not be fully accessible to the consumer without added costs (Herrmann, Xia, Monroe, & Huber 2007). These purchases have the luxury of time associated to them due to the lack of urgency and availability of alternatives that temporarily provide the consumer with a phone or vehicle (such as rental cars and pre-paid cell phones). On the other hand, service providers such as hospitals and funeral homes are at the opposite end of the urgency spectrum. The need for medical care or funeral services is immediate and heavily dependent on geography. Consumers must select quickly and without the familiarity with services that advertising makes apparent (Jaakkola 2007) The need is often unforeseen, so the luxury of comparing between providers is very limited, if possible.

The funeral industry cannot be placed in one specific oligopoly pricing model in its entirety because in different regions it exists in different forms of oligopoly and therefore several types of pricing decisions might apply. There are unique factors that influence the specific model that applies, which includes industry price transparency, regional characteristics, and inelastic demand. Unlike hospitals, which are not required to provide pricing information to clients upon inquiry, funeral industry regulation mandates that complete price lists be given to anyone who poses questions relating to the goods and services offered (Funeral Rule, n.d.). This law allows funeral homes to easily access competitor price lists for comparison and remain competitive. In some cases, funeral homes publicly display their prices on their firm's website. With this advantage, there are no secrets as to what the competitor is charging the client family. There is a bit of mystery surrounding the cost of goods being charged by suppliers, as merchandise manufacturers enter into contracts to provide supplies at a fixed cost that is more appealing for larger firms generating considerable volume. Large conglomerates benefit the most from economies of scale, holding a great deal of power based on the volume of cases handled (Hallowell, 2000). Suppliers prize these clients and tend to offer them the best possible price.

Firms operating with only one other competitor within a geographic area tend to follow the Cournot model. They coexist in such a way as to share the population, with similar pricing and services. One of them may even provide services like cremation for the other, to reduce the costs for both firms collectively. This is most common in areas with a population that can sustain no more than two firms, caring for anywhere from 100-200 families each, per year.

Larger metro areas form multiple oligopolies within the same city, based on what specific area they are in. Pricing may be quite different as firms customize their offerings based on the preferences of local families. Additionally, funeral homes may be divided into full-service establishments and direct disposal facilities. Full-service firms are the traditional establishment, offering both burial and cremation. They typically have a modern fleet of vehicles, areas designated for receptions in addition to the traditional chapel(s) and have large physical stand-alone buildings. A storefront location offers similar services but shares resources (staff, vehicles, etc.) among locations. They are placed within strip malls and usually outsource services like embalming and transportation. They have lower overhead than a traditional funeral home and can charge families less but may have

limitations such as less aesthetically pleasing locations, for instance. Direct disposers are cremation-only providers. These firms tend to offer basic cremation specific services, with limitations on staff availability, timeliness of cremation, and space to host a service. In states such as Florida, licensing requirements for each of these business models is distinctly separated, with stipulations as to what types of services are permitted to be offered (Florida Department of Financial Services 2016). These two distinct types of funeral providers price their services in direct correlation with their offerings, with full-service firms charging the highest prices in general (Cremation Institute 2019).

The price-leadership model is prevalent in areas with 8-10 competing firms. It is customary for firms to increase their prices annually, but the price leader sets the ceiling for everyone else (Case & Fair 2004). There are multiple price leaders within large areas where fifty or more firms may be in the same sprawling city. Small clusters of firms follow the price leaders in their vicinity. Thus, even though one can argue that the Funeral industry in large cities should not be considered to be an oligopoly, the geographic constraints combined with an urgency in decision-making on the part of the customer results in an oligopoly structure for the firms that are within geographical clusters even in large cities.

According to Datta and Offenber (2003), the adoption of price matching policies by any firm in an oligopoly can have the unpleasant effect of suggesting that the firm might not be the lowest priced in the market to begin with, resulting in driving customers who are in urgent need for a service and do not have the ability to search for the lower prices to stay away from such a firm. The funeral industry emphasizes service as a basis of comparison as opposed to price. Additionally, the hassle costs are substantial given the sensitivity of the services being sought. As such, price matching is not advertised, nor are claims of being the “cheapest.” Such things would have a negative effect on soliciting clients and according to Liu (2013), “The choice of low-price guarantees is a weakly dominant strategy for firms to adopt to facilitate tacit collusion” (p. 849). Once a funeral home begins to advertise its prices, there is pressure on the nearby competitors who find themselves discounting their own prices to retain the business. In some markets, a version of Game Theory is applied, with firms charging an exceptionally low price for a service that competitors cannot match for long, resulting in a situation which pushes out marginal firms from the market (Etro, 2006). The volume offsets any loss of revenues for the price advertiser, and over time this strategy forces other area firms to struggle to sustain themselves. Eventually, the low-price charging firm ends up holding a large market share causing it to increase prices without fear of competition. This predatory pricing strategy can be seen in certain areas including Austin, Texas and the Rio Grande Valley. There is a significant difference in income for residents of these two cities, so the effect is likely more pronounced for firms in the Rio Grande Valley area.

Regional differences create differing pricing structures. There are firms that cater specifically to the Hispanic clientele in San Antonio, as evidenced by the brand name of “Funeraria del Angel”. While these firms are owned by SCI and share resources with Dignity Memorial locations (another, more expensive SCI brand), they charge less for the same goods and services. Recognizing that the clients they are targeting may have lower incomes, they charge accordingly. Other firms targeting the same segment compare prices and stay within proximity of what the Funeraria del Angel locations charge, often making them the price leaders.

Hospitals are affected by many of the same factors as funeral homes, including trends, mobility, technology and the quality of staff. According to Devers, Brewster and Casalino (2003), hospitals in settings that were more competitive demonstrated increased costs per patient and daily than hospitals in less competitive environments. The same could easily be said for funeral homes that dominate a market with no real threats to their business. Certain geographical factors influence the family’s choice when selecting a firm

including the location's proximity to the place of final disposition as well as its closeness to where the majority of the family resides. Niche services emerged in medical care as a means of drawing smaller, more specific patients with an emphasis on receiving care tailored to the condition being treated (Devers et al. 2003). Cremation specific funeral providers could be viewed synonymously, catering to the needs of the family desiring cremation services. These industries share the challenge of inelasticity. There is no legal and ethical action that a funeral home can take to impact demand. All firms are dependent on the mortality rate, and the trends over which they have no control.

Product Differentiation

The funeral industry offers two distinct products: funeral services (to include cremation) and cemetery property. While cemetery property is not required, it bears examination due to the relationship and dominant use in some markets. Funeral services are closely related to weddings in terms of significance, and Funeral Directors find themselves dealing with micro details in a role like an Event Planner. Comparable to a real estate purchase involving land, cemetery property is shown and offered in both a developed and undeveloped state. Thus, we need to explore both the funeral services and cemetery property as two distinct products that are offered within the funeral industry.

Funeral Services

The creation and coordination of a funeral service can be simple or complex, but regardless relies on the skill and knowledge of Funeral Directors. Services can be traditional, involving the preparation of a more formal or simplified event. A traditional burial/cremation service resembles a wedding in the level of detail, the amount of time the event will take, and the accoutrements. Both a Funeral Director and Event Planner arrange for flowers, venue, music, and more. These professionals share the ability to create various categories, themes, and customized occasions personalized to reflect the wishes of the client they are serving while respecting their budgets.

Like cell service providers, product differentiation is limited. Items such as caskets bear no distinction between funeral homes. Funeral products can also be purchased using the internet. Caskets, urns, and more are available through online retailers like Costco, Amazon, and Walmart. While most consumers are unaware or do not have time to shop for such items online, it is anticipated to become more frequent considering increased societal technology awareness.

Personalization allows for select items to be customized, such as stationery and video tributes, yet many families can create variations of these products independently. Time constraints play a key role in client family selections. Complexities arise from the hasty selection of items intended for someone else, often with multiple parties involved in the decisions. Unlike the leisurely experience of searching for a new piece of furniture for one's home and personal use, selecting a casket is often for someone else and must be done in a very short time frame.

According to the NFDA (2018), the average median cost of a traditional burial in 2017 was \$7,360, while traditional cremation services (including a viewing and ceremony prior to the cremation) cost \$6,260. These figures could be comparable to wedding expenses; however, payment terms are quite different. A wedding can be planned over a period, allowing the Event Planner and client to manage the affair gradually. There is an element of control that is absent for the family tasked with planning a funeral service. The Funeral Director is given a compressed period, typically days, to coordinate the necessary details. Payment for the wedding can be done in foreseeable installments, whereas funeral services must be paid in full when rendered.

Families can fund funeral arrangements at the funeral home of their choosing in advance. This allows for payments to be spread over a period of up to five years (sometimes more) using a specialized type of insurance. Unlike traditional life insurance policies, a funeral policy covers each individual good / service selected, with the funeral home agreeing to provide those items at the cost shown, regardless of inflation. Some options allow for the funeral policy to be considered paid in full should the beneficiary die from accidental causes. Otherwise any balance remaining at time of death is due.

Like traditional life insurance policies, funeral home pre-need agents are licensed to sell funeral and cemetery specific insurance. The policies cannot be transferred to other individuals and are subject to contestability due to suicide clauses / pre-existing medical conditions.

Cremation without traditional formality is a more simplified form of disposition and has surpassed burial in being the preference among consumers. By 2035 it is estimated that 80% of families will choose cremation in lieu of burial (National Funeral Directors Association, 2018). Few facilities boast ownership of their crematory, which is rarely the case for most funeral care providers who offer cremation service. 67% of cremation services are outsourced to third party providers who may be competitors. The Funeral Director still manages significant detail in the preparation of necessary documents, and in most circumstances has more time in which to facilitate care. Consider cremation in relation to the patient in need of specialized medical treatment. The locations that offer it are limited in number, selected based on geography. The information readily available regarding pricing is scarce, and the family is under duress when making their decisions. It is necessary, and selecting a reputable provider is vital. The resources in the form of primary care physicians (PCPs), insurance companies and referrals are not benefits extended to a family seeking cremation services.

Cemetery Property

Cemetery property sales resemble land transactions in real estate. A family can preselect the desired property, which is financed by the cemetery itself, and make installment payments. Location and options contribute to the cost, with options such as attractive landscaping, roadside access, and desired memorialization (headstone type). Just as a home cannot be built on land that is not paid for, a burial cannot occur in a plot that has a balance due. Should a purchaser default on payment they do not retain the right to the property, and it is placed back up for sale, as is the case in a foreclosure scenario.

While both transactions involve a deed, the client never truly “owns” cemetery property but merely the right to its use. Rules are imposed regarding floral placement, types of memorials in each section, and number of persons allowed within the plot(s). A family may have a budget, but unlike postponing a land purchase due to insufficient funds, cemetery property is needed regardless of the financial situation. For followers of religious faiths that prohibit cremation, the stress of limited time and grief in addition to the necessity create vulnerability. It is not uncommon to find many religious organizations that offer their own private cemeteries, which are not required to be regulated in the same manner as cemeteries owned by other entities.

Compliance with Industry Regulations

The funeral industry is regulated by state and federal entities including the Federal Trade Commission, Occupational Safety and Health Association (OSHA), Environmental Protection Agency (EPA), and state-based organizations. Though it was not until 1984 when federal regulation was put in place, the need to protect consumers and complex cost issues have always been present since the industry’s inception (Kopp & Kemp, 2007). Regulation has served the interest of the vulnerable client, allowing for complaints and / or

unethical behavior to have consequences. Consumer advocacy groups also emerged, with the purpose of protecting consumers. The Funeral Consumers Alliance, which began in the late 1930s, provides informational publications, monitors the industry and serves as a resource to the public (Funeral Consumers Alliance 2019).

According to Alonso-Nuez, Rosell-Martinez, and Munoz-Porcar (2015), the presence of regulatory agencies does not impact the frequency of complaints. In a sense the funeral industry finds itself monitored two-fold, as both the consumer groups and governmental organizations observe operations. Funeral professionals are overseen in the same way health care providers are, with licensing requirements to include state specific board exams and continuing education requirements, which vary by state. Medical caregivers strive to stay abreast of new techniques and advances in their fields, using their skills as a competitive advantage from a marketing standpoint. Alternatively, funeral professionals are unable to leverage enhanced skills and talent in the same way. An embalmer revered for his/her expertise in restorative art and reconstruction cannot publicly promote this skill, regardless of its value.

Harrington and Krynski (2002) suggested that states requiring funeral professionals be licensed as both Funeral Directors and Embalmers, in facilities with mandatory preparation rooms, are prone to influencing demand towards burial services. Their research suggests that “repealing state regulations that impede competition” would counter instances of demand inducement, which seems like a narrow view of the subject (p.223). Families desiring services besides burial (cremation with a viewing, shipment out of state) would also elect for embalming to be performed, making this assumption questionable. This would imply that a physician with a specialized surgical suite capable of allowing certain procedures would be enticed to encourage specific procedures which would utilize the suite.

Conclusion and Future Scope

Funeral industry is oligopolistic because between two and ten funeral homes determine the prices of the services and products they offer within specific geographic areas. While characteristics of oligopoly apply to this industry in general, it is important to remember that extremely specific characteristics could apply to the firms in distinct locations due to the variation in the number of firms servicing the given areas. Challenged with an inelastic demand in the market and the undesired nature of the products it offers, the firms in this industry face unique limitations when it comes to establishing themselves in any market. There are significant barriers to entry in the form of start-up costs and competitors for any firm that is aiming to enter the industry. There are also significant limitations on the ability to use advertising and marketing tastefully to establish market share for funeral products and services. Moreover, significant challenges have to be overcome even to protect market share and establish their unique brand-name in any given region.

In order to succeed in this type of a peculiar oligopolistic industry, the leadership in any firm offering funeral services and products must strive to stay ahead in the market by being proactive instead of merely reacting to trends and reluctantly altering product and service offerings as a reaction to the loss of market share. As potential consumers use the internet to find immediate solutions to immediate needs, such as death care services, relying solely on products to carry the profit margins is no longer a valid strategy for many of the already established funeral homes. A new entrant in this market that is able to use technology to gain market share is ironically more likely to be successful due to its internet-accessibility! The future Millennial client will continue to demonstrate needs and interests that differ from those of their parents. Enhancing the types of services to cater to these specific needs such as eco-friendly funeral options or more technological options available for funeral services can provide a comparative advantage to a funeral home in an otherwise

homogenous array of competitors that currently are price-setters in geographically narrow markets. Seeking out opportunities to streamline processes and increase efficiency within their operations can allow businesses to reap benefits regardless of their size.

It will take a willingness to make changes as to the way business is done by existing firms in this industry to remain profitable, otherwise this industry is overdue for new entrants who can change, challenge, and disrupt it with more efficient and advanced options that current firms are unable or unwilling to consider. All it will take is an “Uber” of Funeral Homes to come in to significantly change this industry, unless existing firms can adapt to the market needs in a timely manner. This internal challenge may be the most difficult to overcome. Since the funeral industry is indeed like an oligopoly as presented in this paper, adhering to fundamental oligopolistic principles and strategies for marketing, pricing, product, and regulatory compliance would ensure sustainability for any firm that intends to succeed in this industry.

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Adoption of Affordability and Sustainability Issues in Slum Rehabilitation through PPP in Dhaka, Bangladesh

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ABSTRACT: More and more slum dwellers are left homeless as their shacks are being either bulldozed in broad daylight or burnt to ashes by hooligans in the dead of night to clear up the settlements, leaving them in the wobble in and around the capital city, Dhaka. Slum evictions and attempts of rehabilitation are quite old phenomena here that started since the mid-70s. A number of resettlement camps located far to the periphery of the city were selected for the rehabilitation. The squatters, however, re-infiltrated the city soon after as the camps had no job or commuting facilities. The outcome of the most recent rehabilitation project in Bhashantek, Mirpur through Public-Private Partnership (PPP) is not different from the previous ones because it too ignored the need for an environment conducive to work and live in, and fixed the price at a level that will rule out the so called target group. It is essential to include both affordability and sustainability issues in a housing project to make it successful. However, housing affordability is frequently defined and assessed only in terms of economic viability. Other important issues, such as sustainability, housing location and quality are sometimes overlooked which are the reasons behind the failure of slum rehabilitation initiatives by the government in Bangladesh. This paper has explored the affordability and sustainability issues in low income housing with reference to experiences of slum rehabilitations initiated both by the state and NGOs or development partners. Analysing the taken rehabilitation schemes the paper has identified the way forward to provide affordable and sustainable housing for slum dwellers and low income people of Dhaka, Bangladesh.

KEYWORDS: Slum rehabilitation, PPP, sustainability, affordability, people participation, public values

1. Introduction

Low-income communities are struggling to find affordable urban housing in Bangladesh's cities. Millions are heading to cities to tap into economic opportunities, causing booming urban growth. But many of them are facing skyrocketing property prices, a dysfunctional rental market, and limited public housing. Local authorities are falling behind on delivering affordable housing schemes. The outcome is low-income communities pay exorbitant rents to live in slums with poor services and no tenure security.

Massive influx of people, compounded by inflation and lack of affordable housing, has resulted in more and more people squatting in over 3,300 squalid slums that pockmark

the entire metropolis. According to the latest census on slum dwellers and floating population conducted by the Bangladesh Bureau of Statistics (BBS) in 2014, 1.06 million people live in slums in Dhaka division. The situation is rooted in a fragmented housing delivery system where the government meets only 7 percent of the annual housing demand and relies heavily on the private sector to fill in the giant gap.

Arson attack, extortion and sexual harassment all have become constant companions of the slums' inhabitants. Added to their woes is eviction, with the city undergoing a massive revamp under the government's one mega development project after another. The modernisation, however, comes at a huge price. More and more slum dwellers are left homeless as their shacks are being either bulldozed in broad daylight or burnt to ashes by hooligans in the dead of night to clear up the settlements, leaving them in the wobble. Once displaced, they face a loss of social capital as they find themselves far away from their workplaces, which results in higher transportation costs or even the loss of their livelihoods.

Slum evictions and attempts of rehabilitation are quite old phenomena in respect of Dhaka. In the early 1970s the squatter population of Dhaka mushroomed, reaching 14% of the urban population in 1974. Because of pressure upon government from the press and the more fortunate members of society, in January 1975 operations were begun to clear 172 589 squatters from the streets and vacant lots of Dhaka. Though by this time, other countries with similar and more serious squatter problems, were taking a more benevolent view, Bangladesh enthusiastically pursued a series of misguided policies which were not only ineffective, but also alienated a large proportion of the low-income community. What became known as the Squatter Rehabilitation Programme, based on a number of resettlement camps located far to the periphery of economic opportunities within the informal sector, contradicted with earlier ideals and policies (Choguill 1987). The squatters, however, re-infiltrated the city soon after as the camps had no job or commuting facilities (Ullah 1977). In recent years another rehabilitation initiative was taken through Public-Private-Partnership (PPP) which is the recommended approach of development under neoliberalism (Heame 2014) and also identified in National Housing Policy 2017 of Bangladesh as the way to broaden the provision of housing for all strata of population. However, the outcome of that rehabilitation project in Bhashantek, Mirpur is not different from the previous ones because it too ignored the need for an environment conducive to work and live in, and fixed the price at a level that will rule out the so called target group (Ghafur 2004). So, none of the rehabilitation schemes was a sustainable solution for the target group.

Worldwide sustainability and affordability concerns are now often discussed mutually and are recognised as being important to one another (Mulliner, Smallbone and Maliene 2013). It is essential that affordability and sustainability issues are tackled simultaneously. However, housing affordability is frequently defined and assessed only in terms of economic viability. Other important issues, such as sustainability, housing location and quality are sometimes overlooked which are the reasons behind the failure of slum rehabilitation initiatives by the government in Bangladesh.

This paper has explored the affordability and sustainability issues in low income housing with reference to experiences of slum rehabilitations initiated both by the state and NGOs or development partners. Analysing the taken rehabilitation schemes the paper has identified the way forward to provide affordable and sustainable housing for slum dwellers and low income people of Dhaka, Bangladesh.

2. Affordable and Sustainable Housing

Housing cost to income ratios are extensively applied to measure affordability in the UK and other European countries, the U.S., Canada, Australia, New Zealand and China. The ratio approach appears to be ubiquitously and often indisputably adopted in international housing policies, to measure housing affordability. This is not surprising since it has the advantage of being easy to compute as it only relies on a few variables which are usually easily accessible. However, the housing expenditure to income ratio has been subject to criticism by several authors. This is primarily due to its arbitrary and normative nature and inability to account for issues such as housing quality (Whitehead et al. 2009; Stone 2006; Bogdon and Can 1997; Rea et al. 2008).

Therefore, to develop sustainable affordable housing, housing initiatives must be socially acceptable, economically viable, environmentally friendly and technically feasible (Choguill 1993). Quality of dwelling life is not 'therefore, simply concerned with having a roof over one's head and a sufficient amount of living space, but also with social and psychological satisfaction. Sustainable physical design can contribute to quality of life. It is not enough to simply provide more homes, there must also be a strong focus on creating sustainable communities (Maliene, et al. 2008). Sustainable communities are defined as "Places where people want to live and work, now and in the future". In a rush to build more homes to meet demand the government too often did not build communities. Jobs, shops and services, transport and green spaces are also important factors for creating thriving communities (ODPM 2005).

3. Housing Rights in Plans and Policies of Bangladesh

Housing is one of the constitutional rights in Bangladesh. According to article 15 (a) of the Constitution, It shall be a fundamental responsibility of the state to provide basic necessities of life, including food, clothing, shelter, education and medical care. Articles 31 and 32, which guarantee fundamental rights to protection and life in accordance with law, too impose an obligation upon the state not to take measures detrimental to life, body and property of any person which contradict with the slum eviction efforts so far taken by the state.

In the 1980s, emphasis was put on cost-recovery by International Funding Agencies (IFA), based on the motto of affordability-accessibility-replicability (Choguill 1993). In the FFYP (1990-1995), the Government conceded that it could not meet the housing demand of all because of its resource constraints and providers approach. In a gradual shift towards an enabler's role established by the National Housing Policy 1993, it decided to intervene only to plan and develop land, infrastructure and services, and arrange finance. As market enabler, it intended to formulate policy to stimulate private sector participation, including by NGOs, so that in an environment of public-private cooperation, it could meet the housing need of the greater majority effectively.

However, the eventually deteriorating situation in housing and other sectors set some global socio-economic objectives known as Millennium Development Goals for the year 2015 transpired from the United Nations Millennium Declaration which, in the main, emphasizes drastic reduction of poverty, and addressing some gender and social issues. The sustainable Development Goals (SDG) for the year 2031 replaced MDGs in 2016. SDG goals and targets have included their goal number 11 to "Make cities and human settlements inclusive, safe, resilient and sustainable. Within the strategies to achieve their goal the

following target is mentioned first as an SDG sub-goal 11.1: By 2030, ensure access for all to, adequate, safe and affordable housing and basic services and upgrade slums.

As the signatory of SDG, Bangladesh has also been putting needed policies in place. For example, national development plans such as the Government's 7th Five-Year-Plan (FY 2016-2020) emphasize affordable urban housing. Moreover, the Government has approved the 'National Housing Policy 2017' to address the fragmented policy response to housing challenges. The National Housing Policy 2017 has emphasized the role of PPP initiatives in solving the housing problem of limited income population.

In respect of physical planning, the Capital Development Authority (RAJdhani Unnoyon Kartripokkho, RAJUK) in Dhaka Metropolitan Development Plan (DMDP: 1995-2015) emphasized on accessible location at the urban fringe to rehabilitate the slum and squatters. The master plan proposed various satellite town and development of the fringe areas to provide housing for different income groups. However, services for the urban poor were not considered as an integral part for physical planning of the city. So, most of the organically developed settlements of the poor remain out of the coverage of municipal services (Mowla & Hossain 2007).

Despite progress on the policy front, the housing delivery system remains highly uncoordinated as public and private developers tend to work in isolation. Moreover, in urban projects, private developers focus on upper- and upper-middle-income groups and public land allotments for the poor are negligible. RAJUK has reserved only 1.2%, 4.3% and 7.5% of land for low-income groups in the Purbachal, Uttara (3rd Phase) and Jhilmeel projects respectively. Complicated land and titling procedures, registration procedures and costs make accessing these allotments even more difficult.

4. Background of PPP in Bangladesh

A public-private partnership (PPP) is a government service or private business venture which is funded and operated through a partnership of government and one or more private sector companies. In a partnership, "public and private actors (parties) share costs, revenues and responsibilities," whereas, in the case of privatization, full responsibility over provisions is transferred to the private sector (Bult Spiering and Dewulf 2006).

In Public Private Partnership (PPP), the Public partner is represented by the government; Private partner can be a company or large group having expertise in that field. (PPP) is a relatively new concept in South Asia comparing to Europe and USA. "PPPs have proved a popular choice with the public sector around the world because it can both reduce their financial burden and also bring in the private sector's technical know-how in designing and managing projects" (Savas 2000). PPP arrangements are useful for large projects that are economically and socially desirable and require huge fund. PPP so far has been adopted throughout the world in various fields including toll road, bridge, airport, healthcare, power plant and telecommunication system.

PPP is being emphasized in recent years in Bangladesh because government wants high growth rate to become a middle income country. High growth requires huge investment which is being expected to come from the private sector. The FDI is not growing, so the government's option is PPP.

In 2010 Policy and Strategy for Public-Private Partnership (PPP) was enacted and three guidelines were made under this; and those are- Guidelines for Formulation, Appraisal and Approval of Large/Medium/Small Projects, 2010. Afterwards in 2015 PPP Act was made. Government through its national budget in 2009-10 introduced the concept

of PPP budget (position paper by finance division 2009); but in initial years it remained largely unspent. The government has taken a two way strategy for PPP- one is to attract investment for projects, where building new infrastructure and expanding existing infrastructure is the major component; the second is to attract innovation and sustainability of public service delivery to the citizens (PPP policy 2010).

A study in Kolkata depicts a rosy picture of the PPP experiences in the provision of housing due to its considerable success as the joint approach brings together the technical and managerial expertise of the private sector with the accountability and fair pricing (obligation) of the public sector to improve the delivery of good quality housing. It is interesting to observe how two opposite forces have blended and are growing in the midst of prospect and constraints, conflict and cooperation, that are, oddly enough, set within the socialist institutional context. However, housing production under the PPP model is impressive in terms of costs and quality but is miniscule in terms of numbers. This leads to a proposition that although the agenda of public private partnership is important, one must not lose sight of the needs of the low income group comprising half of the total city population and the primacy of current state- articulated regulation in this transition. Since the outcome of the new policy remains uncertain in the long term, any prognosis about this union is difficult to make. The city will need to hedge its best and continue to exploit new opportunities and multiple possibilities (Sengupta 2004).

Public private partnership has been widely recognized as a natural response to meet the colossal demand for housing in the context of government's dwindling budgetary capacity. The need for it is also accelerated by the massive market demand for better quality of services coming from an elite section of society and a need to spin off the macro-economic conditions. The Office for Public-Private Partnership was established in September 2010 to act as a catalyst to proactively realize PPP projects. The PPP Office supports line ministries to identify, develop, tender and finance PPP projects. For interested investors and lenders, the PPP Office provides a professional, transparent, centralized portal to high quality PPP Projects. Staffed with both private sector professional and civil service resources, the PPP Office helps augment government sector line ministry project development efforts with world-class external PPP resources, with the goal of increasing the quality, attractiveness, and sustainability of PPP projects while realizing them in an efficient, cost-effective manner.

5. Slum Rehabilitation Initiatives and Incorporation of PPP in Dhaka

The War of Liberation in 1971 and serious monsoon flooding in 1974, accelerated rural to urban migration, particularly to Dhaka. The migrants, once they arrived, were faced with a difficult situation. Existing houses which were on the market were beyond their economic reach and already there was a serious housing backlog. In this situation, as mentioned before, the squatter population mushroomed in Dhaka reaching 14% of urban population in 1974. For the rehabilitation of squatters the master plan, prepared back in 1958 under the sponsorship of the Dhaka Improvement Trust, contained a number of rather interesting elements as it recognized that the less fortunate residents of the city were unable to afford conventional housing and proposed what were at that time relatively unconventional solutions. Houses built of indigenous material, such as bamboo, were inexpensive and easy to erect. The plan report suggested that such houses should be used on certain estates and as an experiment the housing authority should provide the roads, public services and construct the concrete base for the houses; later the individual plots would be let to owners to

construct their own bamboo dwellings. Unfortunately, this very early proposal for a sort of sites-and-services scheme was never implemented. Certainly it was ignored in 1975.

Despite the international ideas of self-help housing in the late 1960s and the suggestions made in the master plan the state developed three resettlement camps in suburban areas of Dhaka (Mirpur, Demra, Tongi) as a location for housing for some of the squatters who had been removed from Dhaka in January 1975. A detailed analysis of these resettlement camps, particularly that at Mirpur, was done by C.L. Choguill in 1987. The analysis concluded that for a number of reasons, the proposed resettlement scheme at Mirpur was not successfully implemented during that period. Lack of coordination between various agencies, both international and domestic was blamed for the failure of the scheme. The resettlement was socially disruptive because of its less favourable locations, which involved high community costs and reduced informal access to employment and never be attractive for the people for whom it was designed. Another reason was technical. The embankment which had been built to protect the settlement from monsoon flooding collapsed at various locations. The technology adopted for the project was probably not appropriate for the Bangladesh environment. Moreover, the research revealed that none of the community of former squatters could afford to pay for the scheme. Therefore both the sustainability and affordability aspects of the rehabilitation schemes were faulty which ultimately caused the re-infiltration of the city by the squatters soon after.

In 2004, the BNP-led government initiated the Bhashantek Rehabilitation Project (BRP) in Mirpur for the construction of 111 six-storey buildings for slum people losing their shelters in eviction drives. The project was initiated on about 50 acres of government land which was intended to build and provide more than fifteen thousand small flats to slum dwellers and people of low income groups. Hence more than 80,000 urban poor were expected to get shelter here. BRP was a PPP rehabilitation project by the Government and a developer named North South Property Development Limited (NSPDL). This joint venture development for first time occurred in the city. Access to land is a very important aspect of housing and its affordability. It is a known practice that land acquisition is easier for the public sector than the private and therefore in this project the govt. acquired land in the unutilized peripheral area Mirpur-14 of Dhaka city. But even with this advantage of overcoming the biggest obstacle of housing, availability of suitable land, the project has failed to meet its goal of providing housing to its target groups. The reasons are, beside the land, other parameters of affordability such as cost of building materials, construction techniques were not considered. Though this project is an example of public-private sectors joint venture, it failed to address affordability of the concerned target group.

The project was due to deliver some 13,000 flats in five years ending in 2009. In October 2010, the developer's contract was revoked and the project was later handed to the National Housing Authority over allegations of graft and failure to deliver the flats on time. On investigation, the land ministry detected that the NSPDL pocketed Tk300m in additional profits by selling 1,056 flats in 10 buildings to well-off families at higher prices, depriving the poor households, according to sources at the ministry. With only 18 buildings built and tenders floated for 12 more, the ministry decided in December 2015 to abandon the plan for the construction of remaining buildings and instead use the land for building quarters for government employees.

The design of the apartments delivered by BRP for the slum dwellers had been criticised as the space allocations were tightened to a painful limit. When unit sizes are tight and limited outside common spaces need to provide scope of bringing in neighbourliness.

A four feet wide double loaded corridor can never be comfortable both physically and mentally and cannot fulfil the purpose of socialization (Akter 2013).

Deviated from its goal of providing affordable housing to the target group the BRP did not take any innovative measures to reduce construction cost but only reduced the apartment size to an unsustainable limit. The construction cost could be reduced up to 14.6% by using concrete hollow block in place of burnt clay brick. But such cost reducing ideas were not included in the rehabilitation scheme. As a result though the apartment size is reduced to a painful limit the instalment and down payment are proven as unaffordable for the target slum dwellers (Akter 2013).

The first ever PPP initiative for slum rehabilitation in Dhaka was not successful for corruption of appointed private developer as well as for the shortcomings of the scheme in delivering affordability and sustainability dwelling units that match the demand and aspirations of the target group.

6. Successful Experience of Slum Rehabilitation in Bangladesh

Though the previous section discusses only the schemes that failed to serve the purpose, there are still some cases of success both in Bangladesh and our neighbouring countries. The experiences of the successful rehabilitation schemes undertaken by NGOs and development partners should be analysed and adopted to make further PPP initiatives for slum rehabilitation in Dhaka.

Urban Partnerships for Poverty Reduction (UPPR) project, is a flagship initiative, which meet the needs of marginalized and poor urban communities. The project was run by the Government of Bangladesh, UNDP and DFID from 2008 to 2015. Under this project, Gopalganj municipality undertook a housing programme in 2009 through which the municipality in collaboration with the development partners and the community to offer tenure security to 346 evicted families (UNDP 2013).

The stakeholders in collaboration with the evicted families identified vacant government land in the Pourashava for resettling them. In 2010, following negotiations, the Ministry of Land allocated 4.16 acres on a 99-year lease to the Gopalganj Pourashava.

The most prominent difference of this project from those discussed in the previous section is the inclusion of the urban poor communities at every stage of the project starting with the site selection. The urban poor communities, in collaboration with the Pourashava and with the technical assistance of UPPR and other partners, developed low-cost housing model through rigorous consultative and participatory processes.

The development of Community Housing Development Fund (CHDF) was one of UPPR's key outcomes. CHDF is a city level community based specialized institution that supports tenure security and addresses housing finance challenges of the poor. For example, as noted in the Gopalganj, the CHDF was instrumental in negotiating the long term lease on government land for 99 years with support from the local government institution. CHDF provides loans to target households at 10-12% interest rates and with a payback period of 5-7 years. CHDFs in Gopalganj, Sirajganj, Rajshahi, and Chittagong have already invested BDT 90 million and supported 300 households in their communities (UNDP 2013).

The experiments in low income housing provide some obvious answers for overcoming challenges. Bangladesh needs a strong policy framework and transparent institutions. Projects need to be well monitored and innovative initiatives must be widely replicated for which partnerships among government agencies, the private sector, and

development partners are critical. Moreover, housing initiatives for the urban poor, big or small, will be difficult to run without introducing affordable housing finance schemes.

In abovementioned projects, community-managed savings groups (formed by CHDF) show great promise. The community-based housing finance institution has distributed BDT 3.25 crore in housing loans. Moreover, when supported poor communities are highly capable of improving their own conditions. For example, more than 55,000 slum residents have accumulated BDT 12 crore in antipoverty savings schemes through community development committees (CDCs) that UPPR helped establish. Further, the community members are running micro-businesses with the collateral free loans that they took against the accumulated savings.

7. Way Forward for Affordable and Sustainable Slum Rehabilitation through PPP

Analysing the causes of the failure of the slum rehabilitation initiated by the state and the success of the initiative in collaboration of the local government, the development partners and the community people, some points have been raised here that need proper attention to make slum rehabilitation both affordable and sustainable for the target households. Due to limited financial capacity of the state, PPP would be a good opportunity to use private fund for the poor. But to make PPP initiatives successful, there are concerns regarding each and every P which should be handled efficiently.

7.1 Efficiency of the First P (Public Agencies): Upholding of Public Values

The researches on the impact of PPPs on public values have revealed that the public values can be threatened, safeguarded or even strengthened depending on the project phase and relation between public and private sector that is influenced by the efficiency of the public sector (Reynaers 2013; Raynaers and Graaf 2014; Lonsdale 2007; Weihe 2008). Accountability, transparency, Responsiveness, responsibility and quality of services, identified as some first order public values, can be defined as the fulfilment of the mandate that the representative of the people were promised for. Here representatives include both the politicians and the public servants. According to Domberger and Jensen (1997), public values would be stronger in PPP through (1) the introduction of systematic performance monitoring, (2) the construction and use of service level specifications, and (3) the application of mechanisms that help prevent or effectively penalize noncompliance.

In case of slum rehabilitation in Bhashantek through PPP, the involvement of the public agency was only till the appointment of the private builder. But if the housing authority was responsible and responsive throughout the construction and handover of the apartments by proper monitoring, quality specification and penalization, the project would not end up to a total failure and abandonment. So the public agency responsible and accountable for the provision of housing should be more efficient to monitor the private sector performance and should specify the quality of housing for the slum dwellers. Public agency like National Housing Authority (NHA) should be innovative in recommending low cost building materials and design to reduce the cost of construction which ultimately affects the affordability of the slum dwellers. Here the Housing and Building Research Institute (HBRI) might play an important role by inventing sustainable low cost local materials and construction method and NHA should promote the invented materials and method in the rehabilitation projects for the slum dwellers.

7.2 Rational Appointment of the Second P (Private Developers)

One of the public values is the transparency which is essential to maintain in every phases of a PPP project. In case Bhashantek Rehabilitation Project (BRP), there was lack of transparency in the appointment of the private developer to construct and handover 13000 flats for evacuated slum dwellers and low income families. It is said that the appointment was based on political association rather the capacity of the developer. If the appointment was through a transparent procedure where all the interested developers could participate through an invitation of bids and the most efficient bid was selected, the project would not end up with such corruption and miss management.

7.3 Inclusion of Third P (People) to ensure affordability and sustainability

As discussed before the sustainable affordability includes both economic affordability and the quality and accessibility of housing. Sustainable housing affordability is a relative term and varies across different group of people. A location for housing might be sustainable for one income group but would never be suitable for the other. So to make housing affordable and sustainable for the target group the participation of that group in the decision making is essential. In case of BRP the community for whom the project was designed never be consulted in any phase of the project including site selection, design of the apartments, decision regarding the provision of community services, etc. Even the evicted slum dwellers even were not aware about the project and were not well informed regarding the procedure of being an owner of the apartment. On the other hand, in case of the slum rehabilitation scheme in Gopalganj community participation was remarkable and the evicted slum dwellers themselves designed their house with assistance of the other stakeholders. Hence from these two instances, we can conclude that to make any housing project both affordable and sustainable for the community, the participation of the households for whom the project is initiated is essential. Therefore in any PPP project for slum rehabilitation the inclusion of People (P) in every state starting from the site selection is mandatory and determinant of the success of the project.

7.4 Arrangement of Housing Finance for the Poor

The success of the slum rehabilitation project taken under UPPR depended to some extent on the arrangement of the provision of housing finance for the slum dwellers through community led organization. So in case of slum rehabilitation scheme taken by the state agency through PPP, the public agency should make the arrangement for housing finance. Provision of housing finance might be arranged by incorporation of private or public housing finance agencies where the state should ensure the security on behalf of the slum dwellers. Community organization can also be formed under the guidance of any local NGO where the savings of the community can be used to increase their income and ability to pay for the instalment of the apartments.

8. Conclusion

Eviction of slum dwellers is still a common phenomenon in case of Dhaka where the right to the city of the slum dwellers is violated when the eviction is happened without proper rehabilitation. Slum eviction and rehabilitation in Dhaka is not a new incidence rather it started since the liberation of the country dated back in the mid of 70s. However, all the

initiatives taken so far by the state to rehabilitate the evicted slum dwellers have failed to bring optimum outcome due to the lack of consideration of both affordability of sustainability issues with sufficient care. While the slum rehabilitation projects, taken by the development partners in collaboration with the local government, were very successful in achieving the goal. Community participation has been proved as the most important ingredients of these projects to be sustainable and affordable for the target group.

In the era of privatization of public services PPP is the only option to increase the capacity of the state for providing affordable and sustainable housing for all. So, more PPP projects should be taken for the rehabilitation of evicted slums, but to make the initiatives successful some way forwards have been identified. The state agency should be more efficient to ensure accountability, transparency, responsiveness, responsibility and quality of product through PPP projects. Inclusion of another P representing the People is also essential to make rehabilitation projects sustainable through the participation of the community.

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Critical View of Skilled Migration and Skilled Immigrants, Post-Migration

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ABSTRACT: Despite the growing body of research confirming the struggles that many skilled immigrants face post-migration, little attention is given to their realities in immigration strategies for recruitment. Countries such as Canada, the United States and the United Kingdom continue to boost their efforts to attract highly skilled immigrants with no commitment to ensure their success. Many skilled immigrants are faced with increasing instances of poverty and discrimination and their efforts to settle and thrive are undermined. The focus on potential economic growth for host countries and faster rates of settlement over other immigrant groups, continue to be the driving force to increasingly attract skilled immigrants. At the same time, the many challenges of discrimination and economic disenfranchisement that especially racialized skilled immigrants face, lead to lower standards of living with certain descent into poverty for many. This article is informed by Critical Race Theory and engages a discussion on the discrimination and economic consequences of poverty that racialized skilled immigrants face in Canada. The article draws on existing literature on skilled immigrants, to provide an overview of the challenges that they encounter with unemployment and underemployment post-migration, which increases their risk of poverty. In an effort to preserve the well-being of skilled immigrants, the discussion outline ideas to developing a path to social justice that is guided by social work principles. The article concludes with key suggestions to address systemic issues that contribute to the challenges that skilled immigrants face in Canada and highlight areas for future research.

KEYWORDS: skilled immigrants, racialized, immigration, Critical Race Theory, poverty

1. Introduction

The use of selective immigration policies to attract skilled immigrants of the highest calibre, continues to increase among potential host countries (Koslowski 2013, 26). In fact, Shachar (2006, 151) pointed out that many European countries have adopted measures in their immigration policies to prioritize the admission of highly skilled immigrants. Similarly, over the past several years the United States (U.S.) have proposed comprehensive immigration reforms that prioritize immigrants who are highly skilled (Boyd 2014, 47). In the same token, many of the ongoing changes in Canadian immigration policies, include revisions to specific programs that will expedite the application process for highly skilled applicants (Boyd 2014, 7; Kaushik and Drolet 2018, 2). The emphasis on the recruitment of this group of immigrants, is due in part to the reported advantage in the global economy that host countries enjoy as a result of a highly skilled workforce. The faster rate of settlement and contributions to local economies are also considered to be part of the allure to prioritize their recruitment over other immigrant groups.

For developed countries like Canada whose birth rates have not kept up with the aging population, skilled immigrants are used to supplement this birth rate decline as well (Sakamoto, Chin, Young 2010, 145). Their ability to add to the local workforce in a shorter timeframe than other immigrant groups, is similar to their anticipated contribution to global economies. These are just some of the added benefits highlighted for prioritizing their recruitment. Despite these anticipated benefits for host countries, reports on the barriers that many skilled immigrants face to enter the Canadian labour market for example, raise questions about these priority recruitments (Schellenberg, Grant, Hou and Feng 2005, 49; Taylor 2018, 92). The complexities of some of these barriers especially for racialized skilled immigrants who make up a significant portion of the skilled immigrant groups in Canada, are huge impediments to their contributions (Creese and Wiebe 2009, 58). While the recruitment fervour to attract them intensifies in several countries, the post-migration discrimination and precarious economic conditions that many face gets worse. In addition, the reality for racialized immigrants seems to be synonymous with increased risk of poverty. Urgent attention is needed to chart a better course for their success.

This article uses Critical Race Theory lens to engage a discussion on the discrimination and economic consequences of poverty that racialized skilled immigrants face in Canada. Existing literature on skilled immigrants is used to provide insights into the challenges that they encounter with unemployment and underemployment after migration. The increased risk of poverty that they face post-migration, is of key interest in this discussion. This article engenders a discussion on ideas to creating a path to social justice for skilled immigrants, drawing on social work principles as a guide. The discussion is intended to highlight avenues that preserve the well-being of skilled immigrants and change the current social conditions they face for better. The paper concludes with key suggestions and highlight key considerations for future research. This article calls for the development of more effective measures to eliminate the systemic and institutional barriers that skilled immigrants face post-migration. The rewards for them need to be on par with the potential contributions they were recruited to make to receiving countries.

The following terms are defined for better understanding of how they are used throughout this article. The definitions draw on the meaning of the terms as used in scholarly and/or institutional contexts, that are similar to their intended use in this article.

Skilled Immigrants: Skilled Immigrants usually possess college or university level certification and extensive work experience in their field (Syed 2008, 30). The Federal Skilled Worker Program (FSWP) in Canada is geared to attract highly skilled immigrants through the allocation of a points system that is based on six selection factors. These factors include: education, work experience, age, language, adaptability and arranged employment in Canada (Citizenship and Immigration Canada, 2019, para 1). Individuals who qualify under the Canadian skilled worker program are granted permanent residence and are believed to make greater contributions to the economy faster. An electronic 'Express Entry' component was added to the FSWP in 2015, to ensure even faster processing of selected immigrants, for permanent residence, which includes the skilled immigrant category (Kaushik and Drolet 2018, 2). Whereas the skilled worker program in Canada focuses on human capital, similar points system program in Australia to attract skilled immigrants, focus on a state selection model with business and labour participation (Koslowski 2013, 27). This is different from the supply and demand market-driven model that is used in the U.S. to attract highly skilled immigrants. A points system program is also used in New Zealand, and many developed countries have placed more emphasis on recruiting skilled immigrants (Koslowski 2013, 26).

Racialized: Individuals who are non-White by way of race and colour but does not include Aboriginal peoples (The National Council of Welfare reports in Canada 2012, 1). This use is also similar to the understanding of the term as engaged by many scholars to refer to non-White individuals who are identified by the social construction of their race (see Baines 2002, 188; Gosine and Pon, 2011, 136).

People of colour and Black: These terms are used interchangeably throughout this article which is consistent to the use in many scholarly literature. Both terms refer to the difference in pigmentation for groups considered as minority groups which is unlike that of individuals who are members of dominant group (see Aylward 1999, 27-28; Gosine and Pon 2011, 135-139; Dhruvarajan 2000, 166). The social consequences of oppression and discrimination for members of non-dominant or minority groups, is unlike the association of privilege and power that is constructed for members of dominant groups.

2. Critical Race Theoretical lens

The origins of Critical Race Theory (CRT) is firmly rooted in the U.S., and central to its foundation is its unique feature that challenges racial oppression as a way to redress societal inequities. CRT is informed by the works of legal scholars such as Derrick Bell, Alan Freeman and Richard Delgado and emerged as a counter-discourse to Critical Legal Studies (DeCuir and Dixson 2004, 26). Of key concern in its creation, was the ongoing erosion of racial equality that was made for Black individuals during the Civil Rights Movement. Concerns were also raised by many legal scholars and activists in the U.S. about the absence of justice in the legal system for Black people, and they demanded that these legal and social inequities be addressed (Delgado and Stefancic 2012, 4-5). As such, CRT emerged with the aim to bring attention to the impact of race and racism on the daily lives of Black individuals in the U.S., especially in the legal system. Similarly, the emergence of CRT in Canada more than a decade after its origin in the U.S., focused on the lack of representation for Black individuals in Canadian laws and Canadian society (Aylward 1999, 40-41). As part of its origin and as a theoretical framework, CRT seeks to highlight issues of oppression and inequities that are driven by the relationship of power, privilege and race (Daftary 2018, 1). Simply put, CRT seeks to unmask issues of marginalization and discrimination in the everyday experiences of people of colour.

The multidisciplinary platform that informs CRT approach adds to its unique position to analyse the impact of race and racism and propose avenues towards solutions (Daftary 2018, 3). It has a strong activism component that challenge inequities and oppression for people of colour, in its quest for social justice. Fundamental to its application is its challenge of Whiteness and White privilege as a core part of the structure of institutions that feeds into racial oppression. It engages oppression within the social, political and historical contexts to challenge and demand redress for these impacts on people of colour. CRT also advances the voice of people of colour and their unique experiences of oppression in its quest to create changes in existing oppressive structures (Delgado and Stefancic 2012, xix). It unapologetically seeks to transform the dynamics of race, racism and power as part of its commitment to achieve social justice.

Lynn (2004, 155) called attention to the key tenets of CRT and the five most common tenets that scholars frequently use as guide, when CRT framework is engaged. Similarly, DeCur and Dixson (2004, 27) discussed the use of CRT analysis that also engages five core tenets, many of which overlaps with the ones Lynn (2004, 155) identified. Regardless of the tenets engaged in a CRT approach, the primary focus of

CRT is unwavering. The pervasiveness of institutional racism; the importance to critique accounts of history to address the current inaccurate marginalizing and oppressive accounts for Black people; and the convergence of interest for Whites that are put forth as gains for Blacks, are parts of its core tenets. The engagement of race as a social construction that further oppress people of colour are of equal importance in the application of the key tenets. Also of importance for deconstruction, is the construction of Whiteness as inherently valued and as such Whites are positioned as automatic beneficiaries of the law and the defining standard of racial identities.

Another commonly used and unique tenet of CRT highlights the overlapping and, in some cases conflicting identities, that are interconnected for people of colour. This is in accordance with the acknowledgement of CRT, that people of colour face discrimination because of their colour and in combination with other characteristics such as, their gender, ethnicity, sexuality and other defining factors. These intertwining and multiple markers of marginalization are at the crux of the different and simultaneous experiences of oppression that are unique to people of colour. These intersecting markers further amplify the degree and dimension of oppression that people of colour encounter. CRT actively engages the social, contemporary, historical and political aspects of intersectionality and seek redress for the resulting social inequity that impact their experience. This framework allows for the isolation of the realities of people of colour, so that the different forms of oppression can be problematized the effects of dominant ideologies is deconstructed, in the quest for social transformation and social justice (Hylton 2012, 24).

3. Discrimination and economic consequences of poverty for racialized skilled immigrants

The percentage of visible minority immigrants in Canada who possessed a university degree is very high, yet their reported earnings are below par to that of non-racialized immigrants (Akbar 2019, 78). In addition, many are faced with significant challenges to enter the Canadian labour market as a result of their race, gender and ethnicity. This is notwithstanding the fact that the barriers and challenges that racialized people in Canada face, limit their chances to find stable employment (Wilson, Landolt, Galabuzi, Zahoorunissa, Pham, Cabrera, Dahy and Joly 2011, 1). More specifically, disparities in income and deep-rooted poverty was reported to be on the rise for racialized Canadians in Calgary, despite the reported economic success in this region of Canada (Pruegger, Cook and Richter-Salomons 2009, 1). A decline in income was reported for over a 30 years span among Black, South Asians/Chinese groups, with gaps in income as high as twenty per cent for average households, compare to other groups (Ibid).

While trends in immigration showed that more immigrants migrate to Eastern Canada than the West, the gaps in income between Canadians and immigrants are consistent across regions. It is yet to be seen if these gaps in income will shrink, with the recent announcement made by the government, to attract and retain skilled immigrants to rural and Western parts of Canada, through a 5-year economic immigration pilot plan. Efforts are also underway through a government approved program in Nova Scotia Canada, to fast-track the hiring of internationally trained family doctors. This move is as a response to the shortage of family doctors in that region. Again, any bridging of the divide towards economic parity and earnings between skilled immigrants and Canadians, are yet to be determined. The levels of discrimination especially for racialized immigrants in many of these areas however, leaves the success of these initiatives for racialized skilled immigrants uncertain.

The impact of social factors such as race, visible minority status and gender were found to influence the pathways of participation in the Canadian labour market among immigrants in Toronto, who migrated from Bangladesh (Akbar 2019, 75). Immigrants from this source country were among the highest numbers of visible minority immigrants admitted to Canada in 2005. Almost fifty per cent of this population in Toronto alone were report to have a university degree in 2006, compared to other immigrant groups (Akbar 2019, 75). The levels of discrimination that members from this racialized group face in the Canadian labour market is very high, with added challenges of discrimination based on names. Oreopoulos (2011, 151) noted similar findings from research completed in the U.S., where resumes sent to blue-collar jobs with Black-sounding names, received fifty per cent less call back than resumes with White sounding names. These challenges to secure employment most certainly impact the economic success of skilled immigrants and consequently their ability to afford the basic necessities of life. The quality of life and standard of living for many, is well below pre-migration levels.

In his 2011 field experiment that investigated why skilled immigrants were struggling in the Canadian labourmarket, Oreopoulos (2011, 150) found significant evidence of occupational and ethnic discrimination towards skilled immigrants who were looking for work. The study found evidence of discrimination by employers towards skilled immigrant job applicants with non-English sounding names and those with no work experience in Canada. Findings for this study is based on thirteen thousand mock resumes sent to employers in Toronto, in response to job postings. In another study completed with ten immigrant families in Toronto, Yogendra (2013, 1) found that upon migration to Canada, racialized immigrants were being channelled into jobs that are precarious. Many of these families became stuck in these initial low-income employment with sub-par conditions. They faced ongoing precariousness in employment as a result, which became a consistent challenge in their attempts to secure a better quality of life. Many structural barriers such as systemic distrust and discrimination impeded the progress of these families who also reported deteriorating health and overall conditions. These realities only serve to push them closer to impoverished conditions and ultimately into poverty.

Many neighbourhoods in the U.S., with higher concentration of immigrants were found to be associated with higher levels of poverty (Jargowsky 2009, 1129). For Black individuals who were considered low-income, they were found to be living in extremely poorer neighbourhoods at a rate of four times that of other groups. This is similar to the high correlation noted between poverty and race and the overrepresentation of immigrants in poorer neighbourhoods in Canada (Kazemipur and Halli 2000, 86 & 97). While the levels of education among those who face higher risks of poverty were not made clear in the aforementioned research, the consequences that limits access to basic resources were unmistakable. The lower economic productivity and heightened risk of chronic poverty and the decrease in health outcomes, were also added barriers to success. It is also worth noting that forty-one per cent of immigrants in Canada who were considered to be chronically poor in the late 90s, possessed a degree (National Council of Welfare report Canada 2012, para 1). Combined with the increased risk of poverty that racialized individuals reportedly face in Canada, which is three times that of non-racialized Canadians, the instances of poverty are concerning (Galazabuzi 2005, 3).

The Canadian National Council of Welfare (2012, 1) reports indicated that racialized persons in Vancouver and Toronto make up more than half of the population living in poverty in both cities. The report also found that in 2006, racialized Canadians make up twenty-two per cent of the overall eleven per cent of the poverty rate in Canada, compared to nine per cent for individuals who were considered non-racialized

(Ibid, 1). It is expected that by 2031, one in three Canadians will be from a racialized group. Considering that immigrants currently make up more than two-thirds of the racialized population, with more racialized women than men living in poverty in Canada, the issue stands to get much worse. The report further revealed that of the fifty-four per cent of immigrants who account for racialized groups among immigrants in Canada in general, seventy-four per cent of this population are living in poverty. More than three-quarters of the total number of racialized immigrants living in Canada, speak a language other than English or French in their home country (Ibid). Many of these racialized individuals are between twenty-five years old and sixty-four years old and are reported to have a university certificate or degree. Sixty-eight per cent of the overall thirty-two per cent of those with a post-secondary education, was reported to obtain their post-secondary certification outside of Canada. The report also finds that in 2006, many of the racialized individuals between the ages of twenty-five years old to fifty-four years old who were living in poverty, were either working or looking for work. It is no surprise with these numbers, that the report finds that the rates of unemployment among racialized persons living in poverty in Canada in 2006, were higher than the rates of poverty for non-racialized persons who were also living in poverty (Ibid).

Discussion on the discrimination and economic consequences of poverty that racialized skilled immigrants face in Canada is necessary to generate change. The precarious situations that many skilled immigrants encounter, reduce their contributions and economic stability in Canada. Many are driven into poverty and poverty-like situations that exacerbate their struggles. The economic instability force many to be constantly moving to find work and/or affordable housing, which is typical for forced moving among people living in poverty (Canadian National Council of Welfare 2012, 8). These issues become more prevalent for racialized skilled immigrants who encounter different forms of racism and discrimination based on social identifiers. The promised upward trajectory that attracted them, dissipates after migration and is replaced with the downward struggle into poverty. This creates a stark reality of deprivation for especially racialized skilled immigrants.

4. Overview: Challenges with unemployment and underemployment post-migration and heightened risk of poverty

The rate of unemployment among immigrants who possess a university degree and who were in Canada for over 5 years, was at 12.4 % in 2012 (Sakamoto, Jeypal, Bhuyan, Ku, Fang, Zhang and Genovese 2013, 2). This is an increase from previous years despite the increased levels of education reported among immigrants year over year. Picot, Hou and Coulombe (2007, 9) found that the higher levels of education among especially skilled immigrants in Canada post-2000, did not improve their chances of moving beyond the chronic low-income category. The authors found that the effects of factors such as language, source country, age and family status, increased the chronic low-income rates on immigrants in Canada, between 1992 and 2000. This is similar to the downward mobility in employment that Creese and Wiebe (2009, 56) noted among highly educated African immigrants in Vancouver. Many skilled immigrants from this group reported settling for low skilled and low paying temporary jobs, in an effort to cover their immediate needs and 'survive' (Creese and Wiebe 2009, 62).

The limited access to social and economic capital and the challenges that skilled immigrants face in unemployment and under employment is well documented (Bauder 2003, 701; Kaushik and Drolet 2018, 3; Syed 2008, 30; Wald and Fang 2009, 457-458). The lack of credential recognition for many, the limited access to comparable employment and under-utilization of labour market potential, were seen as key factors

that limit their performance in Canada. The higher rates of unemployment, declining earnings and reduced labour market participation that they encounter, are among the primary cause of their declining economic circumstances (Somerville and Walsworth 2009, 147-149). The gaps in earnings are not consistent with the levels of education and skills that many immigrants can offer. Alboim, Finnie and Meng (2005, 2) pointed to racial discrimination and the discounting of immigrants' skills as core causes of the gap in earnings between Canadian-born individuals and immigrants. The responses to address these challenges in host countries such as Canada have been slow, if not non-existent.

Research evidence confirms that racialized immigrants in Canada face the worst levels of poverty and unemployment with many working in low-waged jobs that does not provide stability is very prevalent (Access Alliance 2013, 1). This reality is similar to that of only racialized Canadians whose economic instability is also dire. The Ontario Council of Agencies Serving Immigrants (OCASI) reported 20.8% rate of low-income among racialized Canadians in 2015, which is an increase from previous years (OCASI 2017 para 14). The 2015 rate was almost two times the rate among non-racialized Canadians which was at 12.2% (Ibid). The unemployment rates among African-born immigrants is at the highest levels of all the immigrant groups in Canada. The heightened risk of poverty is prevalent among racialized Canadians as well as racialized immigrants including those with high levels of skills (Access Alliance 2013, 1; Creese and Weibe 2009, 69).

Dietz, Joshi, Esses, Hamilton and Gabarrot (2015, 1318) assert that the higher the level of skill that an immigrant possesses in Canada, the more likelihood that they will face employment discrimination. The authors consider this "skilled paradox" phenomenon to be instrumental in some of the recruitment biases that highly skilled immigrants encounter. This diminish their chances of employment as well as any chance to gain parity with their counterparts in host countries. The economic returns for skilled immigrants are well below that of their host countries counterparts (Alboim, Finnie and Meng (2005, 26). In 2014, Statistics Canada reports showed an 11.1% gap in employment rate between immigrants with a university degree and their Canadian counterparts (Dietz, Joshi, Esses, Hamilton and Gabarrot 2015, 1318). This is unlike the narrow gap of just 0.6% difference in employment rate between immigrants without a certificate, diploma or degree and their Canadian counterparts (Ibid). The devaluing of immigrant skills and work experience in Canada, is at the root of many of the challenges that they face with under employment and unemployment post-migration. Issues of race and racism are also key factors. The erosion of their anticipated higher levels of contribution to the labour market of host countries, increase their risk of economic instability and moving into poverty.

Several challenges that impact the social and economic integration of skilled immigrants were identified by Kaushik and Drolet (2018, 3). Among them were challenges faced due to prejudice, stereotype and discrimination. This results in social and economic instability among racialized groups in Canada and creates more risk for precariousness in employment and increased poverty. The issues of race and racism that shape the experiences of skilled immigrants in Canada in particular, are of grave concern within a CRT construct. The diminished value of the education and experience of skilled immigrants, speaks to a dominant agenda that associate skills and education with Whiteness. This concept of dominance construct immigrants, especially racialized skilled immigrants, as unskilled and uneducated. Despite the acknowledgement of their skills on one hand for expedited and/or selective entry to host countries, the dominant construction of immigrants supersedes their value once they migrate. They are less equipped to secure economic stability in order to escape poverty post-migration.

5. Path to social justice guided by social work principles

The level of productivity of a worker is associated with their level of skill and higher levels of skill is believed to generate higher levels of productivity (Syed 2008, 28). This should also translate in better options for job selection and movement in the labour market. This reality for skilled immigrants however, is compounded by their race, ethnicity, lack of credential recognition and work experience. The anticipated outcomes that is based on of their skills are thwarted due to systemic and institutional barriers. Many are left on the brink of poverty or find themselves in a full state of poverty after they migrate. This is despite many migrating from solid middle-class earnings and occupations, that were once on par with their skill sets. The higher levels of unemployment and underemployment among individuals from this group are painting a different reality from what is depicted by receiving countries such as Canada. This is while the reported benefits for these countries continue to rise and the social and economic conditions for skilled immigrants continue to decline.

A path to social justice for skilled immigrants will require accountability in immigration policies and labour market practices. From a social work and social justice lens, this will mean incorporating measures in policy, principle and practice that promote social justice for skilled immigrants. From a CRT perspective, issues of race, racism, ethnicity, where credentials and work experience are acquired, cannot be used as markers of the potential. Their integration in the labour markets of hosts countries, is contingent on the valuing of the education and skills they can add. Furthermore, based on the human dignity component, the accomplishments and successful integration of immigrants into host countries' labour markets are but basic rights that immigrants should enjoy. Their worth should be understood and accepted in their own right and not in the shadow of citizens of host countries. The markers of success should be contingent on the provisions of support that host countries implement, to ensure participation based on their full potential.

While there is no one path to social justice for skilled immigrants, ideas to support specific actions for change in the current systemic and institutional barriers that they face is crucial. The most prevalent challenges to settlement, integration and the alleviation of poverty are known and so developing solutions should be geared to address these challenges. It is important to also realize that their contributions to the vitality of economies of host countries and the struggles that they face in Canada for example, are at odds with how many of these programs are marketed. Their descent into poverty is imminent and the added factors of racism and discrimination for many, have produced even more struggles for them to overcome.

Despite the lack of immigrant voice in its development, countries such as Australia and New Zealand have established markers of accomplishment to ensure the successful integration of immigrants. This include specific milestones that immigrants are expected to achieve to be considered successful (Kyeremeh, Arku, Mkandawire, Cleave and Yusuf 2019, 1). Canada can adopt these best practice models and identify and eliminate oppressive elements before implementation. Attacking dominant views that promote Canadians as the ideal and racialized immigrants in particular as inferior, are necessary for substantial changes to occur. The current practices in immigration and towards skilled immigrants in Canada, is a continuation of Canada's egregious settler colonial ways that must to be debunked and dismantled. CRT can be instrumental in dismantling many of these false beliefs and narratives and move us closer to a social justice agenda for skilled immigrants.

Regets (2007, 2) highlight the need for more understanding of the effect of highly skilled immigration on the global economy as the need for skilled immigrants increases. I

would argue that research needs to inform substantive policies and recommendations that are geared to improve the reality for skilled immigrants that can move them out of social and economic poverty. The shifting historical context of migration and immigration and its impact on skilled and racialized skilled immigrants are areas of interrogation from a CRT lens (Razack and Jeffery 2002, 259). Social work principles of self-determination and access to resources are being eroded and the core value of social justice, dignity and worth of the individual are being compromised. The current conditions of discrimination, unemployment, underemployment and increased risks of poverty that skilled immigrants face, require immediate attention in order to chart new that promote equity and social justice.

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Automatic Identification of Political Ideology in Online News Articles

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ABSTRACT: The following research discusses text analysis approaches to automatically categorize news articles based on their political ideology. In this case, ideology is defined as a writer expressing either a liberal or a conservative point of view. This classification is done at both the document and the phrase level, as previous research has indicated that doing so increases classifier performance over using a “bag of words” approach. Linguistic features related to lexical richness are extracted from the articles via Python, and features related to emotions and values are extracted via the Linguistic Inquiry and Word Count software. The machine learning software Weka is then used to apply various classification algorithms on the numeric features. Additionally, Amazon Mechanical Turk is used to measure human accuracy and inter-rater agreement on identifying the ideology of the same texts. In all, the trained classifiers perform well above the baseline and outperform the human annotators on the same tasks.

KEYWORDS: text analysis, natural language processing, applied linguistics, politics, bias detection, machine learning, artificial intelligence

1. Introduction

Overall, recent research indicates that it is possible for bias detection models to perform equally as well as humans, if not better. Various methods exist to create these models, including crowdsourcing, sentiment analysis, and machine learning techniques such as neural networks. Most research has been done at the phrase or sentence level as opposed to the word level, with some research even making use of the document level in analysis. Using some form of stemming or lemmatization has also been rather consistent in research of this type. All human writers have opinions and bias, and therefore it is virtually impossible to find a completely bias-free source of information. However, the degree to which a source is biased is worth continued analysis, as are the potential ways in which bias can be detected and reduced.

2. Literature Review

Opinions and biases are expected in media, news, and other such information sources. Even writing which claims to come from neutral, non-politically-affiliated source will be prone to some type of bias simply based on its writer’s word choice and opinion. In their paper, Iyyer, Enns, Boyd-Graber, and Resnik (2014) from University of Maryland denoted that, “Many of the issues discussed by politicians and the media are so nuanced that even word choice entails choosing an ideological position”. In the case of this research, a sentence was said to show ideological bias and opinion if the writer’s political ideology was evident from the text. While much existing research toward bias detection used “bag of words” classifiers, Iyyer, Enns, Boyd-Graber, and Resnik (2014) focused at the level of whole documents by applying recursive neural networks to political ideology detection. This model outperformed existing models on two separate

datasets. However, the researchers also noted the challenge of defining opinion and opinion bearing language. Their research used the Linguistic Inquiry and Word Count Lexicon (LIWC) to extract features.

Previously, Kim and Hovy (2005) had created an automatic method for obtaining opinion-bearing words, which was effectively used to identify opinionated sentences. This research proposed that, “a profitable approach to opinion requires a system to know and/or identify at least the following elements: the topic (T), the opinion holder (H), the belief (B), and the opinion valence (V)”. Kim and Hovy (2005) noted that this did not provide very satisfactory results on arbitrary text. However, if the relative frequency of a word in opinion-bearing texts compared to non-opinion bearing text was known, statistical information could be used in place of lexical information. This reaffirms the position of Iyyer, Enns, Boyd-Graber, and Resnik on the need to use sentence level analysis in addition to lexicons.

Recasens, Danescu-Niculescu-Mizil, and Jurafsky (2013) of Stanford University followed a similar approach. These researchers looked at the before and after versions of articles that had been revised to eliminate bias. In this case, the context of a word was defined as a 5-gram, which is similar to other research that analyzed at the phrase level. Lemmatization was also incorporated. The performance of the regression model was then compared to that of humans. Overall, the research found that humans could correctly identified a biased word 30% of the time, with an inter-rater reliability of 40.73% agreement amount human raters. The linguistically informed model for bias detection performed almost as well as these humans tested on the same task. These Stanford researchers were not the first to use crowdsourced human intelligence as a research tool. The idea of crowdsourcing, or gathering information by utilizing the input of a group of people, was first popularized in a 2006 Wired magazine article written by Jeff Howe (2006). Crowdsourcing can be described as a scenario in which combining and averaging the input of a group of people will likely yield a correct result to a posed question. In her review on the growth of crowdsourcing, Kerri Wanzly (2017) noted that, “if a million individuals were to contribute towards answering a problem via crowdsourcing, there would be a 97.7% likelihood that the crowd would arrive at the correct answer”. Wanzly notes that intelligent crowds require diversity, independent to limit the influence of one person’s opinion on another, decentralization, and aggregation to combine the opinions of the crowd. The growth of technology over the last ten years has also had a huge impact in this phenomenon, due to an abundance of new data and connections between people worldwide.

3. Methodology

3.1 Data Collection

Collections of online news documents were gathered. The first collection represents a liberal point of view and contains documents from five openly liberal news sources: Slate, The New Yorker, The Huffington Post, Jacobin, and Alternet. The second collection represents a conservative point of view and contains documents from five consistently conservative news sources: Breitbart, The Federalist, Fox, Daily Wire, and New York Post. For each news source, documents were collected on the following topics of political controversy: gun control, abortion, immigration, tax reform, and same sex marriage. In total, each point of view collection contained twenty-five documents from five different sources on five different political issues. This methodology was used in order to prevent one topic or one news source from skewing the results.

3.2 Linguistic Features

In order to compare point of view differences, a total of 71 features were extracted from the text data set and analysed for significance.

3.2.1 Lexical Richness

A simple script was created using the LexicalRichness Python library to extract the six following lexical diversity features from each document.

Table 1. Lexical Richness Features

ttr	type-token ratio computed as t / w (Chotlos 1944, Templin 1957)
rttr	root TTR computed as t / \sqrt{w} (Guiraud 1954, 1960)
cttr	corrected TTR computed as $t / \sqrt{2w}$ (Carrol, 1964)
msttr	mean segmental TTR (Johnson 1944)
mattr	moving average TTR (Covington 2007, Covington and McFall 2010)
mtld	measure of Lexical Diversity (McCarthy 2005, McCarthy and Jarvis 2010)

3.2.2 Linguistic Inquiry and Word Count (LIWC)

Sixty-five additional features were gathered via the Linguistic Inquiry and Word Count tool. Commonly referred to as LIWC, this software calculates and quantifies text features that contain certain words, parts of speech, and word categories such as emotionality, cognitive processes, and many others. It was originally created for psychological analysis of texts, but more recently LIWC2015 has been used for research across many different fields. This is the same software used in the research of Iyyer, Enns, Boyd-Graber, and Resnik (2014) on opinion bearing language. Most similar research of this nature obtained the best results when using phrase or document level analysis. For this reason, I chose to do the LIWC feature extraction and analysis at the document level.

3.2.3 N-Grams

The fifty documents were combined into two corpora; one containing all the articles from a liberal point of view and the other containing the conservative point of view articles. Since previous researchers seemed in agreement that using phrase, or sentence level analysis increased classification performance over word-level analysis, I decided on 5-grams and 6-grams for this research. I extracted a list of the top fifteen 5-grams and top fifteen 6-grams from each corpus by using a simple python script along with the AntConc software. This created a total of thirty phrases for each point of view.

4. Results

4.1 Significant Features

The Waikato Environment for Knowledge Analysis machine learning software, commonly referred to as Weka, was used to extract the most significant LIWC and Lexical Richness features from the liberal and conservative corpora via the software's Correlation Ranking Filter. The top eight features were discovered to be as follows:

- 0.503 rttr
- 0.498 cttr
- 0.329 Comma
- 0.308 Dash
- 0.303 prep
- 0.275 swear
- 0.241 family
- 0.236 Analytic

Interestingly, most of these features are indicative of writing style rather than the sentiment of an article. The top four features in particular should have little influence on content, yet they are significant in distinguishing point of view in the document set.

4.2 Document Point of View Classification

The significant features were then analyzed using machine learning algorithms in Weka. The SMO supportVector algorithm obtained a 75% correct classification rate using a 10-fold cross validation. The best results were obtained using the Naïve Bayes classification algorithm, also with a 10-fold cross validation. This resulted in a 77.08% correct classification rate, much improved when compared to the baseline of 50%. More details on these results are shown in the table below.

Table 2. LIWC Document Level Results

	TP Rate	FP Rate	Precision	Recall	F-Measure
Conservative	0.833	0.292	0.741	0.833	0.784
Liberal	0.708	0.167	0.810	0.708	0.756
Weighted Avg.	0.771	0.229	0.775	0.771	0.770

4.3 N-Gram Sentiment Analysis

4.3.1 Human Intelligence

Amazon Mechanical Turk was used to gain insight into human performance on political ideology classification. The Turkers were asked to view the collection of sixty n-grams and decide if the phrase was more likely to be from a liberal or a conservative news article. Five different Turkers reviewed each phrase. The overall correct classification rate was 43.6%, compared to a baseline of 50%. The Fleiss Kappa score for inter-rater agreement among Turkers was calculated using a simple Python script and came to 0.16, showing slight agreement among raters. This further proves the difficulty of this classification task for humans.

4.3.2 Automatic Classification

The thirty liberal and thirty conservative n-gram phrases were then labeled as to their ideology, and a sentiment analysis classification was performed using StringToWordVector classification in Weka. The best results showed a correct classification rate of 75.4% using a Naïve Bayes 10-fold cross validation, again using a 50% baseline.

Table 3. LIWC N-Gram Results

	TP Rate	FP Rate	Precision	Recall	F-Measure
Conservative	0.600	0.097	0.857	0.600	0.706
Liberal	0.903	0.400	0.700	0.903	0.789
Weighted Avg.	0.754	0.251	0.777	0.754	0.748

5. Discussion and Future Directions

Overall, the automatic classifications achieved results well above the baseline at both the phrase and the document level. The phrase level analysis outperformed humans by an even higher margin. In future, it would be beneficial to replicate this research using a larger dataset. Using an even wider variety of new sources and topics could prove useful

as well. Previous research has focused on the content of articles, such as specific collocations, bigrams, or emotions related to political ideology. However, based on the eight features of the data set that were found to be most significant, it would seem as though writing style may have distinct variations between liberal and conservative news articles. This is something that should be explored in depth at a future time.

Additionally, due to the nature of Wikipedia writing, it lends itself well to analysis and has been used as a resource in other research projects on bias detection. Unlike most written encyclopedia and news sources, Wikipedia is unique in that each article is written and edited by a number of people from varying ideologies and backgrounds. In this way, Wikipedia is a prime example crowdsourcing at use, due to the website's policy on neutral point of view (NPOV), according to which all articles should, "fairly, proportionately, and as far as possible without bias, all significant views that have been published by reliable sources" (Wikipedia, 2013). Additionally, Wikipedia's style guide also asks writers and editors to use nonjudgmental language, to take note of opposing points of view, to avoid writing off controversial topics as mere opinion, and to also avoid stating opinions as fact.

The initial goals of this research had been to also build a three-way classifier to investigate if Wikipedia is truly neutral or if a political bias still exists, and a collection of twenty-five total Wikipedia documents on the same political issues as the liberal and conservative articles was gathered. However, due to an abundance of stylistic differences between news and encyclopedia writing, the Wikipedia dataset was not used in this analysis. In future, these stylistic differences would need to be accounted for, perhaps by comparing Wikipedia to other encyclopedias with known political affiliations, such as Conservapedia. Additionally, news articles from sources considered to be more neutral could be compared to the openly liberal and conservative news sources. In all, the task of assessing the neutrality of Wikipedia is possible and would make for interesting future discoveries.

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Fighting Corruption in China Using the Media

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ABSTRACT: It has long been acknowledged that the media plays a critical role in fighting corruption and promoting good governance. In the Chinese context, because of the nature of the media system and censorship, the mainstream discourse of corruption is controlled by the central government. However, social media has created a robust and widely accessible civil space for journalists and civil society to engage in anti-corruption. This article explores the media's practices in curbing corruption on both state-owned media and social media in China. Using case studies, it aims to address two questions: How and by what methods (e.g. news, documentaries) does the government communicate anti-corruption information to the public through the state-owned media? How does Chinese civil society utilize social media to interact with authority and participate in the fight against corruption? On these grounds, policy implications and recommendations for reducing corruption in China are put forth.

KEYWORDS: fighting corruption, state-owned media, social media, China

Introduction

Many cases around the world have demonstrated the media's effect on eliminating systematic corruption. However, it is hard—perhaps impossible—for media to function successfully in every country, considering the media tends to be vulnerable to threats and temptation from the outside; e.g., government, politics and elite economic groups/companies. The characteristics of the media itself also impact the media's effective function in anti-corruption; such characteristics include the ownership of the media, the media's working culture, qualified professional journalists and the media framing.

This article examines how media functions in the fight against corruption in China, concentrating on the interactions among media, civil society and the Party-State on anti-corruption. Materials used in the analysis include news reports, documentary and drama series broadcast on state-owned media, and the most influential case of a high-ranking corrupt official first uncovered on social media by an independent journalist. The article starts with an introduction to the Chinese media system, which is highly censored but still contains opportunities for political discussion. Then, it turns to the analysis of government-led anti-corruption communication, using the specific case of China Central Television (CCTV)'s anti-corruption news reporting and the documentaries and drama series co-aired by the Party-State and the TV stations. Special attention has also been paid to how journalists and civil society engage in combatting corruption via social media, and the benefits and potential risks of online anti-corruption efforts.

Media system and censorship in China

The original media control system in China, which emerged during the 1950s, is a transplant from the former Soviet Union, which regarded media as a link between the Communist Party and the people with the purpose of communicating socialist contents. The media therefore is under tight political control and fully financed by the

government. After former Chinese leader Deng Xiaoping initiated economic reforms in 1978, with a focus on market economy and external openness, the media system adhered to a course of reconstruction and liberalization. Although state control of media still obtains, the mass media had to care about consumers' needs and assume a commercial orientation. The government subsidy was provided to only a few national media organizations (e.g. People's Daily, Xinhua News Agency, China Central Television), while others had to maintain self-reliance. However, the freedom of both print and broadcast media is conditional, the State Administration of Press, Publication, Radio Film and Television is under the control of Party Central Committee's Propaganda Department, both of which oversees the media industry in China.

With the Internet and social media boom in China, the relationship between the media system and political expression became complicated. Online political communication, generated and disseminated by the public, incorporates a new element, which may alter existing relationships between political communication, nationalism and social change in China (Hyun & Kim 2015). Given the rapid growth of the Internet and high penetration of social media in public life in China, it is impossible for the Chinese authority to impose complete control over the media. Margaret Roberts, in her book *Censored*, described the Chinese censorship system as a "porous censorship". Using digital data from the Chinese Internet and leaks from China's Propaganda Department, she identified Chinese censorship's porous nature as the censorship that is neither seamless nor complete - much of China's censorship works, not by making information impossible to access, but by requiring those seeking information to spend extra time and money to gain access (Roberts 2018).

Government-led communication on anti-corruption information

The case of China Central Television (CCTV) was examined, which is the most predominant state television broadcaster in China, to observe how the government utilizes this platform to convey anti-corruption information. Among all the new programs produced by CCTV, *Xinwen Lianbo*, a half-hour daily news program (starting at 7pm), is highly selective and censored: the government forced the program to be aired simultaneously by all local TV stations in Mainland China and serve as a megaphone for the State and the Party. It has a history of more than 40 years, as it was first broadcast in 1978. *Xinwen Lianbo* has a unique political value in Chinese society; it has proven to be a great example of the construction of political reality by journalistic text on the symbolic level (Chang & Ren 2016).

The research collects key news reports from *Xinwen Lianbo*, related to corruption and anti-corruption information, from 1 January 2016 to 1 January 2017. The biggest campaign against corruption in China in recent years, began at the end of 2012, following the November conclusion of the 18th National Congress of the Communist Party of China. The campaign lasted five years, ending in 2017. According to the Transparency International's Corruption Perceptions Index, in 2017, the score reached 41, the highest in recent years (The scale of score is from 0 to 100, with 0 meaning highly corrupt and 100 meaning very clean); this signifies an improvement in the corruption situation. Therefore, the news from the year of 2016 to 2017 reflects some features of information dissemination during an anti-corruption campaign, especially as the campaign was approaching its end and attaining its objectives.

The data for the present news coverage was drawn from *Xinwen Lianbo* news database on CCTV's official website (<http://tv.cntv.cn/videoset/C10437>). The archival search was conducted using the keywords "corruption" (腐败), "the central commission for discipline inspection" (中纪委), "malfeasance" (违纪), and "supervision" (监督). All the samples were aggregated into a pool, which was read manually, case-by-case, to

remove duplicates and tease out accurate news stories that were directly related to the corruption cases and anti-corruption campaign. The news coverage analysis focused on three factors: coverage quantity, news subjects and reporting agenda.

The results showed 46 related news articles were published in the given time period. The most coverage was in January 2016, while the least coverage was in February 2016. This sharp contrast was likely due to the fact that 8 February was the Chinese New Year of 2016 (Spring Festival). According to social custom and Chinese culture context, negative news must be removed in most cases. As such, even the news media tends, for the most part, to avoid reporting news that might make people feel bad. However, at the same time, as the biggest festival in China, the Spring Festival also represents a high-risk holiday opportunity for corruption, as many government officials receive gifts, luxury banquets, and bribes during holidays, at all kinds of occasions, such as gatherings of families and friends. That is why, in January, the number of anti-corruption media reports is the highest out of the whole year. The holiday-sensitive corruption reporting also reflects on other big holidays, such as May (Labor) Day and National Day. Along with the Spring Festival, these three festivals give the public week-long public holidays. Similar to the contrast between January and February, such disparity can also be observed between April and May (7 in April vs. 1 in May), September and October (4 in September vs. 2 in October). Based on a monthly comparison of the amount of news reporting coverage, the first conclusion can be reached that the high season for reporting tends to be any month before the big holidays; during the actual holiday period, there is much less reporting.

Table 1. Number of Monthly News Reports

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
11	0	3	7	1	2	1	3	4	2	8	4

After analysing the quantity of news reporting, the news content was examined. The news reporting covers three subjects: high-ranking officials' corruption cases, anti-corruption rules and regulations, and typical clean government/official cases (probity) propaganda. All corruption cases reported by the program use, as their sole source, the Central Commission for Discipline Inspection, which are short, results-only reports without more details about investigation process. For example, on 10 August, the news about the corruption case of Liaoning Province chief (a high-ranking State-Party official) only reported the penalty decision within the Party and the coming court procedure, but provided no detailed about the nature of the corruption, how the investigation determined that the chief was corrupt or the precise seriousness of the chief's corruption. Furthermore, there aren't even interviews embedded in the coverage of the corruption cases. During the 2-3 minutes news reports, there was only a related image and the news anchor's voice in the news. Regarding anti-corruption rules/campaigns news, the agenda is uniform: government institutions made/emphasized anti-corruption regulations and rules, which would undoubtedly achieve great results and benefit the public. The news was nominally about the anti-corruption regulations and anti-corruption education to the public, but in fact, they serve as the propaganda celebrating the government's purported good deeds. Because such news offers no scientific interpretation of the regulations, or any detailed information about how the public might take part in fighting corruption, it is virtually impossible for the public to absorb sufficient anti-corruption education through this news reporting. The only news topic that may give people a sense of proximity to events is the news reporting about typical clean governance cases. These cases come from the grass-roots basic level, such as rural government agencies or low-ranking officials. By reporting on these models,

the news coverage provides a demonstrative model of how probity operates the society and advocates the clean governance in the country.

Table 2. News Subjects

Topic	Frequency
Corruption cases	20
Anti-corruption rules and regulations	21
Clean government/official cases	5

In addition to the news reporting, another “investment” by the central government and the Party in anti-corruption information communication is the documentary and drama series released in 2016 and 2017. In October 2016, CCTV-1 and the Central Commission for Discipline Inspection co-aired an 8-episode documentary series called *Always on the Road*, which featured the confessions and pleas for forgiveness of some high-ranking government/Party officials who were convicted of corruption. The documentary made examples of eight corrupt officials, putting them onscreen to describe how they started to conduct government business in a corrupt manner and their reflections after their convictions. These eight interviewees for the documentary were strategically chosen; they were all very high-ranking officials before their convictions, which meant that the public had never had the chance to see any negative news coverage about them through Chinese media. Therefore, the documentary opened a new window for the public to see the sharply disparate images of these officials, before and after their convictions for corruption, as the filmmakers argued, the documentary was aimed at creating an effective deterrent environment for corruption. However, the story-telling frame of the documentary is of corruption as an individual crime, characterized by a focus on individual responsibility, without mentioning the integrity and accountability of the system.

In 2017, Hunan Television Station, China’s most successful marketized TV Station, cooperating with the Prosecutor General’s Office, the highest national-level agency responsible for both prosecution and investigation in China, released a TV drama series, *In the Name of the People*, which was one of the most-watched TV drama series in China in 2017. The series narrated the fictional political account a group of corrupted officials being unearthed through the efforts of prosecutors. The drama series became a sensation because it revealed a political and power struggle, of unprecedented intensity, that is seldom portrayed on the Chinese television screen; it has been referred to as the Chinese *House of Cards*. Although it is a fictional story based on a web novel, the stories of *In the Name of the People* are believed to be extremely close to reality, and therefore it made the public feel close to officialdom and political corruption situation. Support from the Prosecutor General’s Office of China, on the one hand, helped the drama to bypass the censorship regulations, but on the other hand, limited how deeply the corruption story could be filmed to meet the requirements of not challenging the political system, as laid out by Chinese top leaders.

Journalists and civil society’s anti-corruption engagement via social media

Social media grew fast in recent decades, as the number of Internet users in China rapidly increased. Although the authorities tightly controlled sensitive political online statements on various social platforms, censorship’s porous nature in China, as mentioned above, still created a robust and widely accessible civil space for the public to exchange ideas and promote discussion. Also, because the reporting process is not efficient, the central anti-corruption institutions (this mainly refers to the Prosecutor General’s Office and the Central

Commission for Discipline Inspection) are not transparent and highly bureaucratic, people were compelled to turn to social media to engage in public discussions. These two reasons explained why a growing number of corruption cases in China were always being exposed first on social media, after which they caught more general attention. Individuals combating corruption using individual accounts on social media are, on the one hand, at risk of being vulnerable to revenge and punishment; on the other hand, social media seems to be the only (not to mention the cheapest and most convenient) way for individual citizens to unearth corruption to the public in China.

Given that prominent foreign social media platforms, such as Twitter and Facebook, have been blocked in China since 2009, the main social media platforms in Mainland China are Weibo and WeChat. A new phrase, “Weibo Anti-corruption,” emerged in 2011 and refers to the specific social phenomenon of netizens revealing corrupt behaviors via Weibo, the most-used microblog social media app in China. The most powerful official accused of corruption reported on the Weibo platform is Liu Tienan, who was then the director of the National Energy Agency and deputy head of China’s National Development and Reform Committee (China’s top economic planning body). His corrupt behavior was disclosed by veteran investigative journalist Luo Changping in November 2012. After spending one-year collecting evidence of Liu’s corruption, Luo published the allegations in full via his personal Weibo account and under his real name. In an interview with CNN, he admitted that it would be hard to duplicate it (his successful investigation) again, because there were so many coincidences and difficulties - he acted alone, and few media wanted to be involved in this case (Brown 2013, *CNN*). At first, Liu denied the charges, but eventually, in May 2013, he was officially dismissed by Chinese authorities for committing “serious disciplinary violations.” He was sentenced to life imprisonment for the crime of bribery in December 2014.

Before the social media era in China, that corruption reporting from a grassroots public can achieve such results could not have been imagined. Except for the profound courage and work of Luo Changping – he thereafter received the Integrity Award from Transparency International, the tremendous online support for anti-corruption and increasingly growing power of social media users are the key factors pushing the authorities to respond, react and investigate, instead of engaging in concealment or retaliation.

However, the “Weibo anti-corruption” can only provide a temporary and short-term solution for fighting corruption in China. In a mature society, the rule of law and functional public institutions serve as the fundamental guarantees to curb corruption. In China, civil society assumed the responsibility to direct and investigate corruption, and utilized the rapid speed and huge communication power from social media to force authorities to react to the corruption. It is a risky decision, given the severe censorship and political context in China, and no one can guarantee that such reporting will have successful results. The successful cases are from tens of thousands of instances of corruption reporting on Weibo that did not receive any attention, were censored by the authorities or avenged by the reported officials.

Another interesting finding is that there seems to have been a peak time period, from 2012 to 2014, for “Weibo anti-corruption.” In the recent few years, even though there has been a large amount of alleged-corruption reporting on social media, there were no cases with such huge influence and shock value as before. The reasons for this are complicated, but one cannot be overlooked: due to the lack of a fact-checking mechanism, anyone can allege any official is conducting corruption on social media, with neither check nor investigation. In some cases, online reporting and revelations became the tool of struggling political interests, and the always-strong public support gradually became numbness. This is the inevitable consequence of online anti-corruption efforts that depend only on power and passion from grassroots campaigns.

Results and Discussions

The 46 pieces of news reporting from 2016 to 2017 on the news program *Xinwen Lianbo* on the state-owned CCTV depict the State-Party's typical approach to communicating with the public with regard to corruption/anti-corruption information in China: the reporting is time sensitive, which means less reporting during the holidays and a high frequency of reporting before holidays. The news reports are conveyed in an imperative style and cover three subjects: high-ranking officials' corruption cases, anti-corruption rules and regulations, and typical clean government/official cases propaganda. Although *Xinwen Lianbo* is an extreme example as the most censored/controlled news program in China, other news programs in Mainland China share lots of common features in reporting corruption issues. The documentary and drama series co-aired by the TV stations and the State-Party are also important tools for the government to communicate anti-corruption information. They were big steps forward as covering high-ranking officials' corruption stories was extremely sensitive in Chinese political contexts. The main functions of government-led communication on anti-corruption are trying to deter people (especially government officials) away from conducting corruption and to pacify public discontent about severe corruption by showing that the government and the Party have done a lot to combat it.

In contrast to top-down communication via traditional media, anti-corruption discussions through social media are completely bottom-up. Social media users in China have channels to uncover and discuss government officials and their corruption behavior. However, anti-corruption coverage on social media can only address corruption on a case-by-case basis; it cannot effect any change or contribute to the anti-corruption system.

Considering the Chinese cultural and political contexts, the road to transparent government and accountability is not an easy one. Curbing corruption should be the common career for both the public and the civil society. Rather than blocking corruption news or applying severe censorship to corruption-related information, government institutions should build regulations and guidance to better guide civil society's engagement in combating corruption. Also, fulfilling an important watchdog role, the media and journalists should have more protection and freedom to report corruption. To achieve that, press law or regulations should be drafted.

There is a trend in China, whereby journalists and media are becoming more self-censored and focused on reporting entertainment news to keep them safe from government retaliation. However, the anti-corruption fight cannot enjoy any success without the media and journalists, especially in a country like China. Skillful strategies should be promoted for journalists to report corruption news in relative safety. For example, reporting a news story that involves, but avoiding explicit mention of the topic in the news title may reduce the possibility of being tracked or censored. Also, international cooperation with a news agency outside of China may help the story receive international attention, and in turn push the Chinese authorities to react. These reporting "tips" should not be the primary focus of professional journalists, but they may be effective for reporting in cases of strong censorship.

Furthermore, because the political engagement approaches open to the public are limited in China; people have rare experience and knowledge of how to engage in politics, it falls on nonprofit organizations (and educational institutions) to do the work of media and digital literacy education, letting people know how to tell what is or most likely to be true, and how to make the best use of social media to combat corruption. By cultivating a strong and educated civil society, the anti-corruption endeavor would proceed more smoothly and get further in China.

Conclusions

The article discussed how media is utilized in China to curb corruption. The Chinese government and the Party firmly seized the state-owned media as the “megaphones” to distribute the corruption related news. Their news content and agenda present a uniform character that is super-bureaucratic and mandatory. The other method of government-led anti-corruption communication is through documentary and drama series, a more entertaining way to balance their simple and blunt news communication method. The documentary and the drama series are carefully designed and their contents are kept in a safe political zone controlled by the administration. The potential message behind the government-led news reports and the documentary is that combating corruption is not a business of the public, and the public deserves only the final decision in the corruption cases made by the authorities, and not the details.

Social media has shifted this power relationship—tremendous public pressure forced the administration to investigate corruption cases that were reported and discussed on social media sites. The effects of anti-corruption practices on social media are mixed. It provoked public attention and discussion on corruption issues and successfully sent some high-ranking corrupt officials to jail. However, such social media justice may have harmful potency without independent judicial process. Also, with censorship regulations toward social media tightening in China, the anti-corruption information can be completely deleted overnight by the government. In sum, anti-corruption activity on social media in China is a conditional freedom given to the public to take part in the fight against corruption.

Fighting corruption in China using the media indicates an example of how media can impact anti-corruption endeavors in an authoritarian regime. The relationship among government, journalists, and civil society is never easy and smooth, but only through the involvement of all stakeholders can the rule of law—the core value needed to combat corruption—be built.

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Mothers of Unseen Children: The Invisible Child

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ABSTRACT: Losing a child is a very traumatic experience and one that creates different nuances in the lives of those left behind. Survivors or tormented is a matter of perspective. Loss of a child many times reside in the realm of silence. Words or silence or a combination of the two seems to connect the 'Mother' to the 'Absent child' (for the world) with the ever 'Present child' (in the world of the 'Mother') who carry 'The Invisible Child,' along with them every day. The current paper will focus on the identity of a 'Mother' who has lost a child to sudden/unexpected death, their grieving process and the representation of loss in their lives through an exploration of the world of mothers through two interviews undertaken as a part of PhD work in the Indian context. Exploration of Tutter and Wurmser's understanding of grief, Lifton's concept of 'Death Guilt' and 'Psychic Numbing,' and Parkes and Prigerson's theory of 'Dual Process of grieving' will assist in understand the lives of mothers engulfed in dealing with their personal losses and continuing to live with/without their children. This exploration includes my personal journey along with these mothers. This paper is an attempt to explore this new world. Mothers were approached directly for participation in the PhD work, context provided and consent was taken to participate and share their life stories of loss of their child/children who provided their accounts largely as a combination of the English and Hindi language.

KEYWORDS: Grief theory, Identity, Loss of Child, Mother, Sudden/Unexpected death

Introduction

How many of you have personally experienced or known about the death of a child in the life of someone? Some of you I'm sure, some of you would have read about loss through news or incidents in the world. Loss of multiple infants in a hospital due to lack of oxygen or death of a child in a hit and run accident or even the murder of a child are not alien to our experiences. The loss of a child is a very traumatic experience and one that creates different nuances in the lives of those left behind. What are the processes that help parents survive the loss of their child? Loss of a child to illness is difficult for parents but when the death comes suddenly and unexpectedly, it jars those alive and creates deadness at the same time. This paper is about loss of a child that remains in the world of parents, sometimes put into words but many times residing in the realm of silence. The two seem to connect the 'Mother' to the 'Absent child' (for the world) with the ever 'Present child' (in the world of the 'Mother').

I use the terms 'Absent child' and 'Present child' deliberately. I use the terms 'The Invisible Child' and the 'Child Who Cannot be Seen' more cautiously. These simple yet abstract terms capture the world of the parents. While rituals may have been involved like burial of a child or cremation what inevitably follows is a world of silence in the world of the parents, where the child should remain a part of the past and the present and future should continue without any reminders of 'the event' or 'the episode.' Some may argue that is not the case in the Indian context. We are more in tune and empathetic to such losses, thus much more supportive. However, I will only ask one question here, "How many of you have broached the topic of loss again when a

parent spoke about their loss without feeling any discomfort?" I would be surprised if a few of you could honestly answer yes to that question.

I lost my child when she was 16 days old in the year 2004. Her name was Aarushi and it will be her birthday anniversary on the 28th of October. It would have been her 15th birthday had she been alive. Her death anniversary is coming up on 13th of November. Both her birthday and death anniversary have a special space in my life, one I remember every year and celebrate, now in the realm of silence as it is expected that I should have gotten over the loss by now. However, I want to emphasize that the loss of child never goes away in the world of a parent, they always remember!

The current paper will focus on the identity of a 'Mother' who has lost a child through a miscarriage, after birth or as an infant, their grieving process and the representation of loss through the lives of two mothers in the Indian context done as a part of my PhD work. This paper will briefly explore Tutter and Wurmser's understanding of grief, Lifton's concept of 'Death Guilt' and 'Psychic Numbing,' and Parkes and Prigerson's theory of 'Dual Process of grieving' to understand the lives of the mothers.

Grief, memory and beyond

A book by Tutter and Wurmser entitled 'Grief and Its Transcendence: Memory, identity, creativity' approaches Grief through the lens of both Tutter and Wurmser. Tutter (2016) refers to the conflict between the need to remember and the wish to forget (Tutter and Wurmser 2016, XXIII) which accurately captures the grieving process in a simplistic way. Tutter states that Freud's experience of death closely shaped his theory in 'Mourning and Melancholia' summarized by him as, 'mourning involves a painful process of reality testing, during which ties to lost objects are slowly withdrawn while the mourner oscillates between remembering them when they were alive, and remembering that they are now dead. It is not difficult to understand why loss must be "remembered" at all: often, the fact of loss is for some time incomprehensible, let alone acceptable. Moreover, when we sustain a loss – whether that of our beloved, our home, or our youth – we lose a part of ourselves, at least temporarily, and in some instances, forever (Tutter and Wurmser 2016, XXVI-XXVII).'

Freud lost his daughter Sophie who was twenty-seven-year old during the Spanish flu epidemic and his grandson Heinz or Heinerle, son of Sophie to tuberculosis. Many state that grieving is only a temporary process and one gets over the loss, I firmly believe that it is not the case. One only learns how to live with their losses. Tutter writes about Freud's experience of loss nine years after the death of Sophie and six years after the death of Heinerle through a letter he wrote to Ernst Jones about his intense grief after the loss of his grandson:

'Sophie was a dear daughter, to be sure, but not a child. It was only three years later, in June 1923, when little Heinerle died, that I became tired of life permanently (Tutter and Wurmser 2016, XXXI).'

Freud experienced the loss of his daughter as well as the loss of a grandchild, the losses are incomparable. Tutter states, 'Freud might have written of the losses as separate in his representation of the same but his concept of *nachträglichkeit* reflects how in losing Heinerle Freud experienced the loss of Sophie yet again which Tutter refers to as another double death. (Tutter and Wurmser 2016, XXXI).'

The subjective experience of loss becomes imperative in understanding the grieving process and memory. As Wurmser states in the same book written with Tutter, 'authenticity in such an exploration is only possible when it is done with great and personal specificity (Tutter and Wurmser 2016, XXXIII).'

This paper is an attempt to be precisely the same kind of work as described by Wurmser in working in the difficult

space of loss, grief, mourning and memory as an end product. Wurmser emphasises, 'love, which made grief almost unbearable, was at the same time its antidote (Tutter and Wurmser 2016, XXXVI).'

Memory becomes imperative in the mourning process, dealing with and moving on after loss can be helped or hampered by rituals and relationships. Permission to mourn and remember are largely shaped by relationships and if an individual does not find space within existing relationships, it is not uncommon for new relationships to develop including one with one's own self, a changed self for the world but one that cannot be changed back to what it was before the loss. This at times can result in difficulty in maintaining existent relationships resulting in breakdown of marriages, family ties and friendships. The need to remember and the wish to forget on an individual basis and through one's relationships, the mourner is caught unaware sometimes leading to breakdown and at other times to a certain pervasive deadness. Wurmser describes the lives of the mothers beautifully by defining trauma as: 'we can define trauma as an overwhelming, unsolvable external conflict between self and environment that leads to a conscious, but unsolvable inner conflict (Tutter and Wurmser 2016, 124).' Loss and trauma in the wake of the death is understood as a way of expression of the process of mourning.

An Aerial View on Loss and Grief

Parkes and Prigerson (2010) posit: 'Bereaved people oscillate back and forth between grieving and the other demands of life, eating, sleeping, caring for surviving children, etc (Parkes and Prigerson 2010, 59).' Their emphasis on this process of oscillation has been a focus of many and is referred to as the 'Dual Process of Grieving.' In their book on Bereavement, they share the story of a tragedy that occurred at Abernethy, in Wales where 116 children lost their lives in a school in 1966. They state: 'visiting the burial place of the children became an important part of the life of bereaved mothers, and the wish to stay close to the dead children was the reason given by many parents for not moving out of the village (Parkes and Prigerson 2010, 61).' Murray and Prigerson explore the area of continuing attachment through their book by focusing on how this attachment to the dead person can help in adjustment and also delay or complicate the process of dealing with the loss (Parkes and Prigerson 2010, 68).

Guilt and shame became inevitable presences in one's life experience. The theme of 'Death Guilt' emerges clearly through the work of Lifton seems to bind all the content together. He writes, 'No survival experience, in other words, can occur without severe guilt.' While remembering the loss of my own child, 'death guilt' and 'survivor guilt' took on a whole new meaning. In his writing, he managed to create a distance from his self and his work through a concept Lifton called 'psychic numbing.' His concept of 'psychic numbing' comes back to me as a lived out reality in the lives of parents who have lost a child to sudden death through the interviews in this work.

The process of mourning described by Freud in the text includes, 'the survivor's need to come to gradual recognition of the new reality, of the world which no longer contains that which has been lost (Parkes and Prigerson 2010, 525).' Andre Green writes in 'On Private Madness' in the chapter, 'The Dead Mother': '...if the mother is in mourning, dead, she is lost to the subject, but at least, however afflicted she may be, she is there. Dead and present, but present nonetheless (Green 1986, 164).' Duration of the mourning process varies from individual to individual, we enter into this world through the accounts of the mothers.

A glimpse into the lives of mothers

Ms. A lost her 55 day old daughter in 2007. Baby was born in March and died May 14th. The mother had a total of 6 pregnancies and has one living daughter. Ms. A shared, “It is very difficult to explain what really happened (ki kya hua) and then there are so many accusing fingers on you as a mom that you feel what as such did I do (maine aisa kya kiya hain)? Then, my husband said that whatever has happened has happened and you have to get over it fast because you have to. For something that has happened, there is one person here who is getting affected (referring to the living daughter who was almost 7 years old at that time).” Ms A stated, “Picture we keep, actually we’ve kept it at such a central place. I feel like she has been an angel and she’ll come back to us somewhere or she’s taking care of us from there. Every day, when I do my morning prayers, I just look at it for a minute. I look at it every day but others cannot see that (Mein dekhti rooz huin lekin bakiyoh koh nahi dikhta hain). My husband lost his younger brother when he was in class 12. He also lost his father when he was very young. So, my mother-in-law does not really allow to have the photographs everywhere. She will say things like you will not let her go if you keep remembering her. So, I have kept one photograph hidden somewhere but... (Toh maine kahi hide karke ek photograph rakha hua hain but...).”

You can get a glimpse into Ms A’s world after her loss, “I say this child because I have a difficulty in naming her all the time. I am not able to name her. I feel that (Mujhe lagta hain) it was a deity that came through me that I cannot name. You know, this is the first time I have spoken about her and not cried. I don’t know why, I am also wondering because this has never happened (aisa kabhi bhi nahi hua). Yes, I am actually talking about her or maybe it’s the first chance I’ve ever gotten to speak openly. I’ve never been able to, everyone is like leave it, leave it, what is the point of feeling sad about it (chodo chodo, dukhi hone seh kya faiyda) and there are certain people with whom you just don’t feel like sharing because they’re too superficial. People who would not understand what you went through and most of the time I’m careful because my daughter is around so I don’t say anything (toh main bolti nahi hu kuch).”

Accusatory voices of society altered Ms. A’s identity and being. She elaborates, “What they want to think, let them think (Ki jo unko sochnah hain, soche), I stopped bothering about it but then maybe it was affecting somewhere down below. But, then these behavioural things like you must not have made her burp, you must have choked her (tumne burp nahi karaya hoga, tum neh choke kara dia hoga), these were hurting me more. I mean what mother would ever want her child to go especially after she has undergone so much of pain. I would not want her to be unhappy in anyways. That is what used to affect me most (Woh mujhe bohot zada affect karta tha) at that point but I thought it’s futile. People who are not concerned, why they are saying this in front of me, so what explanation do I give to these people (Jinko itni concern nahi hain, ki iske samne kyon bol rahi ho main yeh sab baat, toh inko main kya explanation doin)?, forget it. And I’ve had many deliveries after that, total six pregnancies.”

The absent child remains present in the life of Ms. A. She explains the child had never been seen by her after being taken to the hospital, “Yes (Hain) and they just came back and told me this happened, and this happened (ki aisa hua tha, aisa hua tha). I still fight with him (husband) sometimes that you didn’t even bring her to me even once (tum ek bar bhi lekein bhi nahi aiye), you did not allow me to see. Even now (Abhi bhi), we were crossing that place while coming to it this time, we came via another way. It is very close, just 6 hour drive from the other way. Again, I was thinking about this episode, here, this happened (yaha, yeh hua tha), in fact I told my

husband we will not go to the same hotel.” Her child was buried, last time she saw her child was before she was being taken to the hospital in transit during a journey.

Her identity has altered with the multiple losses she has experienced. Ms. A elucidates the same in terms of her relationship with her mother-in-law and others in the family who find her altered over the years. “It’s just that I have said that she (mother-in-law) is not going to stay with me, in my house. (Starts crying) I would expect a woman to understand all this...All her kids, all five of them are elder to me but they are all like she is childish, she is simple, she is like this (woh nasamajh hain, woh siddhi sadhi hain, woh aisi hain). All the daughters are supposed to be simple and I am supposed to be the wicked one, despite age they cannot understand the things. Okay, fine (Theek hain) I’m wicked, now, that is just fine (bas abh theek hain). I have accepted I’m wicked and you get out of my house, that’s it (bas). That’s what I am. I’m not bothered what anybody thinks.” This is not an unusual experience reflected in the lives of many people after the loss of a loved one, especially the loss of a child. She ends on this note, “They all feel it is okay. But, it’s not okay, it’s not okay. When you are having those live kids, it’s a different story. And when the kids are not there, it’s a different story. There is a loss you cannot explain to others, they cannot feel it.”

Another mother, Ms. UB had eight miscarriages, ranging from one month to 21 weeks old pregnancy. In her voice, “Eight miscarriages happened, in the beginning one month, two three times it was one to three months, after that four months, then five months (Athe miscarriages huin thein, shuru mein one month ka tha, do, thin bar ek seh lekar thin mahineh, uskeh baat thoda char mahineh hua, phir panch mahineh hua). Last one was six months, what I remember, seven months hadn’t been completed. Miscarriage happened at 21 weeks, the last one (Last joh tha, six month ka tha, joh mujhe yaad hain, ki seven month pureh nahi huin thein, do hafteh rehtain thein, 6 ½ kehelo. 21 week mein miscarriage hua tha, last wala joh tha). It was all very painful, I would never wish that anyone goes through this journey, first time it happened we thought because it was because we had sexual intercourse during the pregnancy, that is why it happened, so we stopped being sexually intimate but it was still happening, miscarriage (Baaki toh bohot painful raha hain safar, mein nahi chahugi ki koi, kisi koh bhi is dhor seh guzarnah padhe kyonki first time hua toh humeh laga ki ham log pas ateh hain toh is liye hua, ki hum pas aateh hain toh iski waja seh par humne woh bhi bandh kar diya, toh phir bhi ho raha tha, miscarriage). But, in India, there is no awareness according to me, there is no awareness in the family, even the doctor did not suggest any such thing and then it is also due to one’s economic class also (Par India mein mere hisabh seh awareness toh hain nahi, nah toh family mein awareness hoti, nah doctor neh hi aisa kuch suggest kiya aur kuch yeh bhi hain ki economic class hone ki wajah sein).”

While sharing about her experience Ms UB states, “Many emotions, much efforts, fondness and one dreams that this time it should be fine (Kitneh emotions, kitni mehnat, kitna lagav aur ek sapna hota hain ki is baar theek ho jayega). Each time there is a hope, based on that hope a person can bear all the pain but when one still does not get it (Har bar ek umeed hoti hain, ussi umeed par insaan sabh dukho koh jhel pata hain aur woh bhi na mileh). So, it went on like that continuously (Toh woh chalta raha tha aise lagatar). Each time it would happen that it would break, the water would burst (Har bar yehi hota tha ki burst ho jata tha, pani nikal jata tha). And, once, the Doctor had said, I wish I could put life into it, put a voice because the child was so beautiful, it was a pretty baby boy, just like this (Aur, ek bar toh Doctor neh kaha tha ki kash mein isme praan daal sakhti, awaaz daal sakhti kunki woh baby itna sundar, itna pyara boy tha, bilkul aise). Yes, they showed me, showed the little baby, baby girl also (Hain, mujhe

dikhaya tha, baby bhi dikhayi thi, female bhi). There was one girl, seven boys were miscarried (Ek ladki thi, 7 ladke theh mircarriage mein)."

She describes her absent children, "One time it was really small, but the body is made by three months, can be identified in a three month baby fetus also (Ek bar bilkul chota sah tha par body toh theen mahineh mein baan jati hain, identify ho jati hain theen mahineh wale baby mein bhi). And, the one that was five months, that one looked like it would just make a sound, it just needed some care (Aur, joh paanch mahineh wala tha nah, woh toh aise lag raha tha ki abhi awaaz nikaleh aur abhi thoda sah care ki zaroorat hain). They were beautiful, really fair and such sharp eyes, like a beautiful baby is right (Bohot sundar thein, gora chita aur itneh thekeh nain nah, jaise sundar sah baby nahi hota)? And, when they showed like that, one suddenly felt like what is all this that is happening (Aur jabh unhonein aise dikhaya toh ekdam seh aisa laga tha ki yeh kya ho raha hain). Why in front of oneself, one's own flesh and blood can be seen, so that was very painful, that one (Kyoin apnehi hi samnehi, apna hi heesa dikh raha ho, toh woh bohot dukh dayik tha, woh wala)."

Ms UB also shared, "In a miscarriage there are pieces and pieces, that is a really bad experience, I don't even want to remember all that (Yeh miscarriage mein toh tukde tukde hotein hain toh bohot gande experience thein, mein toh yaad bhi nahi karna chahati). What is the point of having a pregnancy in which the delivery is not getting completed, when it is incomplete it can only give pain (Bhai uss pregnancy honein ka koin faida nahi hain ki agar time peh delivery nahi ho rahi hain, incomplete hoti hain kyunki woh toh dukh hi deta hain). Reason turned out to be scientific only so I never felt that I needed to wander for the lost, that should happen, I should read some mantra or remember some God (Scientific hi nikla tha toh mann mein kabhi bhi nahi aaya ki mein uske liye bhatku, ki woh ho jaye, mein koin mantra padh lu ya koin bhagwan ko yaad kar lu). I feel that, if I really tell the truth then in the end I felt what I am running after, if it was supposed to be mine it would be with me (Mujhe lagta hain, bhalki mein sach bolo toh mujhe last mein yeh lagnehi laga tha ki jis cheeze keh peeche mein bhag rahi hu, agar yeh mera hota toh mere pas rehta). When I pulled myself together, then the thought that my mind gave to me was that these children came to only give me pain, the reason for the pain so I pulled myself together (Jab maine apne aap koh sambhala toh mere mind nehi thought yeh diya tha ki yeh bas dukh dene aaye thein bache toh yeh toh dukh keh karan hain, toh maine na apne aap ko sambhal liya tha)."

Her coming to terms with her loss is captured when she shares, "I stayed restless for over a week and after that, I put my heart at rest by making it understand that they were never mine, if they were mine then they would never have left me and gone (Hafta bhar toh pareshan rahi aur baad mein apne dil koh yehi kaheke samjhaya ki yeh mere theyin nahi, agar mere hotehi toh mujhe shodh kein nahi jatehi). Only, this one thought I remember, in between there was an incident that I experienced (Bas yeh ek last thought mujhe yaad hain, in between mere saath ek ghatna bhi ghati thi). When I was in the OT, the time I am telling you about, we got late in coming out of the OT (Jab mein OT mein thi, jis bar mein bata rahin hu ki bohot late ho gaye thein hum, bahar aane mein). Normally I would be out by 3 PM, but on that day it was past 6 PM and I also feel that maybe I had died that day (3 bajee mein bahar aaja thi normally par uss din mein 6 baj gaye thein toh mujhe bhi aisa lagta hain ki shayad mein mar gayi thi). And I said yes to myself, that no I want to live, like a thought that came out of my mind that no, I want to live (Aur maine apne aap koh yes kiya ki nahi mein jeena chahati huin, jese thought mind seh nikli thi yeh ki nahi mein jeena chahati huin). Like someone had come to get me and was trying to lift me up, so I told them, I told (Jesse koin leneh aaya mujhe aur mujhe utha raha hain, toh maine usehi bola hain, bola hain). That time I was under anesthesia, yes but I remember that this incident happened with

me in the OT (Uss sameh anesthesia tha, hain par mujhe yaad hein ki mere saath yein incident OT mein hua hua hain). But, I knew someone had come to get me and he, my husband, was experiencing the same thing outside, I think (Ki mujhe tha ki mujhe leneh aaya hain aur inko yehi cheeze bahar ho rahi thi ki shayad yeh).” Ms UB’s experiences after multiple losses reflects coming to terms with the loss as well as spiritual/out of body experience to come to accept the losses.

Conclusions: The World of the Mothers

Being exposed to the loss of a child personally as well as through the lives of mothers who experienced the same awakened a desperate need in me as a researcher to understand the real/unreal world of the mothers after the physical death of their child. This paper is an attempt to explore this new world. The women share their losses and how it altered who they were before and after the experience. Ms. A began by sharing the loss of one daughter but multiple losses emerged through the interview. Ms UB shared the experience of loss of pregnancy more than how it affected her life afterwards. Both mothers emerged as being stronger after their multiple losses. The course their lives took before, during and after the experiences cannot be shared completely in this space. For the world, they are a reflection of strong women who came to terms with their losses and what they did with their lives afterwards. Yet, through their experiences what is emphasized is that the losses are a part of them that not only shaped who they are today but remains a part of them for life.

A world of lived out experiences that are 'questionable' to the outside world becomes the new world essential for the survival of the 'Mother' of 'Unseen children.' The paper briefly shows the theoretical frameworks of Tutter and Wurmser, Lifton, and Parkes and Prigerson lived out in the lives of two 'Mothers' through narratives in the Indian context. The lives of the mothers is full of noise and silence, an outer world and an inner world and a special world where the 'Invisible Child' remains present in the lives of 'The Mothers of Unseen Children' for the world at large. The paper has been left open to making your own connections between the theories and the subjective lives of the mothers and in turn, your own subjective experience in the whole process of entering the new world of chaos of the world of 'Mothers of Unseen Children.' This is where they live, this is their reality every day of their lives after the deaths of their children.

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The Future of Kenyan Banks: Mitigate Financial Risk Using Cryptocurrencies and Blockchain Technology

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ABSTRACT: The banking sector has undergone tremendous changes in the past decades. This paper seeks to investigate the future of Kenya banks by using cryptocurrency and blockchain technology to mitigate financial risk. A cryptocurrency performs the fundamental function of money, as a medium of exchange. The encryption and decentralization of digital currencies are the most important aspects regarding the applicability of Cryptocurrencies and Blockchain Technology in Kenya. Digital money supports individual investors as opposed to a dominant market player or authority. The fact that no single authority controls cryptocurrencies is the heart of its applicability in Kenya. Digital money is a unifying factor for the world markets defined by growing inequality and financial malpractices. The Kenyan banking system may take advantage of the smart contracts to address the myriad risks owed to the economic actions of the private and public parties. Banks can use the digital money to eliminate intermediaries that often constrain the capacity of the individual traders to enter into contracts. Cryptocurrencies operate on a user-to-user basis to enhance flexibility and control by the individual traders. The use of the technology can help the state to reduce the risk of loss owed to inaccurate authentication and valuation of assets.

KEYWORDS: cryptocurrencies, blockchain technology, financial institutions, market risks, Kenya, banking system

1.0 Introduction

Technological innovation defines the important revolutions in the world of business over the years. All the significant changes reveal a remarkable keenness on security and efficiency (Chilukuri & Madhav 2015). Individuals and corporates are keen on optimizing their utility by saving time and accruing maximum rewards on their investments. However, the desire to consistently thrive in a given industry surpasses all the competing interest for business people. Cryptocurrencies and Blockchain Technology has over the years evolved to become the embodiment of security and transparency. The idea behind the system is to have a digital currency that can be influenced by everyone. It can be created by anyone and is decentralized such that the state or a private body cannot regulate it (Dulea 2015). Being a highly secure monetary control system makes Cryptocurrencies and Blockchain Technology a valid answer to the financial risks particularly prominent with the developing states. The principal inclination for all market players shifts to a stable framework for conducting transactions and quantifying value for myriad goods and services.

1.1 Blockchain Technology

While cryptocurrencies compare uniquely with the predominant forms of money, its infrastructure is a subject of complexity. The most significant contrast regards the lack of regulation, an important quality of digital cash (Pilkington 2016). We do not have the central banks with regards to cryptocurrencies. The technology is entirely virtual and thus lacks a central repository. A case where money can be lost by being stolen from the bank resembles a computer crash, in the case of cryptocurrencies. On the other hand, as the central banks work on various security mechanisms, the control of digital money requires technological management know-how coupled with backup copies of holdings. Blockchains are the ideal back up and also serve as central repositories (Antonopoulos 2014). A blockchain may also be defined as a list of records integrated using cryptography.

However, it is essential to note that blockchain differs from the ideal of the central bank, for the case of physical money. On the contrary, no one has control of the blockchain nor is there any modification of data (Wright & De Filippi 2015). The technology has evolved over the years to be identified as an openly distributed ledger. It seamlessly integrates all transaction between multiple parties at an instant. Verification also happens as soon as the transfer of money takes place between one individual and the other. Nevertheless, the fact that digital funds rest on the use of technology calls for the integration of financial networks. Blockchains facilitate the need with the provision of a protocol that allows the inter-node exchange of information. The figure below shows the various nodes represented in circles, and interconnected within a single network.



Figure 1: Blockchain Technology (Blockchaincompany 2018)

No data can be altered upon being recorded in the network (Fanning & Centers 2016). A practical implication with the use of physical money is that the receipt should not be altered or lost following the exchange of money for a given commodity.

1.2 Cryptocurrencies

A cryptocurrency performs the fundamental function of money, as a medium of exchange. However, it elicits vital contrasts especially due to the lack of tangibility. On the contrary, it is a digital asset with a sophisticated technological design to act as a

medium of exchange (Peters, Panayi & Chapelle 2015). Firm cryptography is key to the security of the medium of exchange. It explains the rationale for universal applicability, where no state or economy can claim to have full control of the asset. Cryptography is also responsible for other principal dimensions of cryptocurrency as a median of exchange. Most profoundly, it can establish the most desirable volume and velocity in the market (Scott 2016). Just like the physical money, cryptography ensures that the creation of extra units or denominations does not disrupt the economy and the individual markets. Secondly, the fact that one can easily track the movement of the digital currency caters for record keeping (Crosby et al. 2016). In fact, the technology is an improvement regarding the essence of tracking and recording transactions. It has been engineered to be in tandem with the transfer of assets. The Bitcoin is one of the main types of cryptocurrencies as shown in the figure below. Other types include Ethereum, XRP, Stellar and Tether.

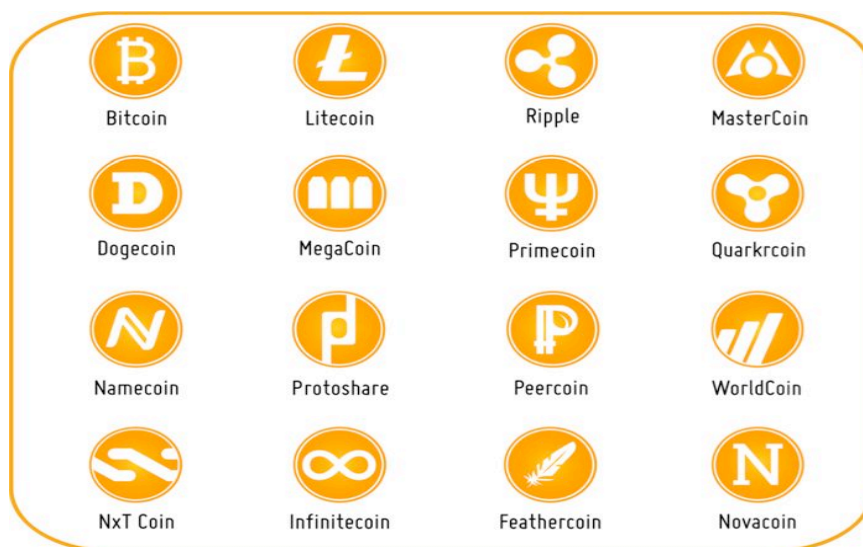


Figure 2: Types of cryptocurrencies (Bigstock 2004)

The distributor ledger technology is the foundation of the decentralized attribute of cryptocurrency. A look at the definition and blockchain frameworks will facilitate a more meaningful approach to the integration of the public and the financial market. However, the cryptocurrencies revolve around a predefined financial transaction database. While the idea of digital money came into existence in the early 1980s, the most notable applications were conceptualized in 2009 with the launch of the Bitcoin (Mainelli & Smith 2015). The digital currency is but one of the many other cryptocurrencies, the same way we have multiple currencies around the world. One cannot define the economic revolution without an articulation of the ease of transfer of funds. The digital framework suggests that individuals have tremendous control of their money, and can move it at a go. The system hosts multilevel public and private keys to facilitate security in the flow of money. Besides, the public enjoys greater access to financial data regarding their financial transactions.

2.0 Rationale for Cryptocurrencies and Blockchain Technology in the Developing Countries

The encryption and decentralization of digital currencies may be the most important aspects regarding its applicability in Kenya and any typical developing state. Traditional money revolves around multiple intermediaries beyond the central and underlying fiscal policies. Fluctuation is the only contest regarding the unlimited flexibility of the cryptocurrencies (Pilkington 2016). It is difficult to control significant adversities regarding the value and velocity of digital money. It entirely relies on the current actions of the users through transactions or saving. However, free economics has often been a consideration for multiple economic theorists and individual market players. Just like the traditional money, cryptocurrencies can also align with the fundamental elements of demand and supply (Antonopoulos 2014). Its value and availability can be adjusted by natural economic parameters, without any involvement of a central body. The figure below demonstrates how the decentralization of digital currencies enhances the capacity of the public, and reduces the control of the banks. The cryptocurrency acts as the money exchanger while the banks only allow movement of the currency.

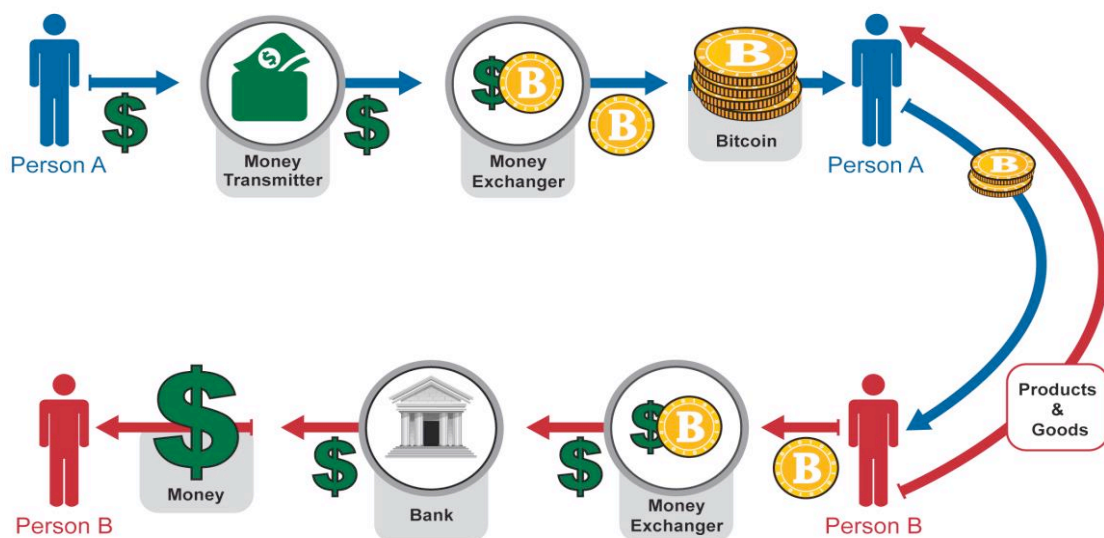


Figure 1: Decentralization of digital currencies (source:http://www.howtogeek.com/wp-content/uploads/2015/12/650*347*de)

Cryptocurrencies and blockchain technology support individual investors as opposed to a dominant market player or authority. It is therefore ideal for the developing states often in a crisis trying to eliminate the middlemen (Fligstein & Calder 2015). Regulators often fail to meet the standards of a highly dynamic market. A necessary implication regards the inequality crisis in Kenya and most developing states. The gaps in the level of income continue to widen as the wealthy continue to amerce more wealth, with the poor struggling to meet basic needs. Most of the financial market policies favor the rich as they define demand and supply for various services (Faúndez, 2016). Major industries are responsible for the fixation of interest rates and the pricing of primary commodities. They may also play a hand in the establishment of significant fiscal policies. However, the infrastructural identity of cryptocurrencies is such that everyone can participate in the valuation of vital financial parameters (Mougayar 2016).

For instance, given that anyone can participate in the mining process, it is easy to build the capacity of the low income earners to participate in major economic activities.

The consequent adoption of cryptocurrencies is also a huge possibility in the developing world. The economic revolution closely resembles the evolution of the internet over the past three decades. It did not seem a reality in the 1990s with many opponents citing multiple barriers to the inception of technology. However, it does not only help to address various challenges but also redefined the way we interact. Today, the adoption of the internet does not coincide with the level of economic development in a country. On the contrary, its integration rests with the interest and capacities of individuals (Stockhammer 2017). A person in Kenya may have unlimited access to the internet while another in a typical developed state may not be fully utilizing the technology. Just like the cryptocurrencies, no one controls how we use the internet as it is a highly dynamic and decentralized technology. In the same way, cryptocurrencies are bound to redefine the way we carry out transactions and invest in critical economic avenues (Eyal 2017). Individuals will have the capacity to exploit various opportunities in the market fully as well as compete universally. Cryptocurrencies may be the answer to the various financial risks in Kenya.

2.1 Financial Shortcomings of the Developing States

The fact that no single authority controls cryptocurrencies is the heart of its applicability to the developing states, including Kenya. Digital money is a unifying factor for the world markets defined by growing inequality and financial malpractices. The diagram below exemplifies the huge contrasts between the wealthy and the poor in Kenya, and the difficulties in access to basic needs for the have-nots.



Figure 2: Inequality in Kenya

It may be the only way that the developing states can compete on the international stage especially through trade. Currently, global superpowers such as the United States, Britain, and China, compete favorably due to stronger currencies. On the contrary, it is not entirely based on the capacity to offer superior products. In this case, cryptocurrencies may be seen as unifying factors for trade, making it relevant to the developing states. The centralized financial systems also hinder economic progress especially for the developing countries (Fisher, 2015). Firstly, the third world countries have the least incentives to save and invest. Individual business people end up relying more on the public and private lender. The situation promote dependence as the investors have to be continuously affiliated to the banks and other money lenders.

Secondly, most of the loans attract high-interest rates coupled with additional processing fees. Financial regulators are at the heart of the pricing of loans and may not be focused on the utility of the financial incentives. The next diagram demonstrates how financial regulation is a complex establishment in the market. It is also the basis of various crimes such as laundering.



Figure 3: Complexity of financial regulation

Most of the prospective investor in the third world countries grapple the lack of knowledge regarding the operation of the financial markets. A principal area of contention regards consumer protection policies. The public is often a subject of manipulation by the banks and other individual financial institutions (Rossi & Miola 2017). Inadequate consumer protection exemplifies significant contracts between the financial markets of the developed states, and those of Kenya, an ideal example of a developing country. Third world countries establish the highest case of fraud and misappropriation of funds. On the other hand, accountability for financial crimes also wants for in the developing states. The situation demystifies the lack of secure and reliable platforms for carrying out transactions.

The series of shortcomings regarding consumer regulation are prime indications of financial risk for different reasons. On the side of the investors, individuals and corporates are increasingly reluctant to part with critical institutions such as banks and private lenders. The lack of awareness of the implications of certain fees acts as a hindrance to taking extra credit for funding various schemes. The unprecedented rise of mobile banking and small and medium enterprises (SMEs) is also an area of interest regarding the rising level of risks in the financial markets. A large number of subscribers lose their money on unidentifiable means. It may be in the form of hidden charges, unrealistic penalties, and failures resulting from third parties. In this case, one ends up falling out with the financial sector opting to low-scale investments or employment. The situation is also a leading cause of dependence in the third world countries.

Regarding the institutions, the level of financial risk involves the inability to predict the actions of the citizens in the economy. Subscribers who end up getting frustrated fail to use the various financial services in the marketplace. The banks fail to meet their targets regarding profitability and end up charging higher interest to remain

profitable in the economy (Halimanjaya 2015). The inability to establish the conditions of the market over time constraints decisions making in the financial sector. Just like individual investors, banks also operate as businesses and rely on certain conditions to remain profitable. All investment actions regard a predefined expectation concerning the economy an expected demand for loans will trigger an increase in interest rate while the banks will avail more funds for disposal. However, failure to sustain the need for loans in the long-run will create an imbalance in the economy. The result is that the existing monetary and fiscal policy fails to align with the actual conditions in the marketplace.

2.2 The State of Kenya Banking and Financial Systems Over the Years

While Kenya is still a developing state, it has one of the most vibrant economies in Africa. In fact, Kenya's financial markets rank fifth ahead of major African financial markets in South Africa, Namibia, Botswana, and Mauritius (Macharia, 2018). The assessment underlies important market pillars such as the dynamism of individual financial instruments, access to foreign exchange, and the authenticity of the regulation mechanism. The state of the financial system in Kenya also got to do with the existing economic opportunities. Over the years, the Kenyan economy has made minimal improvements, especially in the investment sector. The following is a display of the various categories of financial institutions in Kenya.

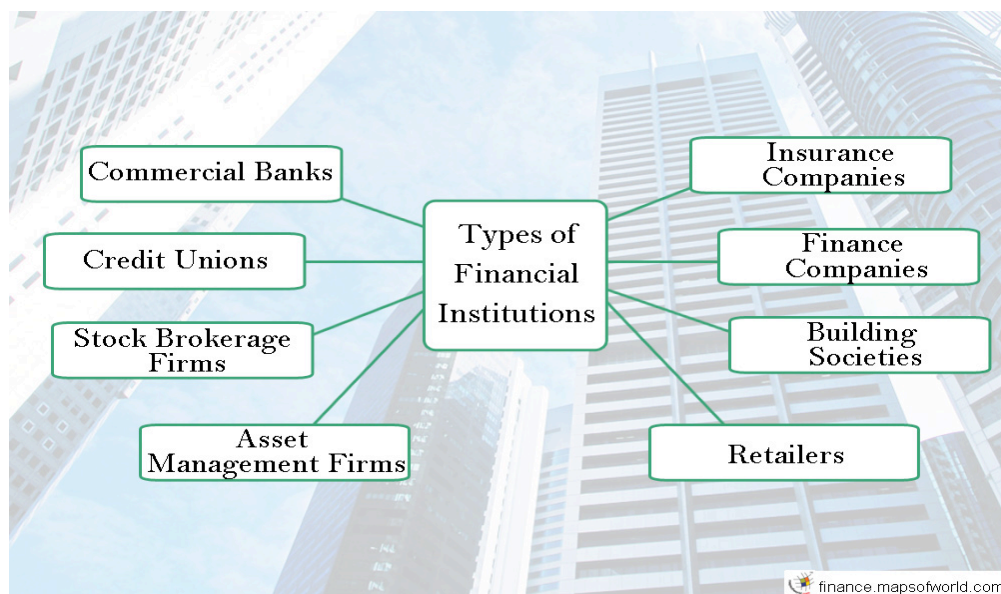


Figure 4: Kenyan banking and financial systems

Consumption by both the state and the households by far surpasses the level of income generations. However, it is essential to consider that multiple environmental and economic conditions favor investment. There is a low rate of crime, relatively high level of response from the public, and substantial technological and infrastructural support (Ngari & Muiruri 2014). In this case, the various market inconsistencies do not rule out the capacity of Kenya to support new investment or a new framework of carrying out transactions.

The Central Bank of Kenya (CBK) is the heart of the financial sector in the country. Its principal role is to control the activities of the rest of the banks including offering saving and lending services (Maina 2014). It is the custodian of vital monetary

policies. The institution controls the amount of money available in the economy as well as the velocity of the Kenyan currency. The institution also administers external reserves in line with the competitiveness of the local markets and the prosperity as a whole the establishment also coincides with the formulation of exchange controls. The CBK also must handle issues about external financial relations. Countries are continually competing at the global stage with the value of the domestic currency being a defining factor (Ngari & Muiruri 2014). Those with the superior trade policies often earn the best rewards, especially from trade. The CKB management must establish the most effective financial and macroeconomic policies for the country. It also works hand-in-hand with the Kenyan government to address critical economic issues such as inflation, unemployment, and inequality.

CBK's hand in the institutionalization of cryptocurrencies lie in its role as the facilitator of the adoption of financial systems in line with an underlying need. The establishment is not different with the necessary strategic actions such as increasing the supply of money, introducing new denominations and eliminating specific controls in the financial markets. The adoption of the digital currency would be an opportunity to address business risks in the country. Besides, the bank is an agent for the government. The establishment is most prominent in the implementation of monetary policies. The use of cryptocurrencies is not different from any relevant actions taken by CBK over the years. Unlike the state and the treasury that relies on the political direction of the country, CBK acts solely depending on theoretical macroeconomic frameworks. The management adopts a long-term initiative with two fundamental objectives, including the regulation of local currency and the sustainability of the local markets. With the identity and role of the CBK in mind, cryptocurrencies are ideal initiatives and solutions to the various problems facing the Kenyan markets.

CBK demystifies why the Kenyan banks should be at the forefront in the mitigation of financial risks in Kenya. The banking system controls most of the economic issues and decision-making in the country. Individuals and corporates continuously look out for existing products and incentives to save or invest. On the other hand, households' wariness on expenditure rests on the favorability or lack thereof of the banking systems in Kenya. The chain of the banking system extends beyond the regulator and covers all the relevant parties in the financial sector in Kenya. The CBK controls 43 commercial banks (Mdoe, Omolo, & Wawire 2018). It is responsible for the existing interest rates, lending capacity, and velocity of money in the economy. Mortgage companies are also essential components in the Kenyan banking sector. The institutions redefine the real estate sector and access to housing for the population. Kenya also hosts eight representative offices of foreign banks. Their role is to strike a balance between the local capacity of the domestic financial markets and the demands of the global markets. We also have nine microfinance banks, prominent for the provision of low-interest loans. The institutions play a fundamental role in encouraging investments mainly in the villages. They are also at the forefront of offering related financial information and educational services in the line of savings, expenditure, and finances.

2.3 State of Kenyan Banks and Mitigation of Financial Risks

A series of instructional and policy reforms defines that capacity of the Kenyan banks to address financial crises. The inclination towards a competitive landscape is the most prominent defining factor in the push for better institutional policies (Bonface & Ambrose 2015). However, the scenario presents a contention that is subject of financial risks in different ways. Firstly, while the commercial banks are principal agents in the implementation of macroeconomic policies, they are driven by the need to remain

competitive in a highly dynamic sector (Jagongo & Molonko 2017). It implies that the desire to make profits cannot be replaced by the role of reforming the financial industry. Instead, what we have is a conflict of interest with individual banks trying to outdo one another. Besides, the central bank has a limited role in dealing with financial institutions (Auka & Jacob 2014). The apparent loophole paves the way for manipulation of the existing economic policy targeted at increasing profits. In this case, to the most significant extent, the Kenyan banks have multiple shortcomings as the agents for mitigating associated risks.

Secondly, Kenya grapples with intermediation deficiency as the competitive landscape continues to change in favor of the few large banks. In fact, the economic fortunes of the country rely on the level of segmentation of the Kenyan banking sector. Credit costs keep on rising even when the CBK continues to influence the actions of the commercial banks (Kambua 2015). The most important activities regard the gradual empowerment of the small banks in a way that risks and capacity may be spread to a large proportion of financial players. A series of mergers and acquisitions are also important initiatives targeted at building capacity in the banking sector. It is meant to integrate multiple financial institutions and relevant banking capacity.

3.0 The Place of Cryptocurrencies and Blockchain Technology in Addressing Financial Risks in Kenya

Even though digital money is not yet a reality as a central mode of transaction, it is bound to revolutionize the financial sector in the future. In fact, it may be the solution to the multiple financial issues facing the country. The most prominent problems about the Kenyan banks regard the inability to contain economic crises or financial pressure (Olweny & Shipho 2011). Two principal foundations of the apparent macroeconomic shortcomings come in handy. Firstly, it is difficult to predict the nature of the market both in the short-run and the long-run. It implies that the banking sector, led by the CBK, fails to expeditiously apply its economic policies to address the critical financial issues in the country. For instance, knowledge of possible inflation over the next five years can trigger the establishment of relevant policies targeted at favoring both the consumers and the financial institutions. Secondly, outsiders have the upper hand in the manipulation of economic conditions to earn profits or redefine an existing monetary or fiscal policy. The private sector is the most significant defining factor regarding the influences of the external markets. For instance, private entities serving as multinational can easily take advantage of the strength and weakness of the local currency through international trade. The most significant challenge regards the fact that the CBK and the commercial banks cannot move at the same pace as the private investors.

Cryptocurrencies can facilitate the capacity of the Kenyan banks to contain the private sectors in multiple ways. Firstly, digital money empowers compliance. Any risks associated with the imbalance of the market can be addressed using cryptocurrencies (Wright & De Filippi 2015). The issues also relate closely to the troubled nature of contracts in Kenya. Cases of disputes are on the rise following fraudulent activities, failure to comply with fundamental contractual clauses, inability to meet deadlines, and loss of value. The underlying risk regarding the shortcoming entails the possibility of losing investors, compromising the identity of the banking sector in Kenya, and inconsistencies in the Kenyan markets. However, with the use of digital money, it is easier to match the expectation of all the parties to a contract (Herbert & Litchfield 2015). The transactions using cryptocurrencies are often instant and exemplify the interest of the various participants. Besides, as revealed in the attributes of the digital money, one can easily monitor a transaction. Unlike the traditional

contracts, digital cash prevents unscrupulous persons from altering the framework of an agreement. Each party is explicitly responsible for a well-defined role and monetary liability in a given transaction (Eyal 2017). Even where a dispute arises, relevant authorities can easily conceptualize an apparent crime.

As revealed in the discussion regarding the state of the Kenyan financial sector, the CBK and the government has the upper hand in the establishment of relevant fiscal and monetary policies. However, significant shortcomings in predicting the nature of the markets in the short-run and long-run make it difficult to adequately control the actions of the banks and the financial sector as a whole. The consequent perils include business risks, market contingencies, and credit eventualities as seen in the figure below.

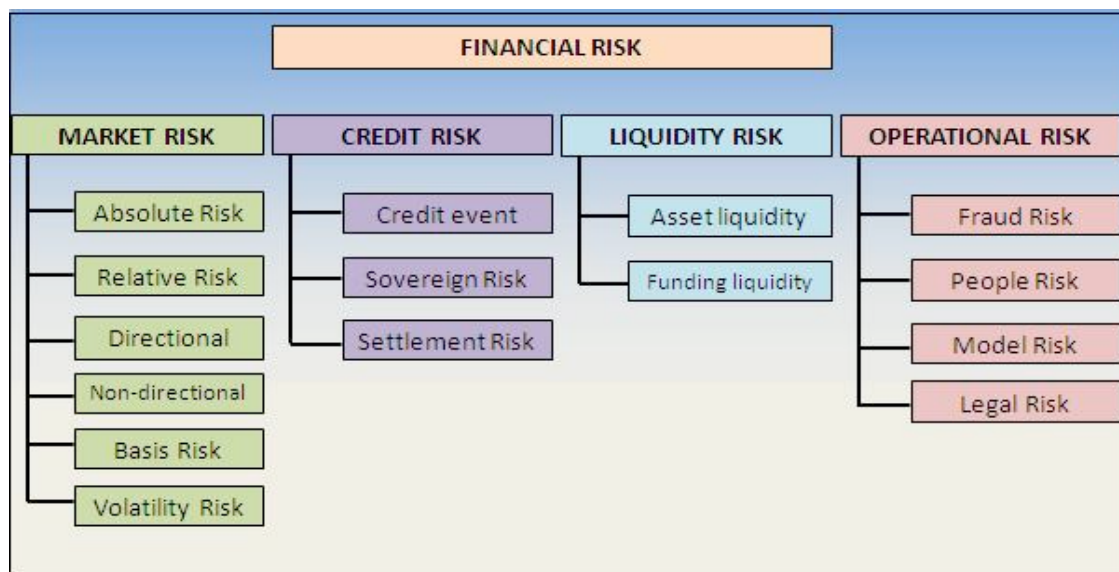


Figure 5: Financial Risks

Business risks regard the actions of the traders towards the maximization of shareholder value and profits. A prime example concerns the vast investments in marketing. Firms do not promote their products with the assurance of increased sales or a better business image. On the contrary, they undertake the initiative in the hope of greater fortunes. Besides, marketing is a long-term initiative targeted at improving the chances of the company and the rewards of the shareholders.

Market risks are also relevant to the application philosophical framework of the digital currencies. It regards the inconsistencies in the movement of the process of financial instruments. The stock market and the level of interest rates plays a fundamental role in the deteriorating of market risks. It is difficult to establish the movement of prices across the various financial units. The lack of timely information is one of the most prominent foundations of the disparity at hand. Individuals and corporates strive to monitor the actions of competitors and the changes in the value of transactions (Fredrick 2013). The stock market also propagates market risks due to the involvement of the multinationals and the foreign currencies. Both the local and international investors are party to the stock exchange. The situation enlarges the gap in access to information on two important grounds. Firstly, the financial element thrives on instantaneous investment decisions. In this case, the CBK is unable to circumvent any underlying risks mostly emanating from the actions of unscrupulous traders. Besides,

the stock market is highly centralized, where the controlling bodies can easily influence the actions, risks, and benefits of the investors.

The Kenyan banking system, led by the CBK may take advantage of the smart contracts, a defining establishment of the cryptocurrencies. It can be used to address the myriad risks owed to the financial actions of the private and public parties. Digital money works on flexible, verifiable and automatic systems (Nguyen 2016) Firstly, the technology eases the process of transacting by quantifying all the necessary implications of a contract. It includes all the essential steps, the parties involved, and the expected values of a deal. Secondly, the verification capabilities redefine the authoritativeness of the trader (Ouaddah, Elkalam & Ouahman 2017). Thus, it is difficult for one to propagate a wrong or fraudulent activity as the system requires a series of authentications. Thirdly, the automated systems mean that a transaction cannot be altered in favor of any party to a contract. It is fair to suggest that cryptocurrencies address the mistrust issues regarding a contract. One does not have to continually monitor the actions of the partners in a given deal. Any failure to comply with the underlying clauses will render the transactions null and void.

3.1 Spreading Risks

Blockchain technology can play a hand in spreading risks in the Kenyan financial markets. The systems may be used to empower the regulatory framework of the CBK and the commercial banks. Liquidity risks is a prominent challenge relevant to the Kenya financial markets. It constrains the terms of payment, and the capacity to conduct transactions as per the desired time. The problem principally emanates from the fact that only a handful of economic policy influencers determined the favorability of the financial markets. Liquidity risk coincides with funding contingencies regarding the extent constrain in decision-making. One may not be assured of whether the investors will provide credit at the most desirable time.

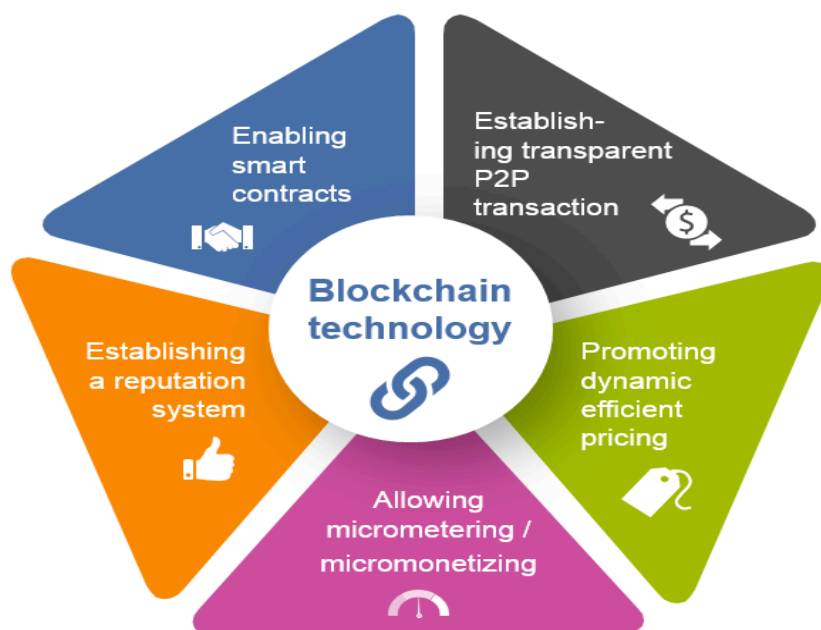


Figure 6: How blockchains facilitate the spreading of risks (Takahashi 2017)

The decentralization element is the key to coping with liquidity and funding risks. Cryptocurrencies can facilitate accessibility to everyone in the economy (Swan, 2015). Two significant incentives come in handy for the implementer of the blockchain technology. Firstly, any resultant risk would not hurt an entire industry, but the specific individuals connected to a chain of transactions. As we speak today, over 30% of Kenyans are already parties to a Bitcoin wallet, arguably the most dominant cryptocurrency in the world (Macharia, 2018). The tremendous inception of the technology has been primarily boosted by the unprecedented use of the various mobile money banking systems. The diagram below demonstrates how mobile money integrates the banking systems, and is the forefront in the conceptualization of blockchain technology.



Figure 7: Decentralization

The establishments improve the control of the users. It is increasingly easier to monitor the movement of funds. In this case, the banking sector appreciates the needs to enhance the capacity of the customers. Access to information remains an important aspect regarding the institutionalization of various financial technology (Böhme et al., 2015). The developments are geared towards the spreading of risks as people seize multiple opportunities to save and invest.

As seen in the infrastructure of blockchains, a global network controls the cryptocurrencies. The following diagram is a visual identification of the blockchain networks.

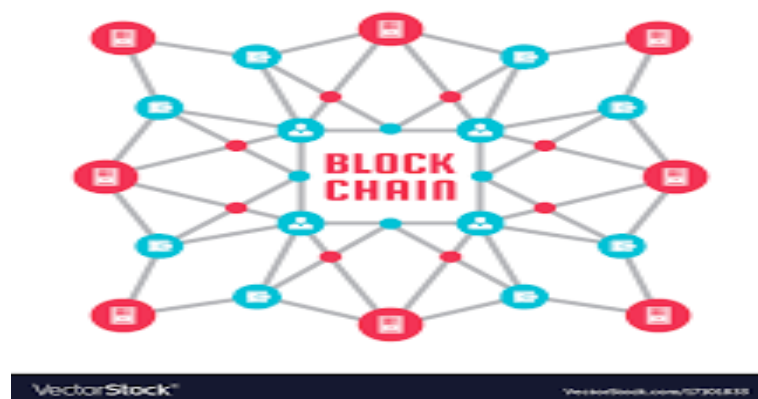


Figure 8: Blockchains

The consequent decentralization enhances uniformity in the financial sector (Zheng et al. 2017). Banks can use the systems to eliminate the middlemen who often constrain the capacity of the individual traders to enter into contracts. Cryptocurrencies operate on a user-to-to user basis such that it does not provide for the intermediaries in the first place. What we have instead is mass collaboration from the various economic players. Market players will be interested in aligning with an existing macroeconomic policy to avoid being left out in case of possible benefits or suffering any negative consequences alone. In this case, Kenyan banks can employ cryptocurrencies to reconcile all the participants in the financial markets. The small investors stand to gain massively due to the elimination of significant handles affiliated with the traditional money. One can easily monitor their funds and take advantage of an opening for financial gain.

3.2 Being in Tandem with the Future of the Financial Service Sector

The assessment at hand is also meant to help conceptualize the realities of cryptocurrencies over the next few years. The analogy of the internet in the 1990s is a perfect prototype regarding not only the success but also the inevitability of blockchain technology and digital money in the financial markets. Many opponents ruled out the possibility of the internet redefining the way interact and carry out day-to-day activities. The evolution of cryptocurrencies takes a similar approach. It epitomizes a great deal of flexibility and reliability. Just like the internet, blockchain technology comprise numerous interconnected networks that make up a single platform (Fujimura et al. 2015). Various aspects reveal the possibility of Kenya employing cryptocurrencies as the fundamental units of quantifying transactions. The most prominent incentive regards the fact that the complexity of the existing financial system is the principal form of economic risk. Few people are aware of the composition of the present monetary system. It requires a sound knowledge of macroeconomics coupled with a thorough review of financial events over the past few decades.

The complexity implies that most of the financial decision-making rests on significant assumptions. For instance, investors will often rely on the affordability of the interest rates, level of economic growth and the political environment to save or invest. However, the favorability of lack thereof of the various macroeconomic parameters does not describe the status of the financial markets in entirety. The Kenyan banks can take advantage of the blockchain technology by moving money in multiple ways. The goal would be to bridge the gap in information and address any loopholes subject of any fraudulent activity. The unrestricted movement of capital is also the key to the creation of new financial brands. Cryptocurrencies pave the way for innovation as people thrive in the capacity to mine the digital money and leverage the ability to monitor their transactions.

3.3 Facilitation of Individual Financial Institutions

Blockchain technology and cryptocurrencies would enhance the Kenya banks' capacity to contain financial risks through the authentication of identity and value. The intermediaries and incumbents predominantly do the initiative. Two main issues arise with the involvement of the third parties in financial management. Firstly, the banks cannot rule out inconsistencies and conflicts of interest by the intermediaries. It means that any value arrived at does not coincide with the existing economic protocol. It may also imply that valuation is based on the activeness of an individual financial player. Secondly, the involvement of the intermediaries rules out the participation of the banks, especially CBK in addressing financial errors. The public and the investors end up

losing the value of the money and transactions based on the shortcoming of the intermediaries.

The use of smart contracts is the way forward regarding the distribution of value. As seen in the figure below, the establishment thrives on anonymity and automated codes.

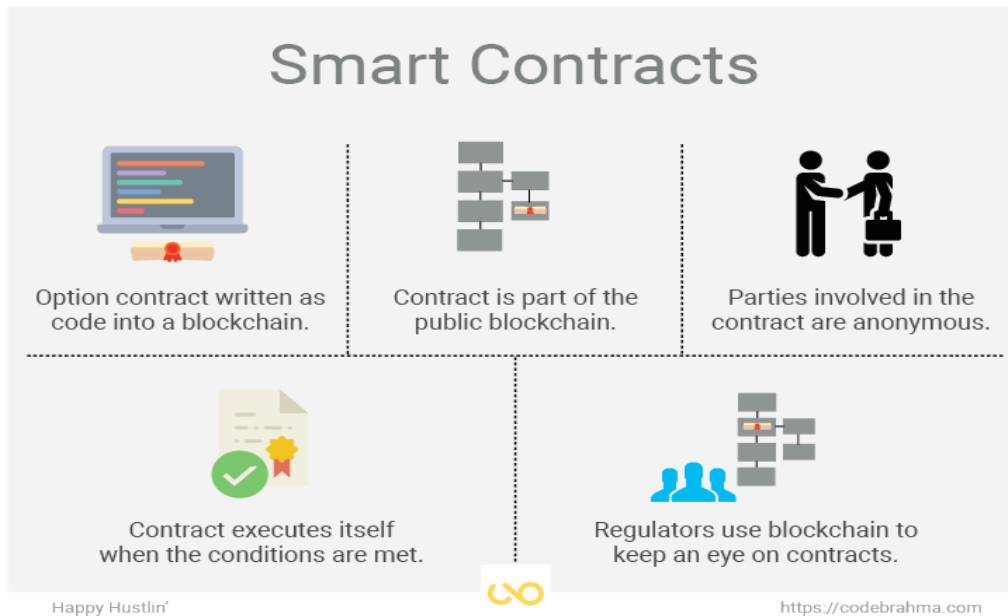


Figure 9: Execution of smart contracts (Codebrahma 2018)

A country witnesses the transfer of billions of dollars every day. However, it is not easy to prevent a dollar from being spent twice. A single error may lead to the perceived loss of significant amounts of money. Kenyan banks can take advantage of the blockchain technology to avert the underlying risks in different ways. Unlike the traditional financial systems, digital money avails smart contract to avoid significant transactions (Lemieux 2016). Various elements of the financial sector stand to gain from the expected improvements. Firstly, it would be easier to value assets across the multiple areas of the economy. The exchange of the assets would also be recorded instantaneously such that no money end up being used twice. Secondly, the banks can aid the government to value and issue bonds accurately. The provision caters for other related national assets such as minerals and stocks.

The use of cryptocurrencies can help the state to reduce the risk of loss following inaccurate authentication and valuation of assets. The facilitation will aid every party to the financial system including the household, the investors, and even the banks. Distribution of value will reduce the cost of transactions tremendously. The developments will be based on the elimination of intermediaries and improved decision-making capacity. Besides, the speed of making payments and processing transactions will increase substantially. The Kenyan banks will be at the forefront of implementing the various changes in multiple ways. Firstly, the institutions act as the primary sources of financial information. The adoption of blockchain will go an extra mile beyond the provision of relevant data. Also, digital money will create room for individual optimization of contracts (Vukolić 2015). It means that anyone will have the capacity to take advantage of any niche in the financial market, without the interference of the state, intermediaries or the CBK

4.0 Summary and Conclusion

Cryptocurrencies and Blockchain Technology is the embodiment of security and reliability in the financial markets. Anyone can create digital currency, is decentralized and cannot be regulated by the state or a private body. Its security system makes it a valid answer to the financial risks relevant to the Kenyan economy. The distributor ledger technology is the foundation of the decentralized attribute of cryptocurrency. On the other hand, Blockchains are the ideal back up and also serve as central repositories.

The encryption and decentralization of digital currencies are the most important aspects regarding the applicability of Cryptocurrencies and Blockchain Technology in Kenya. Traditional money revolves around multiple intermediaries beyond the central and underlying fiscal policies. Digital money supports individual investors as opposed to a dominant market player or authority. It is therefore ideal for the developing states often in a crisis trying to eliminate the middlemen.

The Central Bank of Kenya's (CBK) principal role is to control the activities of the rest of the banks including offering saving and lending services. It controls the amount of money available in the economy as well as the velocity of the Kenyan currency. The institution also administers external reserves in line with the competitiveness of the local markets and the prosperity as a whole the establishment also coincides with the formulation of exchange controls.

The fact that no single authority controls cryptocurrencies is the heart of its applicability in Kenya. Digital money is a unifying factor for the world markets defined by growing inequality and financial malpractices. The Kenyan banking system may take advantage of the smart contracts to address the myriad risks owed to the economic actions of the private and public parties.

Banks can use the digital money to eliminate intermediaries that often constrain the capacity of the individual traders to enter into contracts. Cryptocurrencies operate on a user-to-to user basis to enhance flexibility and control by the individual traders. The use of the technology can help the state to reduce the risk of loss owed to inaccurate authentication and valuation of assets.

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Legal Regime of the Public Property in Romania

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ABSTRACT: In Romania, the subsoil richness's, the communication ways, air space, waters with energetic potential which could be exploited and those which can be used for public interests, beaches, territorial sea, natural resources of the economic area and of the continental plateau, represent an exclusive object of public property. Also, according to the constitutional provisions, as well as those of the Civil Code, other goods forming the exclusive object of public property may be established by law. The other goods belonging to the state or to the administrative-territorial units are, as applicable, part of the public or private domain thereof, but only if acquired by one of the means stipulated under the laws in force. Romanian laws do not offer an exhaustive enumeration of the assets forming the object of the right of public property, but only specify certain goods of public use of interest, forming the public domain. As one could notice from our study, the affiliation of a good, property of the state or of the territorial-administrative units, to the public domain may be deduced by using two criteria: express indication of the lawmaker and the nature of the good, meaning that this is of public use (the good is affected to the direct public use) or of public interests (the good is affected to a public service).

KEYWORDS: property, public property, right of public property, unalienable, indefeasible, indistinguishable, expropriation, public domain, public unit, administration, concession

Introduction

Public property is defined in art.858 Civil Code (Law no. 287/2009 on Civil Code, published in the Official Gazette of Romania, Part I, no. 511 of July 24th, 2009) as being *„the right of property belonging to the state or an administrative-territorial unit on the goods which, by the nature thereof or by the declaration of law, are of public use or interest, provided that they are acquired by one of the modalities provided by law”*.

Romanian laws do not comprise a clear, concrete and comprehensive listing of the goods forming the object of the right of public property. We can find listings of the goods object of public property in the Constitution of Romania, in the Romanian Civil Code but also in special laws. Thus, art. 136(3) of the Constitution of Romania, (the Constitution was adopted during the meeting of the Constituent Assembly of 21 November 1991, it was published with the Official Gazette of Romania, Part I no. 233 of 21 November 1991 and it came into force following its approval by the national referendum of 8 December 1991. It was reviewed and republished in the Official Gazette of Romania Part I no. 767 of October 31st, 2003), lists a series of goods which constitute exclusive object of public property, respectively: public interest subsoil resources, the air space, national interest waters with energetic potential that can be capitalized, beaches, the inland sea, the natural resources of the economic area and of the continental shelf. This article also regulates the possibility for the lawmaker to

establish by organic laws also other goods which might represent object of public property. The conclusion arises from the analysis of the text of Art. 136 (3) of the Constitution of Romania that the constituent lawmaker has offered only a generic listing of the goods which could be exclusive object of public property.

A provision identical to the one in Art. 136 of the Constitution of Romania is found also in the Art. 859(1) Civil Code. The fact is imposing to be specified that Art. 859(2) Civil Code provides for that the other assets belonging to the state or to the administrative-territorial units are, as applicable, part of the public or private domain thereof, but only if acquired by one of the means stipulated under the law.

Besides the legal provisions comprised in the Constitution and the Civil Code, we can find determinations of goods object of public property also in other enactments [e.g.: Law no.18/1991- Law on Land Fund, (republished in the Official Gazette of Romania, Part I, no. 1 of January 5th, 1998, as subsequently amended and supplemented), Law no. 213/1998 – Law on the goods public property (published in the Official Gazette of Romania, Part I, no. 448 of November 24th, 1998, as subsequently amended and supplemented), Law no.85/2003 - Law on Mines (published in the Official Gazette of Romania, Part I, no. 197 of March 27th, 2003)], in which, as examples, the goods composing the public domain of the state and of the administrative-territorial units are specified.

However, even though the laws in force do not give us an exhaustive listing of the good object of the right of public property, the belonging of a good, property of the state or of the administrative-territorial units, to the public domain is deducted, as also showed in the legal doctrine (Boroi, Anghelescu and Nazat 2013, 59; Chelaru 2019, 92) by „using two criteria: *express indication of the lawmaker and the nature of the good, meaning that this is of public use (the good is affected to direct public use) or of public interest (the good is affected to a public service)*”. Examples of goods from the category of *public use* are markets, bridges, public parks, etc, in other words goods which by the nature thereof are of general use, and examples of goods *of public interest* are the goods intended for being used or exploited within a public service, like: the railways, national roads, networks for transportation and distribution of electricity, buildings of the public institutions etc. (Pop and Harosa 2006, 125; Vedinaş 2011, 1, 6-16; Săraru 2010, 11, 90-107; Jora and Ciochină-Barbu, 2017,1, 84-106).

Public property holders/subjects

Art. 136 (2) of the Constitution, in its final thesis, as well as Art.858 Civil Code provide for clearly, unequivocally and restrictively that *the state and the administrative-territorial units can be holders/subjects* of the right of public property.

Therefore, the lawmaker, by the restriction made, excluded from the scope of the subjects of law who can be holders of the right of public property any other legal person, of private or public law, any natural person. However, we must underline that the law allows for the legal persons of public law to receive in *administration* goods from the public domain, and other natural or legal person may *concession, lease or use for free* such goods. In other words, these subjects of law do not become holders of the right of public property, but only holders of the right of administration, of concession or of use (Stoica 2017, 206).

Legal features of the right of property

The fact results from the corroborated analysis of the provisions of Art.136 (4) of the Constitution of Romania and Art.861 (1) Civil Code that the goods object of public property are *inalienable, indefeasible and unseizable* (Apostol Tofan 2012, 1, 12-30).

The right of public property is inalienable, therefore the goods forming the object of public property are excluded of the general civil circuit namely they cannot be alienated by civil legal acts, under the sanction of total nullity of such acts of alienation. Although, according to Art. 136 (4) Civil Code, goods public property may, under the conditions of organic law, be given in *administration* to the autonomous regies or public institutions or may be *concessioned or leased*; also, they may be given for *free use* to the institutions of public utility. The fact should be mentioned that the giving for administration, concessioning or leasing, as well as giving for free use, do not represent neither a modality of alienation nor a modality of acquiring the goods from the public domain, but they *represent only specific modalities of exercising the right of public property* (Urs and Ispas 2015, 333; Chelaru 2019, 103-107).

The Civil Code in Art. 861 (2), provides for that the property on the goods public property” is not extinguished by non-use and cannot be acquired by third parties by usucapio or, as appropriate, by possession in good faith on movable assets.” Also, as the specialized doctrine (Boroi, Anghelescu and Nazat 2013, 61) also considers, no beneficial rights of the right of property (usufruct, use, habitation, easement or superficies) can be established on the goods object of the right of public property.

Finally, we must specify that the inalienability of the good operates as long as the good belongs to the public domain. But if the good is transfered, subject to compliance with the legal provisions in this field (this study is not aimed at analyzing this field) from the public domain to the private domain, then it could be alienated according to law.

Our courts of law ruled also according to those specified above, showing that the ”inalienability of the goods forming object of the right of public property imposes not only the interdiction of the alienation thereof, but also the impossibility of acquiring thereof by third parties by any means of acquiring regulated by law, the legal documents concluded in violation of this principle being stricken by absolute nullity”. (Iasi Law Court, Civil Sentence no. 69022 of May 18th, 2017, accessible on <https://www.jurisprudenta.com/jurisprudenta/speta-12lncywz/>).

The right of public property is *indefeasible*, which means that it is not extinguished by non-use, and the fact results from the interpretation of Art. 861 (1) Civil Code, according to which the right of public property is indefeasible, in general, that it is indefeasible both in *extinctive* as well as *acquisitive* way.

The indefeasibility under extinctive aspect means that the action for recovery of a good public property may be exerted at any moment in time, and under aquisitive aspect means, as resulting from the art 861 (2) Civil Code part II, that the right of property on the goods public property cannot be acquired by a third party by usucapio or, as appropriate, by possession in good faith of the movable assets. Also, as it is shown in the specialized doctrine too (Bîrsan 2017, 179) the goods public property cannot be acquired by occupation (art. 941-947 C. civ.) and the fruits they might produce cannot be acquired by the holder in good faith of the good of productive character (art. 948 C. civ.).

The right of public property is *unseizable*, which means that the goods from the public domain cannot be pursued by the creditors of the owners of right of property.

Modalities of acquiring the public property

According to the provisions in Art. 863 Civil code, the right of public property is acquired by: public procurement, performed according to law; expropriation for cause of public utility, according to law; donation or legacy, accepted according to law, if the good, by its nature or by the will of the orderer, becomes of public use or interest; convention with by onerous title, if the good, by its nature or by the will of the orderer, becomes of public use or interest; transfer of a good from the private domain of the state

into its public domain or from the private domain of an administrative-territorial unit into its public domain, according to law; other modalities established by law.

Regarding the *expropriation for cause of public utility* which, in our opinion, is the most important modality of acquiring the public property as it consists of *depriving a person of its property*, we must specify that Art. 44 (3) of the Constitution of Romania states that "no one can be expropriated, unless for a cause of public utility, established according to law, with fair and prior compensation". Regarding the compensation, according to Art. 44 (6) of the Constitution, it is established "by mutual agreement with the owner or, in case of divergence, by the court".

In the same way, Art. 562 Civil Code having the marginal "*Extinction of the right of property*" (which is established in the Civil Code in Title II - private property) provides in par. (3) that the "Expropriation can only be made for a cause of public utility established according to law, with fair and prior compensation, established by mutual agreement between the owner and the expropriator. In case of divergence on the quantum of compensations, this one is established in court." The provisions specified are resumed and are found also in the Law no. 33/1994 on expropriation for cause of public utility (republished in the Official Gazette of Romania, Part I, no. 472 of July 5th, 2011) which in Art. 1 provides for that "Expropriation of real estates, entirely or partially, can only be made for cause of public utility, after a fair and prior compensation, by court decision".

Last, but not least, the First Additional Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, concluded in Paris on March 20th, 1952 (published in the Official Gazette of Romania, Part I, no. 135 of May 31st, 1994), stipulates in Art.1 that "no one may be deprived of his property except for a cause of public utility, under the conditions provided by law and by the general principles of international law".

According to these general principles, "any dispossession implies an obligation to compensate the holder of the property right, and in establishing this compensation, the principle of proportionality must be taken into account, namely the necessity of carrying out a fair balance test" (Suceava Court of Appeal, Decision no. 1032 of 22 December 2015, available on the website <https://www.jurisprudenta.com/jurisprudenta/speta-ble18fy/>).

Based of the constitutional provisions and of the national and international legislation in force, the expropriation was defined as "*an act of public power by which the forced acquiring of the private properties on the real estates necessary for the execution of the works of public utility is performed, in exchange for a compensation*" (Boroi, Anghelescu and Nazat 2013, 46; Bîrsan 2017, 137; Stoica 2017, 172; Chelaru 2019, 73).

Exercising the right of public property

According to Art. 136 (4) of the Constitution, goods public property may be given in *administration* to the autonomous regies or public institutions or may be *concessioned or leased*; also, they may be given for *free use* to the institutions of public utility. The constitutional provisions are also resumed in Art. 861 (3) Civil Code which provides for that "according to law, the goods public property may be given in administration or use and may be concessionned or leased." Also, from reading Art.866 Civil Code, it follows that the real rights corresponding to the public property are *the right of administration, the right of concession and the right of use for free*.

At the same time, the constitutional provisions are supplemented and correlated with other regulations contained in other normative acts that determine the legal regime of the exercise of the right of public property. For example, with Art. 14 of the Law

no.213/1998 on the goods of public property (published in the Official Gazette of Romania, Part I, no. 448 of November 24th, 1998, as subsequently amended and supplemented), according to which: The lease of the goods public property of the state or of the administrative-territorial units is approved, as applicable, by a decision of the Government, of the county council, of the General Council of the Municipality of Bucharest or of the local council, and the lease agreement will include clauses that can ensure the exploitation of the leased property, according to its specificity (art. 14).

We also mention Art. 15 of the same normative act, according to which, the concession or lease of public property goods is made by public procurement, according to the law, or those of Art. 124 of the Law no. 215/2001 of the local public administration (republished in the Official Gazette of Romania, Part I, no. 123 of February 20th, 2007), which provides for the possibility of local councils and county councils to use for free, for a limited time, movable and immovable property, whether public or private, local or county property, as applicable, of non-profit legal entities carrying out charitable or public utility activities or of public services.

Right of administration

The right of administration arises by giving in administration the goods public property and is regulated in Art. 867-870 Civ. Code and represents a real right corresponding to public property.

For this purpose, Art. 867 (1) Civil Code, provides that the right of administration *is constituted by a decision of the Government, of the county council or, as the case may be, of the local council*, and from reading the Art. 868 (1) Civ. Code, we find out that the *holders* of this right are: *autonomous regies, central or local public administration authorities and other public institutions of national, county or local interest*. The holders of the right of administration may, according to paragraph (2) of Article 868 Civil Code, use and dispose of the good given in administration under the conditions established by the law and, if applicable, by the deed of establishment (Stoica 2017, 209-210).

Therefore, from the corroborated analysis of Art. 867 (1) and Art. 868 (2) Civ. Code it results that the right of administration, as a real right corresponding to public property, may arise by decision of the Government, of the county council or the local council, allowing its holder to use and dispose of materially of the good received in the administration under the conditions established by the law or the deed of establishment. Thus, by Government decision, which represents the act of establishing the right of administration, the content of this real right is established unilaterally, including as regards its scope. *Considering that the determination of the content of the administration right is in the exclusive duty of the one who constitutes it, it follows that this real right can target a good, in its materiality, either in whole or in part* (High Court of Cassation and Justice, section II Civil, Decision no. 724 of April 13th, 2017, available on website <http://www.scj.ro/1093/Detalii-jurisprudenta?customQuery%5B0%5D.Key=id&customQuery%5B0%5D.Value=136844>).

In the process of constituting this real right, between the holder of the good public property (the state and the administrative-territorial units) and the beneficiary of the administration right, *subordination relations* are born, and the giving in administration of the goods public property to the beneficiaries is performed by an act of power, that is *an administrative act with individual character*. Based on these subordination relations, the Civil Code, in Art.867 (2), *establishes a right of control* over the way in which the holders exercise the right of administration in favor of the *bodies that have ordered the constitution of the right*, respectively the Government, the county council or the local council.

The right of administration of goods public property is a *real right with a mixed legal nature, both administrative*, in relation to the holders of the right public property *as well as civil*, in relation to the other subjects of law. The administrative nature makes the subdivision of the right to administer public property goods impossible, and the civil nature has as a consequence the opposability of the real right of subdivision to the other subjects of law. For example, if the holder of the right of administration is prevented from exercising his right, he may exercise the *confessoria actio* against any person, even against the holder of the public property right [art. 870 (2) and Art. 696 (1) Civ Code.].

Having the origin from the right of public property, the right of administration has the same legal features as this one, that is, *it is an inalienable, unseizable and indefeasible right* (Bîrsan 2017, 177-179).

Although from the reading the text of Art.869 Civ. Code it results that the cessation of the right of the public property can be performed by: *cessation of the right of public property* or *revocation*, under the conditions of the law and if the public interest imposes it, the text of the mentioned article *is not exhaustive*, other distinct ways of ceasing the right of public property being identified, namely: *by the material loss of the good* public property as a result of external, fortuitous causes, beyond the owner's control; the *passing of certain goods from the public domain into the private domain*, which means that the public domain goods can be passed into the private domain by *decision* of the Government or the county council, of the General Council of the Bucharest Municipality or the local council, unless otherwise provided for by the Constitution or by law; reorganization or *dissolution of the autonomous regies or of the public institution* (Stoica 2017, 211-212; Chelaru 2019, 116-117).

Right of concession

As also mentioned above, the goods public property can be concessioned. The possibility that the goods public property of the state or of the territorial administrative units to be allowed to be concessioned is clearly and unambiguously regulated in Art. 136 (4) of the Constitution of Romania, in the Civil Code Art.871-873, as well as in other normative acts like Art.15 of the Law no. 213/1998, Art. 123(1) of the Law no.215/2001 - Law of local public administration or Government Emergency Ordinance no.54/2006 on the regime of concession contracts for public property goods (published in the Official Gazette of Romania, Part I, no. 569 of June 30th, 2006),

The concession right is "*a real right, which arises from the concession contract and which awards the holder (concessionaire), natural or legal person, the possession and use of the good belonging to the public or private domain, transmitted by the conessor, within the limits of the law and the contractual provisions*" (Urs and Ispas 2015, 347).

It results from the analysis of this definition that the holders of the concession right on goods public property are: the *concessionaire* who, according to Art.6 of the Government Emergency Ordinance no.54/2006, may be "any Romanian or foreign natural or legal person" and the *concessor* who may be the ministries or other specialized bodies of the central public administration, for the goods public property of the state, as well as the county councils, the local councils, the General Council of the Municipality of Bucharest or the public institutions of local interest, for the goods public property of the county, city or commune (Art. 5 of the GEO no. 54/2006).

Also, it is observed that the goods public property can be concessioned by concluding a *concession contract* which, in Art.1 (2) of GEO no. 54/2006, is defined as being "that contract concluded in written form by which the public authority, called the *concessor*, transmits, for a fixed period of time, to a person, called a *concessionaire*,

who acts at his own risk and responsibility, the right and the obligation to exploit a good public property, in exchange for a *royalty*". Even though the legislation in force does not define this concept, by *royalty* we can understand the amount of money that the concessionaire owes periodically to the concessor in exchange for the exploitation of the good public property. Therefore, the *royalty* is the main obligation of the concessionaire and is one of the most important elements of the concession contract (Cercel 2002, 139).

The *concession contract* is considered to be an "*administrative contract*" (Stoica 2017, 214), *intuitu personae*, solemn, synallagmatic, with onerous title, commutative, with successive performance and constituting real rights (Sebeni 1999, 8, 3-20).

The concession contract ceases in the following situations provided in Art.57(1) of the GEO no.54/2006: at the expiration of the period established in the concession contract; if the national or local interest imposes it, by termination for convenience by the concessor, with the payment of a fair and prior compensation incumbent upon him/her, in case of disagreement the court being competent; in case of non-observance of the contractual obligations by the concessionaire, by termination by the concessor, with the payment of compensation by the concessionaire; in the case of non-observance of the contractual obligations by the concessor, by termination by the concessionaire, with the payment of compensation incumbent upon the concessor; at the disappearance, due to a cause of force majeure, of the concessioned good or in the case of the objective impossibility of the concessionaire to exploit it, by renunciation, without payment of a compensation.

We must show that, as provided for in paragraph (2) of the aforementioned article, upon termination of the concession contract, the concessionaire must return, in full property, free of any encumbrance, the concessioned good (Gherghina and Sebeni 1999, 11, 3-22).

Finally, regarding the legal features of the right of concession on public property goods, we mention that it is *inalienable, unseizable and indefeasible*, but *temporary*, that is to say, it is concluded for a fixed period (49 years, but with the parties' will the maximum period can be 73 years and six months).

Right of free use

The possibility that the goods public property of the state or of the administrative-territorial units will be given for free use to certain natural or legal persons is provided both in Art.136 (4) of the Constitution, as well as in other normative acts. Thus, based on Art.874 (1) Civil Code, "the right of use over public property goods is granted, for free, for a limited time, in favor of public utility institutions" and Art.124 of the Law no.215/2001 provides for the possibility of local councils and county councils to give for free, limited-term use, movable and immovable goods public or private local or county property, as the case may be, to non-profit legal entities, which carry out charitable activities or of public utility or public services (Dimitriu 2013, 3, 48-57).

In other words, the fact results from the interpretation of the mentioned provisions, that *the right of free use is a real, temporary right* that is born by acts of the public authorities *and has as object immovable property, public property of the state or movable or immovable assets of the administrative-territorial units*. Also, it results that the right of free use of the goods public property of the state or of the administrative-territorial units has as beneficiaries only legal persons, non-profit developing a charitable activity or of public utility or public services. According to Art. 874 (2) Civil Code, in the absence of provisions to the contrary in the deed of establishment, the holder of the right of free use does not benefit from the civil fruits of the good.

Regarding the legal regime of the right of free use, the rules regarding the right of administration shall apply accordingly, in which sense Art. 874 (3) Civil Code stipulates that "the provisions regarding the establishment and cessation of the administration right shall apply accordingly".

Lease of the goods public property

Although the Civil Code does not contain special provisions regarding the lease of public property goods, this possibility is acknowledged in Art.136 (4) of the Constitution, as well as in Art. 14 (1) of the Law no. 213/1998 which orders that "the lease of the goods public property of the state or of the administrative-territorial units is approved, as the case may be, by a decision of the Government, of the county council, of the General Council of the Municipality of Bucharest or of the local council, and the lease agreement shall include clauses likely to ensure the exploitation of the leased good, according to its specificity.

The lease agreement can be concluded, as the case may be, with any natural or legal person, Romanian or foreign, by the holder of the right of property or administration [Art. 14 (2) of the Law no.213/1998], and according to the provisions of Art.15 of the Law no. 132/1998, the lease of goods public property is performed by public procurement, according to the law, and the amounts collected from the lease or concession of the goods public property are, as the case may be, becoming income to the state budget or to local budgets [Art. 16 (1) of the Law no.213/1998].

If the lease agreement is concluded by the holder of the administration right, he has the right, based on Art. 16 (2) of the Law no. 132/1998, to collect from the rent a share between 20-50%, established, as the case may be, by decision of the Government, the county council, the General Council of the Municipality of Bucharest or of the local council through which the lease was approved.

As the legal doctrine also specified (Bîrsan 2017, 194), *"unlike the concession contract, which leads to the birth of a real right over the concessioned good, having the concessionaire as holder, the lease agreement gives rise to a binding legal relation"*.

Cessation of the right of public property

According to Art. 864 Civ. Code, "the public property right is extinguished if the good has perished or passed into the private domain, if the use or public interest has ceased, in compliance with the conditions provided by law". In other words, the right of public property *extinguishes when the good perished or when the good is transferred to the private domain*, if the use or public interest has ceased.

The transfer of the good from the public domain to the private domain is performed, as the case may be, *by decision* of the Government, respectively of the county council, of the General Council of the Municipality of Bucharest or of the local council, unless otherwise provided by the Constitution or *the law* [Art. 10 (2) of the Law no. 213/1998].

Conclusions

Therefore, as a conclusion of our study we mention that the legal regime of the right of public property is generally provided for in Art.136 (4) of the Constitution of Romania, which states that "Goods public property are inalienable. According to the organic law, their administration may be assigned to the public companies or institutions or they may be granted under concession or leased; moreover, they may also be granted for free use to public utility units". As one could observe, although, of the specific characteristics of the public property right, the constitutional text regulates only the inalienability, a

complete enumeration thereof being found in Art. (1) Civil Code, which provides that "the goods public property are inalienable, indefeasible and unseizable".

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Social Anomie and Suicide Phenomenon in Nigeria: Lending Credence to the Voiceless Phenomenon

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ABSTRACT: Suicide is one of the socially undesirable phenomena across the globe. As such, the United Nations via the World Health Organization has recognized suicide as one of the health issues, requiring serious attention globally and domestically. Although there are statistical evidences about the understanding of the phenomenon and its prevalence worldwide, especially among the developed nations, much is left to be desired for among the developing nations in the understanding of the social antecedence of suicide and the sustainable mechanism to the phenomenon. Since the fundamental theoretical concept by Emile Durkheim, which has triggered unprecedented research on suicide, classification and identification of the social phenomenon responsible for suicide thought and action, is yet to be given a crystal distillation among the developing nations such as Nigeria. There are social indices facilitating suicide thought and actions, which are domicile with these nations according to Durkheim's classifications. However, little attempt has been made in theoretically capturing these social indices and their current and future implications to the nations involved. As a matter of fact, Nigerian government over the years has included suicide in principle, as one of the socio-health policy issue, requiring some level of emergency but lacks theoretically sound policy approach. Having identified the existence of lacuna between policy intention and the understanding of the socioeconomic and political elements inducing suicide as they are present in the country's atmosphere, the present paper deals with the capturing of these elements in Durkheimian suicidological perspective for clear view and knowledge informed policy strategy.

KEYWORDS: suicide, egoistic suicide, altruistic suicide, anomic suicide, fatalistic suicide, social anomie

Introduction

Over the centuries, the phenomenon of suicide has lived with man on the planet earth but with some other phenomenon supporting or triggering it. The phenomenon has gone unnoticed of centuries without intellectual conceptualization and capturing, for observation and control. With the emergence of social scientific discipline and precisely sociological discipline, the phenomenon appeared to the limelight of the intellectual community and social policy drivers at least, in Europe and America as at the time of its observation.

Suicide as a concept and phenomenon, was first given an intellectual attention by Durkheim who distinguished among four types of suicide, which anchor on two major phenomena of integration and regulation. While egoistic and altruistic suicide, are connected to the phenomenon of integration, anomic and fatalistic suicides were said to be connected to the phenomenon of regulation (Durkheim 1951, 151).

Across generations according to Durkheim, the phenomenon of suicide hovers around the aforementioned phenomena, making them more or less, the channel through which the phenomenon of suicide can be understood. Of course, both in the study of suicide by Durkheim and other scholars across generations (Durkheim 1951; 1984; Graeff & Mehlkop 2007; dos Santos et al. 2016; Scourfield et al. 2012; Coope et al. 2014), the basic interpretation of the phenomenon of suicide has not deviated from the aforementioned basic social phenomena by Durkheim.

Similarly, the phenomenon of suicide, social integration and social regulation are all anchored on the general situation of the society, a situation, which Durkheim (1984) refer to as social anomie. While social anomie is on the negative direction on the social scale of society healthiness, its implication on the general wellbeing of the members of the society is simply projected, through suicide and other similar indices of social disorderliness and discomfort.

Whatsoever, the phenomenon of suicide, which was captured by Emile Durkheim (1951), one of the founders of modern sociology, has been observed to be one of the most enduring social and health issues across time and regions of the world (WHO 2012). More than one million people lose their lives through suicide every year according to the World Health Organization estimate (2012). Although there are data across the globe for the analysis of suicide trends across the globe, African continent in general and Nigeria in particular, lack reliable data for the understanding of suicide trend in the continent and the country.

Although lack of data due to some circumstances ranging from social stigma (Okafor 2017) to unavailable classification mechanism (Mars et al, 2014), there is a need for comprehensive explanation of suicide for balanced view of the phenomenon especially in African continent. Many scholars have approached the issue of suicide in terms of explanation with available suicide data but in a somewhat fragmentation (Mars et al, 2014) requiring, a theoretical approach in the African and by implication Nigerian context. As such, the present paper is a scholarly effort to put in theoretical and sociological perspectives, the phenomenon of suicide in Nigeria and perhaps African continent using the dominant socioeconomic situation in the region.

The Concept of Suicide and Social Anomie

According to World Health Organization (2009a), suicide is an act deliberately initiated and performed by a person in the full knowledge or expectation of its fatal outcome. In specific terms, it is the accumulation of processes and actions leading to the extermination of one's life by himself or herself. Suicide has existed as long as man has lived in this planet earth making it, one of the social phenomenon, which has existed alongside human behavioural tendencies in all generations, race, creed and cultures.

As a social and health issue, suicide has warranted unprecedented efforts by the scholars across generations and regions for explanations and interpretations of its appearance, manifestation and antecedents among different groups and generations (Spates & Slatton 2017; Barnes & Carl 2003; Durkheim 1951). The phenomenon of suicide has been connected to a whole lot of issues anchoring on behavioural tendencies in different settings. However, the work and perspective of Durkheim on suicide has endured over the time and even in the current historical epoch.

According to Durkheim, suicide cannot be removed from the social system, the social facts, which appear to be *sui generis* to even the human beings who are recruited into the

system by birth and socializations. While suicide at the superficial level appear to be individual action against one's self (WHO 2009a&b), the fact that the individual exists in a social system with the presence of the nonmaterial social facts cannot be denied (Greenwood 2003). Again, the existence of the social facts is *sui generi* to the individual in the society (Durkheim 1952).

According to Durkheim, suicide can be divided into four types with two major social phenomenon characterizing them. Equally, the two major social phenomenon are the product of the nonmaterial social fact. In Durkheim's classifications, there are *egoistic suicide*, *altruistic suicide*, *anomic suicide* and *fatalistic suicide*. Similarly, the two major social phenomenon characterized as having implication to suicide and types of suicide included, *social integration* and *social regulation*.

In Durkheimian classification, egoistic suicide appears to be the by-product of weak social integration, which affects the individual self-perception in the entire gamut of the social system and processes (Ritzer 2011). Although Durkheim classified this with a form of society in which the individuals are not well connected to, or integrated with the larger social unit, the overall understanding of the concept of egoistic suicide can be appreciated by looking at the class of individuals who fall into such trap. According to Durkheim (1951), the larger social system provides us with the value system, morality and sense of purpose. This, can be found in almost all the modern societies, where our value is more appreciated in connection with the popular value system and achievements. By implication, what had been established by popular approval as benign, such as the value of life, patience and endurance as a means to social ladder, automatically, is expected to guide the behaviour and expectations of the strongly integrated members of the society. However, in the suicidological perspective of Durkheim, when an individual is not properly integrated into the social system for whatsoever reason, there is a tendency for one terminating his life in the presence of challenges and difficult time.

The altruistic suicide, which in Durkheim's classification falls in the category of social integration-induced-action, can be found in the societies, where the individuals are strongly attached to the social system. Altruistic suicide much as it sounds, is the manifestation of the individuals' selfless offer of themselves for the interest of the collective body in question courtesy of high integration into the social system. According to Durkheim (1951), when the social integration is too high, the individuals are literally forced to commit suicide in the interest of the social group in question.

In the modern societies across the globe, although there are atoms of high level of individualism, this individualism is subjected to group interest where the interest of the individuals in question is attached to a particular group maintaining a sense of strong social cohesion. More specifically, in most of the developing nations, strong attachment to group interest is not strange especially in the matter of religion and belief system. By implication, Durkheim's concept of altruistic suicide finds fulfilment in both in the society of his days and that of the modern society. In sum, altruistic suicide as it appeared in Durkheim's sociological piece, captures the willingness to sacrifice one's life as a result of self-commitment to the collective interest of a social group whether small or big.

On the regulation aspect of the society and the individual members of the society, Durkheim maintained that high regulation in the society has its toll on the members of the society as well as weak regulation. Specifically, low regulation in the society is responsible for anomic suicide while the high regulation is responsible for fatalistic suicide.

Anomic suicide in the Durkheimian classification, is the type of suicide, which occur when the regulative power of the society is disrupted. When the regulative mechanism in

the social system is disrupted, the individuals are left at the mercy of their excessive passions and ambitions, which mostly lead to unknown destination of suicide (Ritzer 2011). More specifically, the individual members of the society, no matter the extent of civilization, is affected by hedonistic behaviours, which are mostly on the path of self-destruction. When these behaviours fail to receive a collectively approved control measure, they are bound to lead most people to suicide.

Fatalistic suicide according to Durkheim, occur in the presence of strong and high regulation in the society. While weak regulation makes the members of the society vulnerable to anomic suicide, strong regulation mechanism is responsible for fatalistic suicide. According to Durkheim, when there is excessive regulation in the society, some people become frustrated as a result of their ambition and life pursuits being blocked. Excessive regulative measure in the social system do raise some level of distress, melancholy and oppression, triggering self-dejection and high rate of fatalistic suicide in the society.

More than any of the concept related to suicide and suicide concept itself, Durkheim gave weightier attention to social anomie, which he defined to be the state of lawlessness among the members of the society. For Durkheim (1975), when the morality among the members of the society is winding down, the social restraint preventing the members of the society from falling into self-destruction is automatically being withdrawn and thereby making the members of the society vulnerable to self-destruction. Although Durkheim established his theoretical concept of suicide with the evidence of macro suicide study from European nations as at his own time, there are still some indications that anomic suicide more than any other type of suicide, dominated his time.

Social anomie more pronounced than any other social condition connected to suicide, is one of the dominant social condition even in the present epoch, that affects the rate of suicide in the society. Social anomie by its appearance according to Durkheimian sociological analysis, is partly connected with other social conditions that may likely induce suicide.

Social anomie in extension induce the state of lawlessness, which open opportunities for other extreme groups who in the long run make individual members of the society vulnerable to altruistic suicide. For instance, among the Islamic extremists, the members are automatically made vulnerable due to their membership; going back to the social conditions positively affecting the emergence of extremist groups, there are evidence of weak social regulations making some individual members of the society vulnerable to the recruitment of the extremist groups.

Similarly, lawlessness in the society, which Durkheim tends to project via the concept of social anomie, can equally cause the weak integration by the members of the society due to selfish interest and envisaged freedom to live as one pleases without bordering one's self with the unnecessary social cohesion requiring responsibilities especially, among the sub social groups in the society.

Nonetheless, social anomie can equally open the restricted process of socialization and social ladder of power acquisition for socially undesirable elements into the corridor of power, and grant them the opportunity for rule making process ignoring the genuine aspirations of many members of the society. When such a situation occurs, many members of the society are likely to be blocked in their aspirations as unrealizable as well as hopeless and by implication, trigger fatalistic suicide. In respect to Durkheim's theoretical classifications of suicide, all the four types of suicide and the social preconditions, are still relevant even in the current historical epoch.

Suicide Across Africa and the Problem of Misrepresentation of Data

Suicide across African continent is at least, reported mostly on individual bases by the researchers who scratch the available data through populations that lacks understanding of the implication of scientific evaluation of suicide phenomenon (Mars et al., 2014). From the scanty information on suicide across African continents by few scholars interested in the phenomenon, we can envisage the nature and appearance of suicide in the continent.

According to the study by Adinkrah (2011) in Ghana between 2006-2008, suicide rate appeared to be 0.1 per 100,000 with 10 males committing suicide against every 1 female. The study by Johnson et al. (2008), which focused on Liberia reviewed the prevalence suicide classified death to be 6.0% with male/female ratio of 0.7:1.

In morocco, Agoub Moussaoui & Kadri (2006) carried out a study in Casablanca, with focus on suicide related deaths and suicide prevalence, their findings revealed the Lifetime prevalence of suicide to be 2.1% with male/female ratio of 0.5:1. From Nigeria, the study by Gureje et al. (2007), involving sample from about 6 geopolitical regions reveal the incidence of suicide among the sampled population. Although the study focused on suicide behaviour with psychological wellbeing, the findings revealed the lifetime prevalence of suicide to be 0.7% with male/female ration of 1.0:1.

The study of Bekry (1999) focusing on Addis Ababa Ethiopia on suicide phenomenon between 198-1996 showed suicide rate among the population to be 49.8 per 100,000 with male/female ratio of 2.9:1. According to Dзамalala et al. (2006), suicide prevalence according to the sample from Blantyre Malawi between 2000-2003 was at 10.7 per 100,000 while the male/female ratio was 0.8:1. Similarly, the study by Ikealumba & Couper (2006) in Rehoboth Namibiain 2001, revealed the prevalence of suicide to be 100.0 per 100,000 with male/female ratio of 0.9:1.

As at the time 2002-2004, the study by Joeet al. (2008) involving a sampled from the whole of South Africashowed that the lifetime prevalence of suicide in the country was 2.9% with the male/female ratio of 0.3:1. A study in Kampala Ugandabetween Jan. 2002-Oct 2002 by Kinyanda, Hjelmeland & Musisi (2004) indicated the suicide prevalence of 10.1 per 100,000 and male/female ratio of 1.7:1. Equally, the study by Ndosi & Waziri (1997) in Dar es Salaam Tanzaniabetween Jan 1991-June 1993 showed that the suicide prevalence among the population was 5.2 per 100,000 with male/female ratio of 0.5:1. According to the findings by Chibanda, Sebit & Acuda (2002), in Harare Zimbabwe the suicide prevalence among the population was found to be 49.9 per 100,000 with male/female ratio of 0.2:1.

As one of the social phenomenon with social stigma, death by suicide is not easily divulged among different societies in Africa. From the In-Depth analysis of the above studies, there are evidences that they were simply a scratch of the incidence of suicide across African continent with government objective publications on suicide rate across the continent.

While death is perceived as sacred requiring more secrecy in terms of who to tell among African nations (Nnamani 2002), sudden death involving younger individuals such as death by suicide, is more demonic than open human behavioural disposition (Okafor 2017).

Africa, if not the only continent, is one of the continents where data on suicide is very difficult. Challenges ranging from socio-cultural stigma to, government inability to standardize the phenomenon among population issues as raised by the World Health Organization over the decades.

Suicide in Nigeria: Sociological Interpretation and Implications

Although the report of death in Nigeria is not properly handled let alone the causes that involved suicide, the incident of suicide remains a reality that exist as a social phenomenon. Across Nigerian history at least, from 1957, when the incidence of suicide in Nigeria began to receive minute research interest from the scholars, suicide has been recorded in Nigeria both formally and otherwise (Asuni 1962). Complicated as it appeared to researchers, suicide in Nigeria though magnificent, is under reported and in some cases go unnoticed before the death statistics. Only on individual research documentations that, suicide had been given statistical attention mostly, with a sketchy data.

Most of the studies focusing on suicide phenomenon in Nigeria (Eferakeya 1984; Asuni 1962; Nwosu & Odesanmi 2001; Uwakwe & Gureje 2011; Uchendu, et al. 2019) usually, are either insignificantly representative or a proximity study without a clear data on the extent and rate of suicide. However, from the above studies and more, there are evidences that suicide is prevalent across the population of Nigeria.

Whatever, the incidence of suicide in Nigeria apart from the other perspectives in explaining suicide using available sketchy, is captured in the framework of four-square social phenomenon within which the individuals in the society could be vulnerable to self-termination. This, is capture in the Durkheimian sociology of suicide.

Among other things, Durkheim divided the overwhelming social circumstances under which the individual members of the society could be vulnerable to suicide into two such as, social integration and social regulations with each, carrying a sub two units of suicide outcome (Ritzer 2011). While the social integration on its part carries the egoistic and altruistic suicide, social regulation carries anomic and fatalistic suicide.

More than any other scholar interested in suicidology, Durkheim gave a blue print of ageless social circumstances, which can induce suicide as well as their inalienable presence in all societies. Specifically, Durkheim in his sociological analysis, captured the macro phenomenon of the social system, which trigger the incidence of suicide at the micro level of individual involvement.

In the case of suicide in Nigeria, going by the Durkheimian classification of suicide, each classification can be found in the Nigerian context. Much of these suicides though invisible in most cases, are indirectly or directly attached to the macro social phenomenon of Durkheimian suicidological analysis.

Egoistic suicide in Durkheim's framework, has been visible across the nation and the population. This, involves the youth as well as the elderly. While most youth are committing suicide especially, the recent saga among the students of higher institution of learning, on the platform of weak social integration, some elderly fellows, have taken their own lives, whether reported or not, on the account of the same issue. The weak social integration here includes religious groups, social activities and family life. At least, a number of suicide notes following some suicides that have taken place in a number of Nigerian universities such as University of Nigeria, Obafemi Awolowo University, Niger Delta University, Ahmadu Bello University and more, were carrying some indications of weak social ties ranging from family levels to the students' social activities on campus.

Similarly, a number of suicide incidents that have taken place this of recent, involving some secondary school teachers, artisans, civil servants and some unclassified occupations, through the circumstances surrounding the suicides, indicated the presence of weak social integration on the suicide of the diseased. The explanatory power of the Durkheimian concept of egoistic suicide and weak social integration can be appreciated,

looking at the overwhelming power of emotional degeneration following ruptured relationship between the individuals and their families or the macrocosm of the society at large. This of course, builds a foundation of self-hatred and dejection of which the end result in most cases, is suicide thought, attempt and completed suicide (Uwakwe & Gureje, 2011).

Altruistic suicide in the Durkheimian framework of social integration induced suicide, equally takes place in Nigeria. The cases of boko haram, Shiite Muslim protests and IPOB protests, were all carrying the elements of altruistic suicide. While the bokoharam insurgency has groomed many youths to volunteer for suicide bombing and direct military confrontation with the knowledge of the possible fatalities, the protests by the Shiite Muslims and the IPOB were all having some indices of awareness of death before involvement by the members of the groups.

According to Durkheim, when there is a strong social integration as per individual attachment with the larger social group in the society or even the society at large, there is a tendency that the individuals will likely offer themselves in the interest of the group per adventure there is live threatening situation. This of course become in distinct classification of suicide, altruistic suicide.

In the case of boko haram in Nigeria, the indoctrination by the bokoharam elements, has reduced the lower members into object of field battle, which can be expended to sustain the existence of the group. More than two thousand members of boko haram have died in the cause of the war mostly in the trajectory of altruistic suicide. In the case of Shiite Muslim protests, there is every indication that the members of the group especially, the youths were prepared for death as a result of strong attachment with the group, courtesy of religious indoctrination and attachment. A good number of the group have died in confrontation with Nigerian army knowing fully well that such a fatal situation is imminent before it happened.

Similarly, the case of IPOB members equally displayed the indices of strong social integration leading to altruistic suicide. Before and after the proscription of the activities of the Indigenous People of Biafra, most of the protests and activities of the group have taken place in spite of grave warning from Nigerian police and army. As a matter of fact, most of these activities have ended with a significant loss of lives. Underneath of these protests, is the fact that the members of this group are aware that the loss of lives was imminent but because of strong attachment with the interest of the group and the group itself, the diseased ignore the signal of death before involvement with the group's activities.

In Durkheim's suicidological classification, anomic suicide shows the characteristics of weak regulation in the social system (Ritzer, 2011). When the regulatory system of the society becomes weak and ineffective, the individual members of the society are unconsciously made vulnerable to a form of suicide, which shows the incapability of man in controlling himself in the absence of social order. As a matter of fact, the individuals are left to the mercy of passions and inordinate ambitions capable of ruining their lives.

The current issues of drug addiction related deaths, money rituals involving soul trading and premature death, etc., among the Nigerian youth, displays the state of anomie in the social system. Due to poor regulatory measure, which at some point deter the members of the society from inordinate ambition capable of leading to death in installment, the members of the society especially the youth are cut off by the unnecessary excessiveness leading to their deaths. Equally, the issue of social anomie, appears in two dimensions according to Durkheim's further interpretation.

While on one aspect, social anomie allows the members of the society into the net of inordinate ambition capable of terminating their lives, it equally appear in the form of

social system, lacking control measure over social economic activities. When the regulatory mechanism fails to ensure the continuity of the ongoing economic activities, the likelihood of business crumbling in different capacities appears and in the long run make the members of the society vulnerable to self-destruction. At least since 2009 in the specific case of Nigeria, many businesses have crumbled in different parts of Nigeria leaving many without job. As a situation with ripple effect in Durkheimian analysis, the affected individuals in most cases have been caught up with suicidal thought, attempted suicide and even suicide in some cases.

At the fourth square of Durkheim's suicidological analysis is the fatalistic suicide. This form of suicide, contrary to the above mentioned anomic suicide, result from extreme social regulation. Human beings, in as much as they need social order for harmonious existence, are equally sensitive to a regulatory system capable of blocking people out of their genuine dreams and expectations from or within the social system. In essence, this situation causes some members of the society to take their own lives out of frustration and this what Durkheim called fatalistic suicide.

At least from 2015 to present, many businesses and other establishments have crumbled under the present government in Nigeria causing, the death of many individuals in the country. Most of these businesses and establishments crumbling, were as a result of extreme regulatory measures, which came into effect from 2015. In some cases, many genuine businesses have been permanently banned while many others are currently in bad shape, worse than permanent extermination. These were businesses and establishments, sustaining individuals and families in fact, the lives of the owners of these businesses were built around them that when they were frustrated, they were frustrated along the lives of the owners of these businesses.

In a sociological parlance, the current situation in Nigeria is a fertile ground for all kinds of suicide as long as things continue the way they are. Although in sociological distillation, social anomie is connected to a form of suicide, the concept of anomie, the way Durkheim presented it, equally capture a generic situation warranting the four suicide classifications.

Social anomie generally points to the weaken social system, which can lead to a whole lot of other things and situations warranting unnecessary deaths. To start with, egoistic suicide according to Durkheim's explanations, is found within the realm of weak social integration; this social integration is indirectly affected by the state of the general society. Specifically, when the social system is in a mess (social anomie), there is a tendency that the individual members of the society will likely resign to fate and as such, block every form of commitment and attachment with the larger social structure. In such a situation, emotional degeneration is bound to set in and in the long run, lead to egoistic suicide.

Altruistic suicide, which is equally found in the framework of social integration but in the direction of strong attachment, can result from the general state of the society (social anomie). Extremist groups such as the jihadists, always find the state of social anomie as the lucrative opportunity in recruiting members, who would latter die for the cause of the group. When there is degeneration of the social system, there is the tendency that some members of the society will see the superficial appearance of the extremist groups as an opportunity of having a fulfilled destiny in juxtaposition of the social system as a whole. When such happens, the possibility of altruistic suicide is present.

Finally, in the framework of social regulation and suicide, and in the perspective of social anomie, suicide can be found as the function of extreme regulation, which in itself is

the function of weakened social system where few individuals' interests thrive at the expense of the majority members of the society. When the power acquisition system within the social system had been corrupted due to social anomie making a way, for uncivilized elements as power figures, there is the possibility of rulemaking against the genuine ambitions and expectations of some members of the society, which can lead to fatalistic suicide.

Conclusion

Suicide as a social phenomenon, is the product of the condition of the society, which makes some members of the society vulnerable to frustration and self-hatred. More than any other social condition affecting the majority of the members of the society, social anomie appear to have many chain reaction effects on the social system triggering individual and collective discontents, capable of leading to the major classified types of suicide. Durkheim as one of the eminent as well as founders of suicidology as a social ill demanding scholarship interest, classified suicide into four forms with four major social conditions inducing them. Egoistic suicide according to Durkheim, is induced by social integration issue specifically, weak social integration while, altruistic suicide on the other hand is induced by strong social integration. Similarly, fatalistic suicide is found on the extreme side of social regulation while anomic suicide is found on the weak side of social regulation. Although social anomie, appeared to be peculiar to anomic suicide, social anomie itself is found to be indirectly connected to other forms of suicide. In whichever direction, suicide is a social ill that has huge implication to the social system at large irrespective of the degree of involvement by the individual members of the society. In the case of Nigeria however, all forms of suicide according to Durkheim's classifications, are already ripe in the system as all social conditions encouraging them are equally domicile with Nigerian social system.

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