

RAIS Journal for Social Sciences
Vol. 5, No. 2 | Year 2021

Research Association for Interdisciplinary Studies (RAIS)
Beltsville, MD, 20705, USA
www.journal.rais.education
rais.education@email.com

Editor-in-Chief: Julia M. Ptaschunder, PhD

LIBRARY OF CONGRESS * U.S. ISSN CENTER

ISSN 2574-0245 (Print)
ISSN 2574-1179 (Online)

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Published by Research Association for Interdisciplinary Studies (RAIS),
Beltsville, Maryland, 20705, USA.

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Human Security and Gender: A Comparative Case Study of Human Trafficking in Southeast Asia

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ABSTRACT: The Southeast Asian region has been facing non-traditional security threats, including water and food security, oil supply, climate change, energy, agriculture, organized crime, and migration. Among them, human trafficking in the region is a critical point. One issue-areas that international relations and security studies scholars often neglect is human trafficking in women and girls. With the globalized economic and political environment, the individual's safety and security have become a major concern. In particular, the feminist perspective is important in human security because women and girls are often victims of violence, organized crime, refugees, interstate conflicts, and other cruel and degrading behaviors. Also, women and girls are often suffered from unequal access to resources, services, and opportunities. Therefore, this paper attempts to use a qualitative comparative research method to examine the human trafficking issue in Southeast Asia from the feminist human security perspective. The focuses are placed on both general conditions and individual conditions. The four countries selected are Cambodia, Indonesia, Vietnam, and Laos due to their unique trafficking profiles. Data were collected from secondary sources for examining the theoretical arguments. From a feminist human security perspective, this paper concluded that it is undeniable that trafficking against women and girls is the focal point in the general condition. Each country has its unique situation at the state level. Therefore, there is a risk if the researchers and policymakers over-generalize the human trafficking development in the region.

KEYWORDS: Human trafficking, human security, feminist approach, Southeast Asia

Introduction

Human trafficking is a serious transnational threat that impacted many countries in Southeast Asia. However, Human trafficking is nothing new, and there are long-time battles between governments and human traffickers across the Southeast Asia region. Traffickers use various ways to conduct human trafficking activities, such as fraud, force, or coercion for labor or sexual exploitation. Traffickers lure their victims in their illicit schemes, including domestic servitude, forced marriage, child soldiers, and organ harvesting (Lin 2020). An estimated 24.9 million men, women, and children were living in human trafficking situations in the Asia-Pacific region, which had the second-highest prevalence of modern enslavement in the world, with 6.1 per 1,000 people (Global Slavery Index 2018). The Global Report on Trafficking in Persons (2018) revealed that more than 85 percent of victims were trafficked from within the Asia-Pacific region (Kangaspunta et al. 2018). There are source and destinations countries in Southeast Asia. For example, Cambodia, Laos, Vietnam, and Indonesia are considered major source countries for human trafficking. Destination's countries include Malaysia and Thailand: Victims from Cambodia, Laos, and Myanmar were trafficked to Thailand; Malaysia has been a destination for Indonesia and Vietnam (Global Slavery Index 2016).

This research aims to identify the pattern difference of human trafficking in Southeast Asia from a feminist human security perspective. The research question is, "what are the general conditions and individual conditions of human trafficking patterns in Cambodia,

Indonesia, Laos, and Vietnam?” In this paper, the author argues that over-generalizing human trafficking in women in Southeast Asia would cause a blind spot and misleading information about the actual situation that each country is faced. Many researchers and policymakers pay much attention to the general condition and patterns of trafficking in women in the region. However, each country in Southeast Asia is different, and sometimes, it can be problematic when generalizing the cases. The four countries were selected because those countries are considered source countries for human trafficking. This study is qualitative comparative case research. The arrangement of this paper is as follows. First, the author briefly surveys human trafficking in human security research. Second, an examination of the four cases will be provided, which provides a starting point for the subsequent analysis. Third, research methods will be introduced as a guild to analyze the cases. Lastly, this author will present the results and relevant discussions.

Human trafficking: a feminist human security perspective

Human trafficking is a focal point in human security research. Many regional and international organizations have recognized the concept and the importance of human security (Tadjbakhsh and Chenoy 2007, 10). However, there is no real consensus on what can or should constitute the focus of human security studies (Kaldor 2007, Hampson and Daudelin 2002, Hampson and Penny 2008). In addition, many argue that it has “no single accepted definition, no universal foreign policy mandate, and no consensus-commanding analytic framework for its measurement” (Owen 2008, 35). Human Development Report (1994) defined human security as people’s “safety from chronic threats and protection from sudden hurtful disruptions in the patterns of daily life” (Alkire 2003). After the 21st century, the concept was revived in the debate on the “responsibility to protect” supported by the Canadian government and the “responsibility for development” initiated by the Japanese government. The two governments provided the necessary leadership and funding for including human security on the global agenda (Tadjbakhsh and Chenoy 2007, 11). The 1994 definition was broken down into seven components: the economy, food, health, the environment, security of persons, community security, and freedom to engage in political activities. Among the seven elements of human security are considerable links and overlaps. This human development approach to human security was “not only concerned with gross violations of human rights, armed conflicts, and natural disasters, but encompassed wide-ranging aspects of underdevelopment: inequality, public health, international crime, population growth and environmental degradation” (Tadjbakhsh and Chenoy 2007, 11). In practice, the Canadian government chose to focus its Human Security Agenda on the personal (physical) security dimension (Dorn 2001).

In human security discussion, the female personal security dimensions have often been neglected. In traditional security, scholars focus on external political, military, and economic threats to the state, which neglect the threats to individuals. By focusing on individuals, human security is a people-centered model aiming to address security at the individual level. Human security is a complex issue to measure and evaluate, and different localities assign different priorities and values. According to the Human Development Report (1994, 30), human life is increasingly threatened by sudden, unpredictable violence, which takes place in several forms:

- Threats from the state (physical torture)
- Threats from other states (e.g., war)
- Threats from other groups of people (ethnic tension)
- Threats from individuals or gangs (crime)
- Threats directed against women and children (rape, child abuse, domestic violence)
- Threats to self (suicide, drug use)

The feminist perspective is important in human security because women and children are often victims of violence, organized crime, refugees, interstate conflicts, and other cruel and degrading behaviors. Also, women and children often suffer from unequal access to resources, services, and opportunities (Haq 1999, 96-100). Kristen Timothy emphasized that the most pervasive threat to women's security is violence in various forms (Timothy 2007). McKay differentiated violence into two forms: direct and indirect violence (McKay 2004). Direct violence is physical violence toward women. Indirect violence is embedded in ubiquitous social structures, normalized by stable institutions and regular experiences. Structural violence occurs whenever people are disadvantaged by political, legal, economic, or cultural traditions (Winter and Leighton 2001). In general, feminists take a bottom-up approach when analyzing the impacts of armed conflict, whereas conventional security studies tend to use a top-down approach (Tickner 2001).

The cases

The human trafficking issue in Southeast Asia, including the four countries in this paper, has three general features. The first is transnational. Many of the victims from those four countries were trafficked to neighboring countries. According to the United Nations Crime Trends Survey (UN-CTS) data, Vietnam has ranked top in the total number of detected victims since 2007. The second is complex. The Trafficking in Persons (TIP) Report 2019 pointed out that human trafficking is still a massive problem in the region, connecting different types of crime (Grubb 2019). Cybercrime is an example: Child trafficking is linked to the worrying increase in online child pornography. Cambodia has been identified as a major supplier of child pornographic material. The third is the underreported rate of cases. According to Lin (2020), human trafficking had been underreported, under-detected, and under-prosecuted. The crimes remained hidden, and the fear of intimidation and reprisals oppressed the victims. Most of the victims of human trafficking were children and women who were not strong enough to defend their rights. Female victims from those four countries migrated or traveled, searching for paid jobs, but they became victims of human trafficking. Children who were deprived of their families were also forced to perform labor.

Table 1: The estimated prevalence of modern enslavement (Cambodia, Laos, Indonesia, and Vietnam)

COUNTRY	ESTIMATED PREVALENCE (VICTIMS PER 1,000 POPULATION)	ESTIMATED ABSOLUTE NUMBER OF VICTIMS	POPULATION
CAMBODIA	16.8	261,000	15,518,000
LAOS	9.4	62,000	6,664,000
INDONESIA	4.7	1,220,000	258,162,000
VIETNAM	4.5	421,000	93,572,000

Source: Global Slavery Index; Table made by this author

The human trafficking situation in these four countries is at a critical level. According to the Global Slavery Index, more than 260,000 of its 16 million people are trapped in modern enslavement in Cambodia. Thousands more are thought to be trafficked internationally, including women forced to marry in China and Thailand - a trend that has doubled during the coronavirus pandemic (Blomberg 2020). The country has a serious child sex tourism problem. 35% of Cambodia's 15,000 prostitutes are children under the age of 16. One-third of the trafficking victims in prostitution are children (Braniger and Jacoby 2019, 26).

In Laos, Due to the economic factor, government policies, and social factors, women and girls become victims of human trafficking and gender-based violence (Buakhiao 2020). Laos is a source country for human trafficking, and between 200,000 and 450,000 people

were trafficked annually within the Greater Mekong Subregion. About 90% of trafficking from Laos occurs in Thailand, where most victims are girls aged between 12 and 18 years. As a criminal activity, trafficking in person is difficult to evaluate, and statistics documenting the scale of this subject in Laos are poor (Human Trafficking in Laos).”

In Indonesia, it is estimated that approximately 100,000 children and women are trafficked each year in Indonesia – 30 percent are below the age of 18. Families and close friends can also play a role in sex trafficking – forcing children into trafficking to pay off familial debt. 43.5 percent of trafficking victims are as young as 14 years old. An additional 40,000 to 70,000 children who are not trafficked are victims of other sexual exploitation (Moore 2021). Most trafficking cases in Indonesia are illegal labor migration category where victims voluntarily traveled abroad for jobs without proper documents and sex trafficking (Subono and Kosandi 2018).

Finally, in Vietnam, women, men, girls, and boys are trafficked and exploited in various industries and settings (Hung 2020). Eighty percent of victims end up in China, which suffers from one of the worst gender imbalances due to its one-child policy previously, and illegal abortion of female fetuses by parents who prefer sons, leading to increased trafficking of Vietnamese women and baby girls to that country (Human Trafficking Cases in Vietnam). Vietnam has recorded over 3,400 victims of human trafficking since 2013, over 90 percent of them women and children from ethnic minority communities (Que 2020).

Methods and data

This paper uses a qualitative comparative case study. The data were collected from secondary sources, mainly from the 2020 Trafficking in Persons (TIP) Reports. Other secondary sources, such as Global Reports on Trafficking in Persons, were used in the discussion section to triangulate the findings. Because this paper focuses on the female personal security dimension, this paper adopted the indicators provided by the human security concept, emphasizing women. In total, twelve country-profile documents were examined as pieces of evidence. Those documents were extracted from the TIP Reports from 2017 and 2020. Next, this author coded the documents using the lexical search function in MAXQDA. MAXQDA is a computer-assisted software to analyze codes and documents. In the coding process, this author coded both independent variables and dependent variables. For independent variables, “sex trafficking” and “forced labor” were coded to capture the source of human security threats. For dependent variables, gender indicators (man, male, boys, women, female, and girls) were coded to capture the gender differences affected by human trafficking. As a result, 797 codes were generated from the twelve documents for analysis. To visualize the results, this researcher used the software program Flourish to present the analysis results. In terms of the indicators, this author used two-level indicators: general conditions and individual conditions. General condition is defined as the common patterns that can be observed from the case studies. Individual condition is defined as the individual observable patterns that are different from other cases.

This paper has some limitations. First, this paper may have selection bias. This research is based on secondary sources to discover patterns that fit into the feminist perspective. However, the selection of sources may be subjected to the author’s judgment. Second, this research needs to be triangulated from other data sources. Given that this paper is preliminary research, the data triangulation may be insufficient and rely on further research to support the findings. Third, this author may neglect some textual facts about male victims that do not show in numbers because this paper’s primary focus is on the female perspective. However, it does not imply that male-victim issues have less importance nor were adequately addressed.

Results and Discussion

This author conducted a general condition analysis using the coded document portrait function to observe the general conditions, which displays a document as an image of its coded segments in sequential order (Kuckartz and Rädiker 2019). The result shows that, between 2018 and 2020, sex trafficking and female-related trafficking have more counts than forced labor and male-related trafficking issues. It indicates that female-related sex trafficking is the major issue in Cambodia, Laos, Indonesia, and Vietnam. The result is shown in Figure 1:

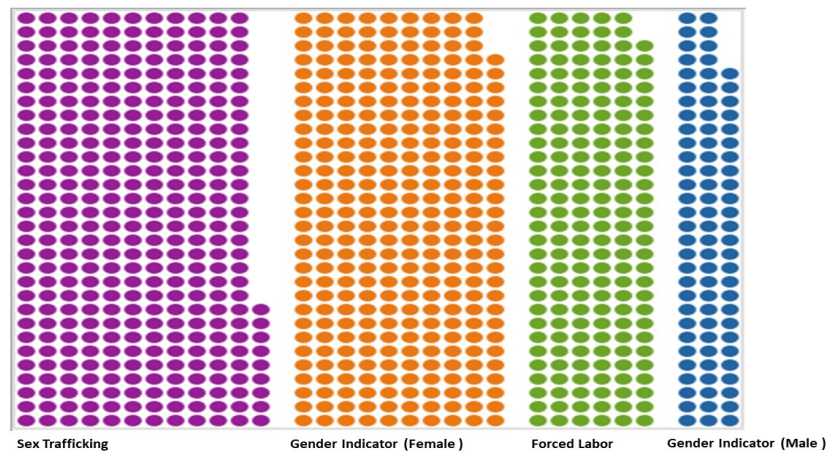


Figure 1: Coded Document Portrait

To further identify the relations of codes in general conditions, this author generated a code map that shows how gender codes are connected with sex trafficking and forced labor. The purpose is to visualize and compare female-related and male-related codes. The code map of the coded documents is shown in Figure 2. The results indicate that female-related terms (women, female, and girls) have a stronger connection with both sex trafficking and forced labor. The term “women” is the most frequently used word (156 counts), followed by “girls” (39 counts) and “female” (21 counts), to describe the issues in the four cases. On the contrary, the terms relating to the male gender are less mentioned across the case studies.

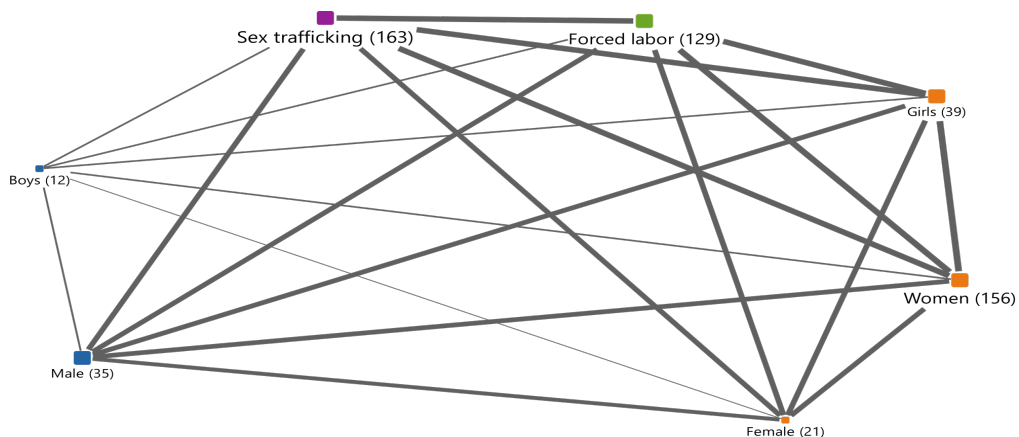


Figure 2: Code Map

Next, to observe the development of each case and find out the similarities and differences among those cases, this author conducted the keyword frequency comparison using two keywords: sex trafficking and forced labor. The result shows an increase in both sex trafficking and forced labor in the case of Cambodia. No major increase was observed in sex trafficking for Indonesia, but there was a sudden increase compared with 2019 and 2020.

There is no major increase in sex trafficking for Laos, but a decrease was observed in forced labor, from 15 counts (2018) to 4 counts (2020). Finally, in Vietnam, no major increases or decreases were observed in sex trafficking and forced labor. The results are shown in Figure 3 below:

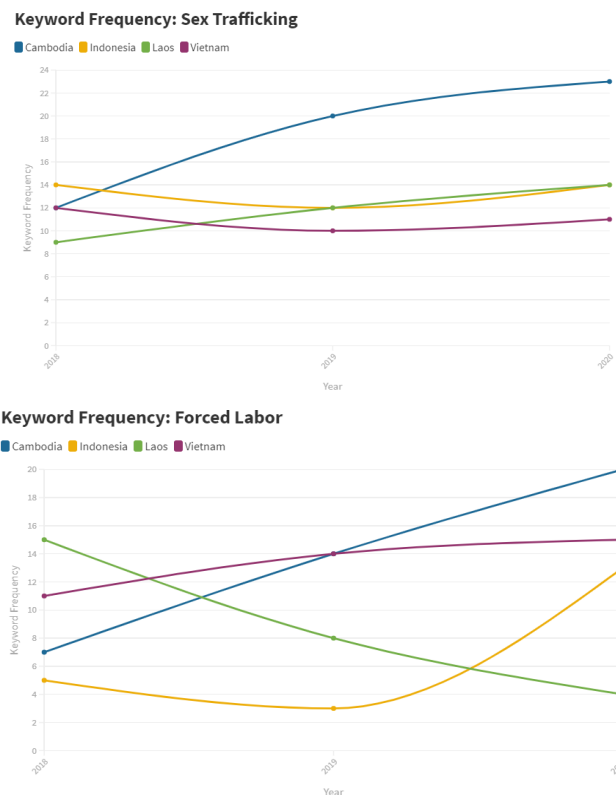


Figure 3: Keyword Frequency: Sex Trafficking and Forced Labor

Finally, to observe the patterns of using female-related terms and capture the development of each case, this author conducted a keyword frequency test. The keyword frequency comparison using female-related terms (women, female, and girl) is shown in Figure 4. The results show that an increase was observed from 2018 (10 counts) to 2020 (17 counts) in the case of Cambodia. For Indonesia, an increase was observed from 2018 (15 counts) to 2020 (26 counts). For Laos, there is a dramatic decrease in female-related terms (24 counts in 2018 and only nine counts in 2020). Finally, for Vietnam, a curve development was observed, where there were 15 counts in 2018, 23 counts in 2019, and 14 counts in 2020.

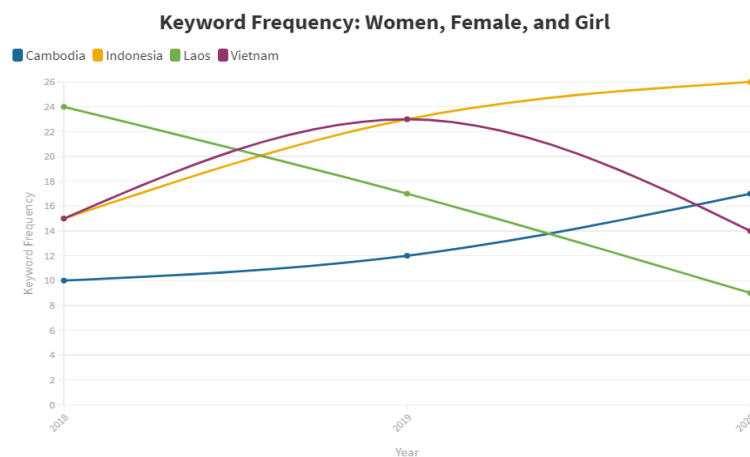


Figure 4: Keyword Frequency of Female-related Terms

Based on the above results, several findings can be drawn. First, in general, female-related trafficking issues are the primary concern in the four cases. This result confirms the hypothesis that the researchers should focus on the female perspective in human trafficking. Second, female-related sex trafficking is a particular concern, especially for Cambodia and Laos, where an increase in the use of the terms was observed. Third, female-related forced labor is an important issue, especially for Cambodia and Indonesia. In both countries, the use of the term has suddenly increased if compared with 2018 and 2020. Another development that can be observed in the case of Laos is that there was a sudden decrease both in the use of the term “forced labor” and the female-related terms. It suggests that in Laos, female-related forced labor has become a less crucial issue than sex trafficking. Finally, compared to the use of the female-related terms in all four cases, there was an increase in using those terms in Cambodia and Indonesia, whereas a general decrease was observed in Laos. This result indicates no common trend or development in female-related trafficking issues among the four cases.

Furthermore, there is a gap between the general conditions and individual conditions. The general condition shows that sex trafficking is the most prominent issue if compared with forced labor. However, it did not necessarily capture the development of the individual case. For example, in Cambodia and Indonesia, female-related forced labor is also a critical issue that has increased its importance over the years. However, this development cannot be observed in the general condition.

There are several policy implications for each case. For Cambodia, the trafficking of women and girls is getting worse. Many of the trafficking in women cases occurred in entertainment establishments. However, the Cambodian government did not put enough effort into addressing the issues. The government provides insufficient tools to collect and share trafficking information. In terms of law enforcement operations and victim services, corruption has been an important issue that impedes government efforts. Some government officials are believed to work with the business owners of the entertainment establishments and have profited from the sex and labor trafficking in women and girls. There is an urgent need to push the Cambodian government to solve the corruption issue and prevent the nexus between human traffickers and government officials.

In the case of Indonesia, the trafficking of women and girls for forced labor has become a more important issue. Traffickers commonly use fraud and coercion during trafficking. However, there was a lack of efficient identification measures of victims. The coordination between governments at the national and local levels is insufficient, and the Indonesian government decreased its funding and budget for human trafficking. The legal effort was inadequate, especially for female victims.

In Laos, many female workers have faced a risk of becoming human trafficking victims because the Laos government imposed a ban for workers who do not possess enough professional skills. Consequently, they would migrate by using informal channels, making themselves vulnerable to the international trafficking rings. Women and girls were faced with high risks, especially in agricultural plantations and specialized economic zones. Although the Laos government has taken some measures, it is not sufficient for victim identification and protection.

Finally, for Vietnam, female trafficking was involved with its labor markets. Most labor firms are affiliated with state-owned enterprises, and female workers seeking overseas jobs were recruited by illegal brokers who charge higher fees, making victims face the risk of debt-based coercion for forced labor and sex trafficking. For the Vietnamese government, the interagency coordination for female victim protection was insufficient, and the anti-trafficking law did not effectively address the anti-trafficking efforts.

Conclusion

This paper has presented several findings and implications. Theoretically speaking, this paper shows a need to investigate human trafficking issues in Southeast Asia from a feminist human security approach. The results show that the use of female-related terms outweighed male-related terms. In the general conditions of the four countries, the results show that “sex trafficking” against female victims is the major issue. The TIP reports tend to focus less on male-related trafficking. However, it does not imply that male-related issues are less critical. Other factors such as the identification ability may affect the result. In terms of individual conditions, each case has shown its unique patterns. For example, in Cambodia, both sex trafficking and forced labor against female victims are getting serious. In Indonesia, forced labor against female victims has become an important issue, especially after 2020. For Laos, identifying victims is becoming challenging, contributing to the decreasing use of female-related terms. However, the female-related sex trafficking issue is still salient. For Vietnam, the human trafficking against women and girls continued, and there is no major increase or decrease in female-related trafficking patterns. Although female-related trafficking is the major concern for those four countries, there was no common trend in female-related trafficking issues among the four cases.

To conclude, the results of this study also support the author’s argument that over-generalization of female-related human trafficking in Southeast Asia would cause a blind spot and misleading information about the actual situation that each country is faced. Therefore, the implication of this research shows that researchers and policymakers should be careful when looking at “the big picture” of human trafficking in women and should pay more attention to the “state-level” situation and investigate the individual country’s development, rather than making a general analysis and conclusion at the regional level. As Lin (2020) argued, much work needs to be done, and governments should do it differently. This argument is valid in the feminist human security approach to deal with the human trafficking issues in the Southeast Asian region.

Acknowledgment

An earlier version of this paper was presented at the 2021 American Political Science Association (APSA) Annual Meeting in Seattle, Washington, on October 3. The author would like to thank the discussant and participants for giving thought-provoking feedback on this paper.

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The Relevance of Nonviolent Politics in Nation Building: Gandhi's Lens

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ABSTRACT: The purpose of this paper is to establish nonviolent politics in its praxis as a way forward in fostering unity, equity, justice, and nation building. No writer has a monopoly of knowledge or ideas. Therefore, this work is subject to objective criticism, evaluation, and recommendation if needs be. Not until we came in contact with the works of Gandhi, who saw *Ahimsa* as the foundation for nonviolent politics, as a virtue and as human nature, we may have all believed and argued that no man born of woman could live out in his/her life loving and nonviolent in political or social issues. We had committed ourselves to doubt the possibility of social and political, even religious transformation without violence against the group, individual; or, tribe against tribe, state against state, and religion against religion. Considering man's insatiable tendencies, we may have been led to say that nonviolent protest is an instrument of the weak scornfully, who cannot stand the wraths of war and would never be as effective as violent ways achieve political or economic freedom. Especially when human values (justice, human dignity, freedom, love, peace, etc.) are on the brink (students of Frantz Fanon will refute it with all their guts). To avoid being guilty of fallacy, the author would argue that even if it is possible for a small city/group to engage in peaceful protest and gain her/their desired goal, it is not possible for a problematic nation like Nigeria, with cultural diversity to apply the same method Gandhi used without shedding blood, especially from the side of the peaceful (nonviolent) agents, perhaps, nonviolence is possible tool even today to get evil policy in the government changed. After all, there must be a measure of resistance to defend oneself from the barbaric killings or being treated as mere animals. In short, violence is not an option for building a nation. Of course, no human society can promise its citizens qualitative education, a good network of roads and sustainable social amenities, well-equipped hospitals, good infrastructural development(s), or intelligent leaders amidst war (violence), corruption, and hatred.

KEYWORDS: nonviolence, politics, *Ahimsa*, foundation, nonviolent politics, civil disobedience, nation building

Introduction

The socio-political horizon unfolded by Gandhi's political ideology, based on love [nonviolence], surpasses a mere demand of human justice. That is to say, giving people [all human races] their due is imperative. The main object of love, we mean, nonviolence as practiced by Gandhi goes beyond treating others justly. To bring this to life, Gandhi sacrificed his resources, life and avoided material possessions [a kind of authentic life lived by

existentialists]. Consequently, his politics of nonviolence exemplified what the Holy Scripture admonishes us in 1 John 3:18, "let us not love in word or speech but indeed, character and in truth." This is linked to the life of Socrates of the ancient Greece, who willingly gave in to die a shameful death as for justice to prevail. Hence Jesus Christ of Nazareth's priceless love epitomizes it all. Nonviolent politics in Gandhi, however, took its peculiar routes to achieve justice. Meanwhile, his politics of nonviolence was both collective and personal efforts to eliminate social, political and economic injustices in human society. It was collective because Gandhi gained the support of Indian merchants, traders, lovers of political equity and human values; and elites living in South Africa and across the globe. On the other hand, it was personal because he chose the course to fight for justice, protect the interest of the poor citizens who were alienated in the Natal, and make his voice heard in the world political system. In order to achieve this, he employed self-discipline, a series of peaceful campaigns, including "salt March," and civil disobedience at the climax of impunities unleashed on Indian citizens. Similar to Socratic teaching, we subscribe that one must stick to his conviction no matter what the price, even death, when disobeying the existing government. For justice to reign, Gandhi believed that whoever wanted to eliminate injustice should be ready to eliminate violence and do it with all his might fearlessly. Perhaps, there will always be suffering which cries out for freedom and for the restoration of equality, peace, and justice in a society. Meanwhile, we may have doubted its possibility long ago. In our ceaseless quest for self-realization, none came into full consciousness that there are more civic, subtle, but powerful ways to gain liberty from the oppressors than the use of arms.

The nature of man hitherto has been calm, gentle, rational and passionate, but only when his rights and life are threatened wantonly, he uses any available means to reclaim his rights, yet he does not use violence since his natural instinct is rational and social. These psychological characteristics set man apart from animals. Their nature is in the other way round; they do not have passion similar to that of human beings, have no cognitive ability, and are violent in nature. Diwakar (1968, 4) puts it in more affirmative way. For him, man is non-violent in nature. And, non-violence, according to him, "is a rational principle based on the natural social instincts of man. It is, therefore, a socializing influence and to that extent it is a civilized force," he concluded. Man's passion from ages has been to attain self-realization; self-purity, and free himself from the bondage of ignorance, and uncivilized nature. Now, the driving force for him to attain this purpose is necessarily peaceful and nonviolence, since his nature has been good. However, man's passion ought to reflect his divine nature. Now, to observe morality and operate with the principle of love, he must master his mind and free himself from the concupiscent influence of the senses. Gandhi (1947, 55) noted the same point when he penned, "to observe morality is to attain mastery over the mind and our passion... hence, the mind is a restless bird; the more it gets, the more it wants, and still remains unsatisfied." To train the human mind in order to overcome this insatiability ought to be every man's greatest concern. Consequently, this stream of genuine experience and experimentations led Gandhi to establish the principles of nonviolence [satyagraha]; the virtue he lived to the end.

In the justification of violence, the rationale typically attached to political professions is invariably carried under the banner of regret and considered contextually in extreme cases. Often time, people who selfishly pursue their political interests, invariably, would at the end live to regret the methods they employed. Meanwhile, any human desire void of passion for preserving human life and improving the poor masses' wellbeing is not worth having. Life, Derrida (1997, 329) averred, "...has absolute value only if it is worth more than life." In the same vein, I assert life as the greatest value and an end in itself. Further, life as an absolute value, I vehemently contend, encapsulates Love, Nonviolence, Respect for human dignity, Peace, Justice and Truth. Therefore, violent life or war, instead of promoting common good, will destroy the divinity (dignity) of man. By and large, violence has universal condemnation

since its deplorable impacts in the II World War and Civil war-Biafra War, precisely. If man has learned that violence is to be avoided and as something tinged with profound human tragedy, why then the clamor for it?

People's supposition that Gandhian political thought was only a tool to turn British out of Indians' political and economic life and that it is strictly relative adventure has been defeated by nonviolent philosophers' demonstrations. In short, one can rightly say that Gandhi's politics of nonviolence was a practical thinking. For example, many states today like Indigenous People of Biafra (IPOB) glamour for peace and resort to settle any burning dispute nonviolently. In the sojourn of political freedom, self-government, and socio-economic freedom, people must not necessarily engage in war/violence. Eritrea, for instance, was set free from Ethiopia without shedding blood, even though they fought for about 30 years, but later, they resorted to nonviolence agitations.

Understanding Nonviolence

To understand Gandhi's notion of nonviolence, it is important of course, to know what nonviolence is. According to Oxford Advanced Learner's Dictionary (Hornby, Ashby, and Wehmeier 2000), nonviolence "is the policy of using peaceful methods, not force, to bring about political or social change." Nonviolence means the absence of violence or coercion. Thus, nonviolence is the self-practice of being harmless to oneself and others under every condition. This comes from the belief that hurting people, animals or the environment is unnecessary to achieve a social or political change. Gandhi insisted that one must abstain from '*himsa*'-violence if he must attain '*nirvana*'. Consequently, nonviolence has 'active' or 'activist' elements, in that, believers accept the need for nonviolence as a means to achieve political and social change. No wonder, the Tolstoy and Gandhian nonviolence beg for philosophical recognition.

For Gandhi (1921, 5), "strength does not come from physical capacity; rather, it comes from an indomitable will." Perhaps the human urge to avoid physical pains has always led him to apply his manly capacity instead of his 'will.' Now, nonviolence, which is necessarily man's nature, is superior to violence. However, it brings suffering to the believers and ardent students, yet '*Ahimsa*'-non-violence is an active force to resist evil concupiscence of both material and latent needs. His inordinate wants must be guarded. Gandhi (1921, 6) wrote, "Nonviolence in its dynamic condition means conscious suffering." Disciples of Gandhi and those who desire to serve other people to the detriment of their happiness do it with all their might and will, knowing that man's happiness lies in the service of others, not in self-service.

The parallels in *ahimsa*-nonviolence (i.e., Gandhian conception of love) with the Christian concept of love-agape are noteworthy. In that, Gandhi preached for unconditional love and sincere forgiveness, even when one's persecutors or enemies pierced his skin with lighted metal, a sort of practical extension of love to one's neighbor similar to the son-father relationship as exemplified in the Biblical parable of the prodigal son. In his book, *God is Love-Deus Caritas Est*, Pope Benedict xvi (2005,13) expounds on this point. He succinctly explored the link between human love, love of God and the inseparableness of man from God. Nevertheless, he adds, this was made possible through the indefinable love lavished on man, God who gave His only begotten son to die for our sin, even when he knew no sin. Love, he pens, "is indeed 'ecstasy' - a blissful state-, not in the sense of a moment of intoxication, but rather as a journey, an ongoing exodus out the closed inward-looking self towards its liberation through self-giving..." There is existing contrary between man's understanding of love and what Gandhi called 'the purity of human mind', in the former, man loses his rational prowess to self-driving emotion; he consciously pursues that which appeals and satisfies his flesh. Now, he is aware of when he has feelings for the opposite or same-sex. This, of course, is no different to selfishness-love of self. Nonviolence-*ahimsa*, Gandhi

argued, goes beyond self. It lacks the knowledge of self but embraces the alien, the enemies and the anti-nonviolent. Thus, “it doesn’t mean meek submission to will of evil-doers, but it means putting of one’s whole soul against the will of the tyrant (Gandhi 1921, 6).” By this single principle, it is very easy for one to defy the whole might of an unjust empire to save his honor, religion, and soul and lay the foundation for the empire’s fall or extinction. Politics ought not to be a do-or-die affair. Neither is it worth being an enterprise of touts and thugs, where an inexperienced and uneducated group of people or individuals should occupy a position because of their military might. Politics is a noble and leadership art and science where the art of governance is practiced.

What is politics?

This time is an exciting era to be studying nonviolent politics. The whole world is facing political and economic crises now. Political, socio-economic crises and critical discussions in political activity have raised deep and perplexing questions about the nature of political activities, especially political unrest.

The definition of politics is as difficult as that of philosophy. This is because many political theories have emerged, and each claims to hold ground over the other. Despite these current debates, to what should be characterized as politics, the more universally accepted definition is that politics is the activity associated with the government of a country, which its prime aim is to improve the societal status or increase individual power. Politics is an art as well as science. It is art because it is a conscious and skillful field where creative and intelligent leaders explore their governance skills for nation building. It is a science because it is pragmatic in solving the problem of underdevelopment.

The term politics is a Greek word, 'Politikos,' that is to say, 'relating to citizens.' Plato critically envisioned a politics characterized by Statesman, a virtuous one who has the sound mind to discern right, just, and truth regarding decision-making in human society. Politics is the art of governing people virtuously with the aim to create a world free from political war, corruption and enlarge the mental estate instead of physical estate. This is what led Plato’s critics to insist that Plato’s version of politics is based on unrealistic utopianism. Hence, politics involves making a common decision for a group of people; it is exercising the position of governance with a great sense of human development, enlarging the horizon of social, economic, and religious values. Politics reflects how best human society and life should be arranged, such as social practices and political institutions; religious differences should be balanced, and mineral resources and manpower should be shared justly.

Nonviolence as part and parcel of Human Nature

In *Satyagraha’s Economy and its Relevance for National Development*, Onwe (2020, 16) wrote that “the classical conception of human nature establishes a principle of fundamental importance for all social and political thinkers who are interested in establishing objective grounds for the critique of inhuman behavior-violence, war and alienation of labour.” By this he means that living peaceable, good, and nonviolent life is not a matter of arbitrary opinion, but as such, anchored on creative mental tendency of man. This though, contradictory, but we cannot ignore it in order to appreciate Gandhi’s nonviolent politics. Obviously, nonviolence is part of human nature [life], wrote Gandhi (1967, 259). Every rational and moral agent has the tendency to be nonviolent in nature. Nonviolence, he enjoined, is much more than a mere strategy established by weak individuals, as some critics would argue. Rather “it is definitely an attribute of human society.” Gandhi’s devotion was to prove this point, even if he was to sacrifice his life. Admittedly, in this age of political and philosophic wonders no one will say that a thing or idea is worthless because it is new, or it is grounded

on pragmatism. We are witnesses to cases of nonviolent politics. As the author mentioned before, Indigenous People of Biafra is one of the nations that is on this same nonviolent pathway, and will achieve her political and economic freedom without war. To say it is impossible because it is difficult is again contrary to the spirit of the age of change. Change is constant, Heraclitus opined. Only Truth is constant-God can never change.

Nonviolence, therefore, is an indispensable part of human life, and also possible for all human races to possess, practice and live out fully. Nonviolence is actual law of the universe, with the same principle hold as the law of gravity. If we pursue nonviolence and positive development, our lives will bear the good fruits therein. Similarly, violence can only lead to further violence. Violence needs not to be taught, just as evil. Nonviolence as human nature, requires training to live it to the full. King Coretta S. (1969, 79), consented that “nonviolence in its truest sense is not a strategy [nor a lip-service] that one uses simply because it is expedient at the moment; nonviolence is ultimately a way of life that men [or community of men] live by because of its sheer morality.” Consequently, to accept the above notion, and the willingness to use nonviolence as a technique is a step forward. Whosoever that embraces human values is likely going to adopt nonviolence as part and parcel of life, which every moral agent should not struggling to live by it. Thus, nonviolence is therefore an inherently part of human life, which has led many nations to political, socio-economic and religious freedom. Above all, it has taught us the power of love, and inculcated us with spiritual sanity. In a more pragmatic sense, no development can thrive in amidst of misplaced goal. We are certain that nonviolence has a definite goal which is to advocate for justice, reclaim the lost civil rights, eradicate poverty, and to install peace in the society. To observe nonviolence, I mean here, is to be human centered, be fully concerned about others' wellbeing and avoid use of force, coercion or illegitimate means to acquire anything.

Nonviolent attitudes as one of the highest assets includes full control over the process of governance, societal development, without war either by words, thought, or in deeds, Gandhi explained. Every creature in human society is under virtue of being, governed by nonviolence instinct. Perhaps, protesters can opt for nonviolence because violence is not possible or out of a firm commitment for nonviolence (Abu-Nimer 2003, 15). Unlike Gandhi, who saw to it that Satyagrahis were all living by nonviolent principles, Martin Luther King Jr. did not stipulate that the freedom fighters had to apply nonviolence as attitude of life but stated that it was a means of protest, which accounts for the large spectrum of African-American applying nonviolent protest. Pragmatically, both Gandhi and King's means and end provided them with a positive image as it enabled both leaders to legitimate their demands to the world and won massive supports.

Interestingly, Walton (1971, 24) poses the question, “whether nonviolence could function in all cases as effectively without doctrine, like the one preached by Gandhi”? Doubtfully, it is intelligible to discuss nonviolence if it is devoid of ethical roots. Any ethical theory that defends nonviolence on practical grounds will inevitably also find violence appropriate on certain occasions. Oftentimes we see people who may resolve to be nonviolent in their protests to address social ills being frustrated by violence. Sometimes, police or even army forces are used, which in most cases, resulted in counter-violence. A good number of such incidents have happened in Nigeria. Nonviolence's foundation is morality. Hence, Gandhi's methods were for the conversion of the violent crusaders through justice, truth and love, a total transformation and renewal of the minds of one's enemies.

In fact, it is worth noting that most freedom fighters or rights protesters are sometimes uncomfortable with nonviolence and believed that they have the right to defend themselves, especially when their lives are wantonly threatened. Perhaps, nonviolence is still a way forward for addressing social, economic, religious or political injustices. Just like morality cannot be separated from politics, in the same way, nonviolence is inseparable from human nature.

***Ahimsa* as the Foundation for Nonviolent Politics**

Christian love (*Ahimsa*) constituted the core ethics of Gandhi's non-violent politics. Along with the observation of non-violent principles as preached by Gandhi, one must have sense enough and morality as well to love everyone, including his/her enemies. However, in a strict sense, *Ahimsa* is a holy strategy for social, religious or political revolution. And it fosters a sustainable development in a human society. *Ahimsa* means love that is inspired by will to liberate/save the voiceless masses. *Ahimsa*, Gandhi (1935, 180) penned, is the greatest weapon available to humankind. "It is mightier than the mightiest weapon of destruction devised by the ingenuity of a man."

Martin Luther King Jr. (1991, 19), wrote, "at the center of nonviolence [Gandhi's politics] stands the law of love," and that "alongside the way of life, someone must have sense enough and morality enough to cut off the chain of hate," in order to achieve political freedom. I wish to speak here based on where I came from. The most humiliated and alienated race politically, in Nigeria, though has the most ingenious persons in Africa and across the globe since the end of bloody civil War, is the Igbo race. Looking back, we are bitterly aggrieved of the deplorable experiences our grandfathers and fathers had, and we are still having with Nigeria government till today.

Ahimsa, a *sanskrit* language, is rooted in Gujarati, which means love/nonviolence, not hurting every creature. Gandhi believed that *ahimsa* evolved from the evolution of human civilization. It is a belief that all lives are one, including the nature-animals and vegetation. Thus Gandhi (1960, 99) picked this traditional belief and lifted it to the high pragmatic levels, in politics and religion. He penned, "the first condition of nonviolence is justice all round in every department of life." This is a problem that Gandhi's *ahimsa* is faced with. When do we say that one's act is violent either towards men or nature? How do we differentiate violence or nonviolence on nature and humans that can satisfy the demands of nonviolence as preached by reason? It is very simple. He who devotes his life to the votary of love, that is, nonviolence, must have to reduce his grossness for wants to a minimum. Gandhi (1947, 65) expounded further, that "he must bear in mind the poverty of others. And that his earnings would be free of dishonesty. The desires for speculation would be also renounced. His habitation would be self-restraint exercised in every sphere of life."

Indeed, at the root of nonviolence is the doctrine of self-training. Total self-restraint exercised in all spheres of life is the foundation of nonviolent politics. According to this disciplinary attitude of the human mind, the wealthy may not possess as much more than their neighbours. How? Can this happen without force/violence on the side of the wealthy citizens? Or should the wealthy citizens be dispossessed of their possessions? Naturally, this may result in violence.

The antecedents of nonviolent politics [*ahimsa*] are founded in antiquity, in the philosophical tradition, for example, in the social contract theories of Jean Jacques Rousseau "The Social Contract" (1762), Thomas Hobbes and other natural rights theorists. The question of social relation between natural and civil rights led Thomas Hobbes to coin his idea "The State of Nature". In this condition, individuals' actions are bound only by their own power and conscience. A kind of state born out of contract, where individuals surrendered their rights to selected few, emerged.

In absence of social, political and economic power, society would be characterized by 'war, and human life would be solitary, poor, nasty, brutish and short'. Gandhi expounded the historical evolution of human society, in which he preached that not until humans entered into an agreement, entrusted their powers, whether natural, economic or political to the individuals who would in turn surrender theirs, violence would continue to thrive in a society. For Gandhi, the rich men would be left with their possessions, of which they have to play by the rule of conscience. They know that they are trustees whose openness to others, that is,

honesty is required for the development of society. Hence there is a need for the transformation of the mind. Thus, openness is an integral part of nonviolent politics since nonviolence itself is based on the principle of truthfulness. According to Gandhi (1966, 165), “as soon as man looks upon himself as a servant of society, earns for its sake, spends for its benefits, then purity enters into his earnings and there Ahimsa is ventured.” One may doubt the possibility of this, considering the fact in the history of human nature. Whatever becomes too impossible for men is very possible for them if they are guided by wisdom. After all, impossibilities are ever becoming possible. Isn't it amazing what is happening in the world politics today, and among the states who clamor for freedom? The future is a bundle of possibilities. Yet, no human is a mastery of the future. Lawful resistance of alienation and social vices is inevitable.

Civil Disobedience as an irresistible force

Civic resistance of corruption, injustice and alienation of man by men is a powerful force that can defile the might of arms and armories. A deliberate defiance of evil policies made to exploit and deny people their natural rights, or, a sort of intimidation orchestrated by corrupt elements in the state in order to remain in control of power, economy, etc, is what civil disobedience stands to fight. Henry David Thoreau (1849) and Leo Tolstoy (1893) were the first modern writers to articulate systematically the idea that citizens have a moral obligation to undertake positive action to resist unconscionable state policy. In their works, *Resistance to Civil Government* and *The Kingdom of God Is Within You*, respectively, pictured what is now generally known as Civil Disobedience. For them, citizens are obliged to resist evil, corruption, and unfavorable state policies nonviolently. Furthermore, they have the requisite rights to conscientiously resist the government's injustice, intimidation, and wicked policy.

Thoreau opined that individuals should see themselves as human beings first and subject to law second. Regard for what is right should precede regard for law. Conscience, he contended, provides a higher law, to which the morally upright citizen must have recourse. He argued further that it is not enough that citizens refrain from taking part in injustice; they must also take positive action to separate them from the state's injustice. Thus, they must resist that state and her injustice actively through non-cooperation. Therefore, non-cooperation is conscientious refusal to obey evil policy of the government; refusal to pay taxes, which Thoreau argued, is an art of slavery and what he saw as unjust war, he willingly went to jail. Thoreau argued that because the state depends upon the consent of the governed, upon which its power and authority are derived, citizens could withhold their allegiance with a clear conscience.

Obviously, civil disobedience, like development, cannot flourish in an environment of violence. Civil disobedience belongs to patriotic citizens; it does not in any way suggest hooliganism.

Nation building

There is no human society that can promise its citizens qualitative education, good network of road and sustainable social amenities-well equipped hospital, and good infrastructural development (s) amidst of war, corruption and hatred. However, no state is built in a day. It takes years and well laid plans inspired by love for a nation to be born with full of dreams and fulfilments. As Pope Benedict XIV, rightly pens, love of one's country inspired by love of others promises man eternal bliss (self-fulfillment). Therefore, no place in society is worthy of focusing its drives for power unless it advances human dignity for the greater good, like eradicating poverty, improving the learning environment, banning abortion, terrorism, child abuse, etc. All such things are only possible in the community of love.

Nation building involves increment of mental and physical state of a nation or individual persons in a nation. To build a nation simply means to develop a nation according to international plans and standards for human existence. That is, to improve the living standard of a nation. This cannot be achieved by twinkling of eyes. It is a process as well as determinant of livelihood of citizens. If a nation does not focus on human development, for instance, the lives of its citizenry are on the way to animation. In a strict sense, the object of nation building is both matter and form (physical-infrastructure and spiritual-moral sanity). By extension, one can agree with me that the evidence of mental growth-development is tested via human response to his immediate world, his confraternal relationship, passion for helping those who are poor both in mind and in material needs, etc., but then, he is aware of his limits, therefore, he must not be controlled by material affinity. Building a nation, therefore, is human-centered. Stanley (2010, 37) captured this when he writes, "development typically involves improvement in a variety of indicators such as literacy rates, life expectancy, and poverty rates." In that, development ameliorates poverty and improves the living standard of a nation. This is best realized in a society free from selfishness, marginalization, ethnicism, political and economic violence, and nepotism. To build a nation, Jeremiah Onwe Ngwu (2020, 17) writes that selflessness is indispensable. For him, "selflessness as a global demand for national development, seeks for objective good without having any ill-consideration for self-advantage.

Gandhi's conception of building a nation is largely contrary to Marxist materialism. Gandhi rejected political materialism which believes in the creation of a paradise of material plenty, in raising the standard of living understood as maximizing consumption and optimizing the pattern of production. The principle of development is universal reality, it occurs wherever it is rightly applied. No nation can survive bombing, corruption, kidnapping and human trafficking, to mention but a few while she inspires to develop.

Conclusion

What are the best ways to practice politics without nepotism, corruption, and political injustice using nonviolence as the most effective tool? It is through relentless resistance of socio-political vices and undiluted love for humanity, inspired by the love of one's nation, by carefully obeying the wise counsels of our conscience. Indeed, no society, no matter how it is endowed with mineral resources, occupied by the highest number of elites without confraternal services propelled by national and human love, will survive. Now, how do we gain political change in a nation with multi-cultural heritage and socio-religious practices, a method that would integrate not only our place of origin but others without political war, whether with arms or in words? By putting our gross wants to check, and concentrate on objective value-moral sanity.

Truly, Gandhi's politics of nonviolence ought to be the praxis for political stability since its approach to political and social issues is based on self-suffering for the betterment of all in the society, including one's stunt enemy (a choice sort of adventure). And it is from this view that we argue that nonviolence is political and social force, and not only relative truth but universal reality, which even both black and white races can practice. Therefore, we avoid any claim that Gandhi's politics of nonviolence is philosophical hermeneutics, as some people would like to argue. Contrarily to our pursuit is Frantz Fanon's violent decolonization agenda. Though most nonviolent activists hated colonialism, colonial imperialism, black races' political bewitchments and its pretentious government, I often tell people never to engage with violence against authority or use of armory.

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Psychiatric Expertise and Forensic Management in Cases of Dissociative Identity Disorders

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ABSTRACT: Dissociative identity disorders are still one of the most controversial entity within the psychiatric domain. Formerly known as "multiple personality disorder" until late 1994, the assessment of this condition has split the world of psychology and psychiatry between believers and skeptics as the characteristics of the pathology are very hard to assess with objective tools. Different theories have circulated about dissociative identity disorder over the years and some cases reached mass-media attention due to its spectacular aspect. Being a pathology with extreme and contrasting changes in behavior, judgment and affect within one individual, theoretically without control and memory on the actions of each personality, justice management can hit many blockages if that person is involved in antisocial activities. Forensic psychiatry is again the mediator of the investigation and legal conclusions over such cases but even in the moment of the psychiatric expertise, objective assessment can be complicated by the specifics of the disorder. This paper proposes a review of the current knowledge of the disorder with the theoretical legal appliance in cases of antisocial behavior with law involvement.

KEYWORDS: psychiatry, forensic, dissociative, personality, law

Introduction

The possibility of one individual developing multiple personalities within itself, each of them being unaware of the other, has brought the attention of the media and non-medical community over the years. Inside psychiatry and related domains, the disorder has only lifted questions and the answers remain even now controversial in the scientific community. In Romanian medical society, psychiatric institutions declare under 5% of the total cases being addressed and diagnosed as dissociative identity disorder in the last ten years. Much of those diagnostics are questioned as clinical aspects could mislead the specialist and really have elements of hysteria, schizophrenia or other personality disorders.

Theoretically, the multiple personality disorder has been changed into current name, Dissociative Personality Disorder by the DSM IV psychiatric manual and defined as the presence of two or more identities that recurrently take control of the individual's behavior accompanied by the inability to remember important personal information. Moreover, the disorder was thought to be more of an identity fragmentation rather than a proliferation of separate personalities (DSM IV, 1994). So, even with the contrasting personality changes and extreme differences between each self, the medical world did not recognise the ability of one individual to develop different personalities, each of them with unique emotional state, judgment criteria, personal options, future plans and even cognitive maturity. The 2013 DSM V evolves the criteria of diagnostic and reveals new elements to characterise the disease which changed the way the psychiatric community tended to avoid this type of diagnostic. As such, the new DSM psychiatric manual defines the disorder as "a) Disruption of identity

characterized by two or more distinct personality states, which may be described in some cultures as an experience of possession. The disruption of marked discontinuity in the sense of self and sense of agency, accompanied by related alterations in affect, behavior, consciousness, memory, perception, cognition, and/or sensory-motor functioning. These signs and symptoms may be observed by others or reported by the individual. b) Recurrent gaps in the recall of everyday events, important personal information, and/or traumatic events that are inconsistent with ordinary forgetting. c) The symptoms cause clinically significant distress or impairment in social, occupational, or other important areas of functioning. d) The disturbance is not a normal part of a broadly accepted cultural or religious practice. Note: In children, the symptoms are not better explained by imaginary playmates or other fantasy play. e) The symptoms are not attributable to the physiological effects of a substance (e.g., blackouts or chaotic behavior during alcohol intoxication) or another medical condition (e.g., complex partial seizures)” (DSM 2013).

Differential diagnostics are stated in the DSM manual in an attempt to objectively part the other conditions from the dissociative identity disorder but still, in the first step of the medical assessment, it is a common thing to first think about other pathologies such as Borderline or bipolar disorder, psychotic disorder, substance abuse effects, or major depression and post-traumatic stress disorder. This is understandable as two or more personalities are hard to become dominant within the same examination and it is easy to become sceptic at the first interview with the patient. Moreover, some studies state that the majority of the personalities within one individual have at least one form of psychological imbalance, especially due to the trauma that has caused the split and that follows the subconscious of the individual throughout his life, the subconscious being the central hub of all identities that activates and releases each personality by assessing the environment and pushing the necessary self to emerge.

The general characteristic of the disorder is the conversion between different states of the self. Initially, there is an extreme trauma, usually at a young age that activates the need to escape from the suffering and abuse. The first personalities are adaptive forms to the disrupted environment but they soon become un-adapted to the new external and internal development so the personalities begin to develop as new factors influence the individual and the main self. The conversion acts on two main directions: a vertical one which is dissociation and a horizontal one which is repression. The repression acts horizontally as all material aspects of the environment are translated to the dynamic subconscious. The dissociation acts vertically as the cognitive and emotional luggage is being separated into different consciences. The dissociation and repression are actually both defensive psychological mechanism that individually appear in other psychopathologies but in this case, they push all the disrupted material knowledge outside the conscient area. The way that those mechanisms work is related to the balance between outer and inner activation factors. Repression is apparently activated by inner strong desires and dissociation is activated by external impact factors (Reinders & Veltman 2021).

Basically, each personality has repressive and dissociative mechanisms involved in a higher or lower proportion. They develop in an adaptive way for the individual to be pushed further from the traumatic experience and reality. As the person reaches different points of maturity, the personalities gain more and more autonomy and the main character becomes more convinced that he is no longer in control of them. The interesting part is that there is no apparent control over the different forms of self but they activate and change as the individual changes excitatory states and environmental forms, adapting him to new situations or ”saving” him from more trauma. As such, we could state that there is a subconscious network centre that acts a mediator and decision factor in order to highly protect the main self from further damage (Ross & Ness 2010).

Beyond the psychological aspect of the disorder, there are 2 psychiatric criteria that are specific for distinctive personality state emerges: the disruptive sense of self and agency and the recurrent dissociative amnesia. The disruptive sense of self is the state in which an individual finds himself in different clothes than they usually wear or being in an environment they usually do not attend or in any situation they are not usually comfortable with. From the outside, there are contrasting differences between the way people view a certain individual. For example, a usually social person can be suddenly observed as very shy and introverted for no apparent reason. Moreover, the person himself can suddenly wake in situation he usually cannot handle. The disrupted sense of agency refers to the person's affective states. He can find himself in emotional situations or sensing feelings that he has no reason to feel. Those are usually reminiscences of the alter personality that went suddenly dormant and the main identity is found in non-realistic effective states with emotions that don't belong to them. There are patients that have some form of subconscious awareness over the alter personalities and they describe themselves as a distant observer with no power or control over what is happening. Others describe the feeling as a body and mind possession or hijacking. The second important criteria of the disorder is the recurrent amnesia. In cases of dissociative identity disorder, recurrent amnesia can range from partial and inconstant memory loss to total amnesia. Some patients can remain partially aware of their actions but with no efficient control over the dominant state which is commonly known as co-consciousness but there are also total amnesia cases, in which the patient has apparently no memory of his behavior. Memory loss is first of all specific for all traumatic events in the individual's personal and affective life. As the alter personalities develop, memory is split between the different cognitive states as memory is a principal characteristic of conscience and cognition but remains of different entities can merge between them (Sar, Unal & Ozturk 2007).

Psychiatric expertise in cases of dissociative identity disorder

As recurrent amnesia is the defining criteria of the disorder as well as the different cognitive states with contrasting emotional and behavioral characteristics, there are many questions of how deep the differences between alters go. Identity is formed by specific emotional filters, experience and memory that form behavior and every identity is characterized by a certain psycho-cognitive activity. Cognition is the body of cerebral mechanisms that sustain the critical judgment, filter environmental factors and emotional excitants and outer and inner elements, and control impulses to sustain the person in social, familial, and professional functions. Dissociative identity brings the question of whether each alter-personality has different cognitive levels with all its implications (Ross 2006).

Multiple personalities mean multiple consciences, each having identity characteristics such as different behaviors, different psychological balances and different forms of responses to emotion and stress. Impulsiveness and aggression are part of the human psychological foundation but cognition, critical judgment and cortical cerebral maturity are the filters that inhibit anti-social acts in order to fully adapt to environmental standards. We could state that theoretically, every identity of a dissociative individual is aligned to different levels of cognitive states and cerebral activity mechanisms. As such, through all alters, there could be found aggressive identities, anti-social behaviors, immature cognitive remains from the childhood stages, impulsive personalities, identities with psychotic manifestations, unemotional callous states with psychopathic characteristics or dependent personalities. All of these elements are understandable as alters develop as an adaptive and protective mechanism for the main self against negative feelings and trauma so, it wouldn't be unusual for aggressiveness to manifest at some point. Furthermore, there is a balance in the development of each alter so if one identity is incapable of doing harm to another person but there is a desire to do so, another

personality might take the initiative and act in that direction as a compensational mechanism. If anti-social behavior emerges and legal mechanisms are involved, the investigation and expertise of the case will become complex as recurrent amnesia and cognitive impairment bring the question of active discernment and critical judgment but also of legal responsibility of the person involved (Tsai, Condie, Wu & Chang 1999).

In the case of a person involved in an anti-social act with questions about his mental health state, the first step of the investigation will be a forensic psychiatric expertise in order to analyze if the individual was completely aware of his actions and understood all consequences of those actions. Such an expertise for a dissociative identity disorder could be a long-term assessment and it requires interdisciplinary cooperation and a parallel legal investigation. So, in this case, the psychiatric and legal expertise must sustain one another.

First of all, the psychiatric examination must follow two lines of work: one is the clinical review of the patient and the other is the psychological and psychiatric observation in a medication-free state and with adaptation to the person evolution and strong personal history knowledge in order to activate all possible identities (Paris 2009).

Clinical evaluation

The pathophysiology of dissociative identity disorder is still inconstant but studies have captured some elements beyond the DSM manual criteria that are strictly related to the psychiatric and psychological assessment. One of the first elements cited by the studies are severe headaches.

It seems that there are major tensional and vascular headaches during personality swifts, which could prove that there is a physiological mechanism involved in the disorder, more than just a psychological change. The headaches are described as different in intensity and location by every alter, and they are more present during the identity change (Piper and Merskey 2004).

Another element that could be assessed is the voice changes. It appears that every alter has secondary voice characteristics modifications that affect the voice quality. Some patients change voice in a deeper or higher intensity level or add hoarseness or tics in their speech. A spectral analysis of the voices could be used for the clinical assessment as well as for the legal investigation in order to recognize and compare what possible witnesses may have heard during the offence (Lewis, Yeager, Swica, Pincus & Lewis, 1997).

Conversive symptoms have been cited through studies. Converse disorders are characterized by organic extreme symptoms with no somatic alteration to cause them and they are responses to acute stress, intense emotions, or they can be an expression of generalized anxiety. Manifestations may range from temporary blindness, deafness, partial or total paralysis and they usually appear in one of the identities. Another interesting feature, stated in some studies, is the changes in vision acuity amongst different identities. There are ophthalmologic examinations that reveal changes in the eye tension, refraction, visual field or colour perception within each identity of one individual (Tyrer 2019).

Neurologic examination throughout studies did not reveal Electroencephalogram or clinical neurologic alterations between different alters until brain imaging had begun studying the disorder. Recent clinical observations based on functional MRI of the brain had indeed showed changes in biomarkers and volumes of different cerebral regions proportional with the changes of the personality in one individual. Especially the hippocampus and amygdala were revealed to be highly contrasting in changes as the alters emerge. As such, future investigative directions in these cases could find objective evidence (Galton 2018).

Neuromuscular activity is another factor that can be taken to consideration during examinations. Specifically, there are uncontrolled, reflex muscular activities that often predict the alter ego switch. The transition doesn't take more than 5 seconds in most cases and during

those seconds and a few more after the change, tics may be observed, such as eyelid rapid movement, asymmetrical facial muscle spasm, uncontrolled extremity movement. Other elements that may be observed are changes within temperature sensitivity as one identity cannot tolerate heat and the other has no reaction to it or, there are cases that describe immobility or trance-like aspect during the swift to another alter (Sekine 2000).

Cardiovascular and blood pressure changes are rather inconsistent elements of the dissociative identity disorder observations as most studies do not reveal specific important differences and within these systems, it is not unusual for the blood pressure and heart rate to alter as a response to stress level. The only modifications are based on how sensitive to stress is each identity and how the body reacts to the stress factors. Respiratory rates and volumes may also change between alters as these are also direct neurologic responses to external factors.

Gastrointestinal and genitourinary symptoms may appear inconsistent within some individuals with dissociative identity. Some of the identities manifest food intolerance, chronic nausea, anorexia as others manifest menstrual and sexual alterations. Observing those symptom range, reveals an interesting involvement of neurologic and psychologic somatization possibility, especially within different types of anxious and depressive identities. The examinations are still inconsistent and are far from the objective observation these cases need (Merckelbach 2002).

Self-mutilation is not uncommon amongst dissociative identity individuals. Although it is not found in all of them, there are some patients that manifest this behavior in one of the identities. Particularly, there are alters that make a statement to their other consciences by mutilating them and there are identities that manifest such symptoms as part as their inability to feel pain and even emotions, that being the case of alters involved in extreme antisocial acts (Farell 2011). Skin reacts to electric stimulus by its autonomic nervous system. By measuring galvanic skin response during different alter ego states and during swifts there are some modifications that could appear. Especially during transitions, studies state that there are important drops in the skin responsive potentials and the actual response differs from one personality to other. That could be on physical proof of the unconscious process that takes place behind the disorder.

Psychological and psychiatric observations

The psychiatric expertise in cases of offenders with dissociative identity disorder must answer the questions of the presence of critical judgment at the time the crime was committed and whether the patient isn't simulating the disease. Establishing one's state of cognitive responsibility is more difficult with multiple identities emerging and deciding which is the guilty one and assessing if the individual is a mentally ill person in this case has its provocations. With these case, clinical examinations must be featured alongside legal investigations and pathophysiological elements such as involuntary neuromuscular moves, vision changes, skin neurologic responses, voice spectral alteration and functional brain imaging differences could be objective first steps to proof that the person is suffering from a real condition and is not simulating. Furthermore, serial interviews, individual discussions and monitoring the patient are part of the psychiatric expertise that will take a longer period of time to conclude. It takes time to learn about the patient personal history, the trauma that begun his disorder, to learn the triggers of different personalities and in some cases, the offender alter could even not emerge during any sessions, which will make the expertise even harder. Recurrent amnesia must be well observed and described from a psychiatric point of view and psychological examination must undergo different psychometric evaluation in order to release every subjective element. In many of the cases, the history of the offence is lost inside the patient's memory gaps and the question of the discernment remains only a

tangential discussion based on circumstantial observations. The only way to a strong expertise is well documented clinical and psychometric evaluations combined with well documented legal investigations (Brand 2006).

Forensic handwriting expertise

Although most of the investigation on dissociative identity disorder offenders is based on the psychiatric expertise, law enforcement must actively complete the medical evaluation by finding all the history, daily activity bases and personal characteristics of that person. Investigative protocols must bring strong proofs in court. As lie detector methods and hypnosis are not recognized methods of investigation in court, other objective methods of investigation must be found. One of the strongest expertise in forensic sciences, that could proof if one individual has dissociative personalities, is the handwriting expertise. The modifications in the handwriting between different identities of the same individual have been noticed as well in the medical field and also during investigations of such cases over the years. Recently, the forensic scientific community have begun to publish evidences and case expertise that detail the elements of the handwriting observations between alters. One study, published in 2013, is particularly well documented as the authors, being forensic handwriting experts, have taken a case of an offender with 3 theoretical identities and have documented their actual writing and all possible documents written by the alters since the dominant personality became aware of the others. It is well known that handwriting evolves over the years and theoretically an individual could try different forms of writing but similarities can always be found during an efficient expertise and investigative methods can proof that the writing belongs to a single individual. The study mentioned above, conducted by Schwid and Tuelings observed the writings of a person with 3 personalities. The study of present and personal history of hand-writing concluded that there are too many differences between each document so there is no objective way to state that the handwriting belongs to the same person. Moreover, it seems that each handwriting did not evolve in any detail over time which could mean that not only that each identity is an individual entity but they are frozen at the time and age that they first emerged (Schwid & Tuelings 2013).

Since 2013, more and more forensic scientific expertise have shown that real dissociative identity disorder manifests in unique ways within social, personal, psychological and professional environments.

Conclusions

Dissociative identity disorder stands for a medical, social and legal controversial disorder. A severe traumatic event activated neurologic, psychologic and emotional adaptative systems which begin to form different personalities in order for the host identity to be protected and pushed away from the trauma. As the host reaches maturity, the identities begin to evolve as strong individual entities and as the outer environmental factors change, other alters can be created.

As neuropsychologic features are different for each cognitive state, more impulsive and aggressive alter egos be present in one individual in order to compensate some situations. As such, it is not uncommon for one alter ego to engage in antisocial acts, especially if a psychiatric disorder is more evident in that identity (callous unemotional, psychotic disorder, major depression and anxiety, cortical immaturity). Being such a controversial and complex disorder, the question of critical judgment and legal responsibility is placed in the hands of forensic experts and psychiatric experts. The 2 departments must lead strong and efficient investigations in such cases. Nowadays, clinical examinations offer objective elements in order to proof or disproof the reality of the disorder and functional MRI is the examination

that offers the most promises for the future in this matter. As for forensic expertise, the handwriting examination could offer the most pro and counter proofs in the matter as studies already made specific descriptions of the cases.

For real, non-simulating patients, court could make different decisions based on psychiatric and forensic expertise. Interpretations of psychiatric evaluation can lead to stating that the person is insane and without discernment if one or two identities present severe psychiatric disorders or it can decide that the person can be held responsible for his actions with some attenuating circumstances. Whatever the decision and the court's interpretation, the follow up of the case consists in long-term medical and psychological intervention, in a free or contained environment, as the court will decide. In order to fully reintegrate such a person into society there are 3 steps for the medical assessment: symptoms reduction and psycho-emotional balancing, psychotherapy and medication for trauma history and psychiatric manifestation (taken step by step and alter ego by alter ego) and rehabilitation with long-term monitoring and re-assessment.

Court decisions are entirely based on the scientific and medical evaluations but conclusions in legal domain remain controversial in many cases. Future studies are still required in order to bring objectiveness and efficiency for social wellbeing and for the individuals with dissociative identity disorder as they are also part of that environment.

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Analysing the Impact of Occupational Stress on Employee Performance: A Case Study on Hayleys Plantations and Tea Export PLC in Sri Lanka

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ABSTRACT: Employees spend fifty percent of their lives in indoor workplace environments, which greatly influence their mental status, reactions, and performance. Therefore, organisations are responsible in creating a stress-free work environment for their employees to perform well while maintaining their physical and psychological well-being. Thus, the purpose of the current study is to identify the impact of occupational stress on employee performance in plantation industry, Sri Lanka. Respectively, the researchers looked at the research problem in a positivist view by utilising deductive reasoning to collect quantitative (survey design) data. The target population was 110 employees in which 82 sample size was decided based on Krejcie and Morgan (1970) sample size table and chosen utilising simple random sampling. However, the data was collected from 81 employees of a prominent organisation in plantation industry. Our results suggested a significant positive relationship ($r = .978, p < .01$) between occupational stress and employee performance by accepting main alternative hypothesis. The findings have implications for researchers and managers in plantation industry.

KEYWORDS: employee performance, occupational stress, excessive workload, job security, compensation and benefits, work-life balance

1. Introduction

Sri Lanka being a tropical country, acquired a dominant place due to its remarkable plantation industry, which has become one of the country's largest foreign and domestic exchange earners and the single most enormous employment opportunities provider (Rajadurai 2016). Thus, the dynamic changes in socio-economic culture have led renowned plantation companies like Hayleys Plantation to adopt successful strategies to survive and remain in the competitive business environment.

Additionally, prior research (Tharindra et al. 2016, 3; Arunatilake 2013, 488) depicts that Sri Lankan plantation companies are uncertain about work-related stress and its impact on different employee aspects. Therefore, it is evident that there are problems resulting from occupational stress within the plantation industry that require further examination. However, there is a lack of empirical evidence on employee performance and occupational stress in a single paper (Gamage and Wickramaratne 2021, 53; Arumainayagam and Morais 2020, 68). Therefore, the current study investigates the impact of occupational stress on employee performance which is prevailing as a research gap. The data was collected from Hayleys plantation, one of the three prominent plantation companies in Sri Lanka, to examine the impact of occupational stress on employee performance in Sri Lanka's plantation industry.

2. Literature Review

2.1 Occupational stress and models of occupational stress

Occupational stress has become a major concern within the plantation industry over the last two decades (Ranasinghe 2020, 237). Most views suggest occupational stress as a harmful physical or emotional response that occurs when employee resources and capabilities are inconsistent with the demand of the job role (Bell, Rajendran and Theiler 2012, 32; Bhui et al. 2016, 318). However, Di Fabio et al. (2018, 2) identify occupational stress as an interactionist approach that shows a positive interaction between the individual stress level and outcomes. For instance, Brule and Morgan (2018, 3) affirm that some individuals experience eustress (positive stress) from physical and psychological stressors, resulting in positive workplace outcomes. Thus, occupational stress can be a debilitating experience and a motivating factor that possesses an ability to pressure the employees.

Theories of occupational stress have distinct explanations on sources and causes of occupational stress. Respectively, some of the influential models are Murphy's model of work stress (1955, 41-50), and the job demand resource model (Bakker and Demerouti 2007, 313), which have been further justified through early research studies (Vandenberg 2002, 27; Lazarus 2001, 34). Murphy's model of work stress (figure. 1), which was reframed by Michie (2002, 68), includes sources which are unique to the job role and organisational context. Consequently, these sources drive individuals to experience physical and psychological outcomes such as poor performance, high turnover, and health hazards.

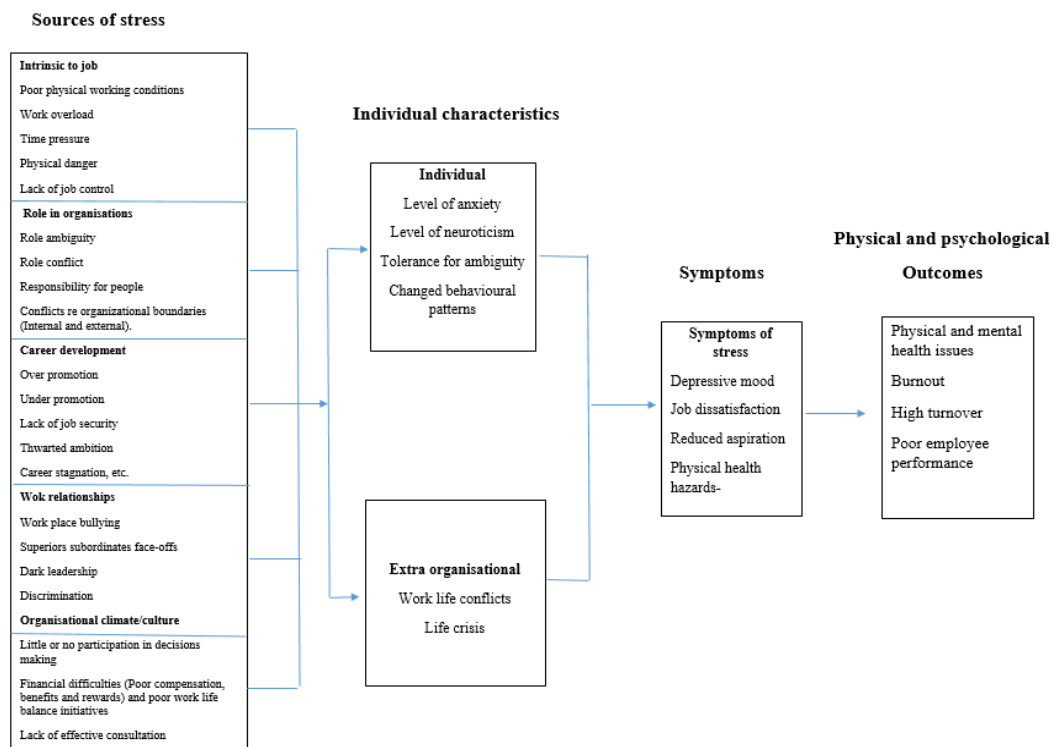


Figure 1. Reframed Murphy's model of work stress

Similarly, the job demand resource model by Bakker and Demerouti (2007, 313) reframed by Yom (2013, 821) demonstrates two general categories of work stress: job demand and job resources, which influence employee and organisational performance (figure. 2)

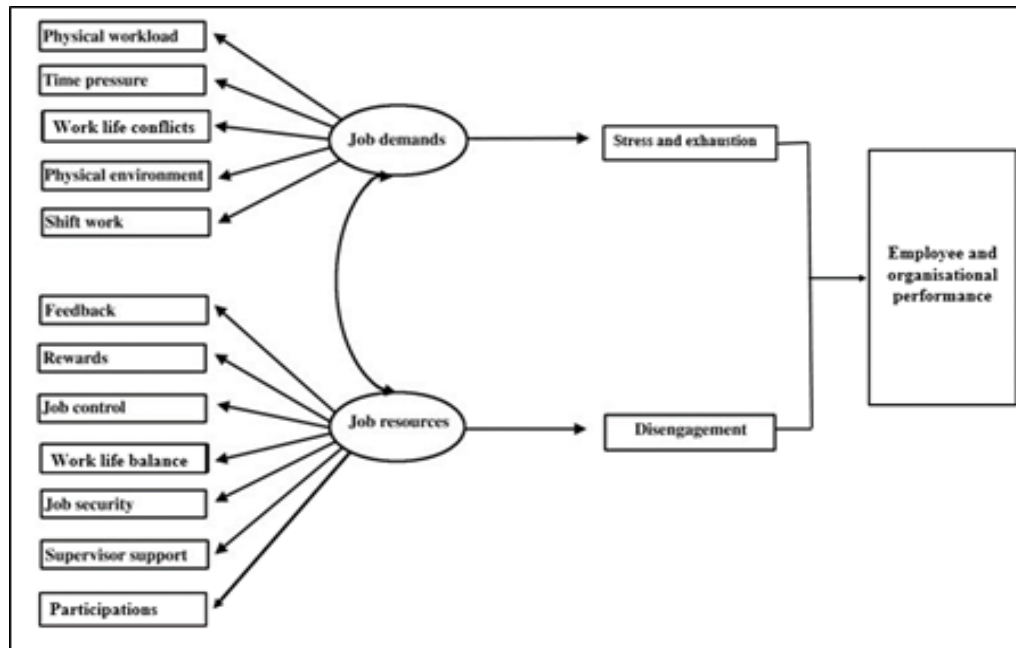


Figure 2. Reframed Job Demand Resource Model

Based on these studies and theories, excessive workload (EW), compensation and benefits (C&B), work life balance (WLB) initiatives and job security (JS) are identified as the most common stressors that influence employee performance (Murphy 1995, 41-50; Michie 2002, 68; Bakker and Demerouti 2007, 313). Thus, these 4 dimensions were utilised to analyse the relationship between occupational stress and employee performance in current study.

2.2 Employee performance

Employee performance is a major contributing factor for overall organisational success (Budur and Puturak 2021, 453). Indeed, employee performance is a revenue generator since employee behaviours and outcomes determine the profitability of the organisations (Mariappanadar and Kramar 2014, 208). When the employee performance is directed to the organisational goals and objectives, organisations keep themselves away from achieving peripheral goals. Furthermore, Hunnur, Bagali, and Sudarshan (2014, 39-47) explains that organisations can obtain high performing staff by providing them with necessary resources and opportunities within a stress-free work environment. Conversely, poor performance can result in higher business operating cost over wasted resources (Anitha 2014, 35). Consequently, demotivated, and stressed staff with poor performance are detrimental to the organisational productivity. Therefore, it is significant for organisations to identify the fundamental factors impacting employee performance since employee performance positively impacts on organisational productivity. These suggest that if an organisation needs to gain a competitive advantage, they need to manage employee performance and create a stress-free work environment.

2.3 Occupational stress factors that influence on employee performance in the plantation industry

Excessive workload is considered one of the most influential factors on employee performance in plantation industry (Yovi and Yamada 2019, 351). As depicted in plantation study by Balakrishnan (2010), a negative relationship between excessive workload and employee performance was revealed since 40% of the employees experience occupational

stress due to heavy workload. Furthermore, Aameri (2003, 45), through his plantation research, mentioned that both employees evade their working responsibilities and perform less when they start to experience excessive workload burnout. In contrast, the plantation studies by Puteh, Pane, and Alifiady (2021, 114) and Munisamy (2013, 1-79) discover a significant positive relationship between excessive workload and employee performance, stating that employees perform well when they are stressed moderately due to excessive workload. These suggest that excessive workload negatively and positively impacts on employee performance of plantation industry due to higher and moderate levels of occupational stress.

Work-life balance leads to better employee performance within the plantation industry (Munisamy 2013 1-79). Conversely, when employees experience work-life conflict, they experience higher level of occupational stress resulting in poor performance (Gamage and Wicramaratne 2020, 21). In contrast, Haralayya (2021, 252) found a strong positive relationship between work-life balance and employee performance since respondents were highly satisfied with their current working conditions and level of work-life balance. These suggest that work-life balance determines employee performance, yet poor work-life balance leads to increased occupational stress levels resulting in poor performance. Accordingly, Zaman, Anwa, and Lohano (2015, 108-122) believe that the plantation companies should formulate work-life balance policies and provide work-life balance initiatives such as flexible work arrangements, spatial arrangements, dependency care assistance, and company social events that can create a significant impact on employee performance.

Compensation and benefits can be perceived as a parameter to measure employee performance in the plantation industry. Thus, occupational stress can reduce employee performance if employees are not compensated and rewarded according to their skill, knowledge, standards, and goals (Shields et al. 2015, 72). Supportively, Siregar (2018, 337) in his study of the plantation industry reveals a negative correlation between these two variables since participants believe their pay and perks are not parallel to their skills and knowledge base. Conversely, the study of plantation companies by Baba (2015, 221) uncovers a positive relationship between compensation and employee performance as 60% of respondents show satisfaction and outperformance as they possess less stress with good remuneration package. Furthermore, Siregar (2018, 328) demonstrates that employees employed in plantation companies are less stressed and outperformed when their organisations maintain a competitive compensation package designed according to the prevailing market rate. These suggest that it is necessary for organisations to maintain a competitive compensation policy aligned with market rate to reduce stress and improve performance.

Job security is one of the parameters to measure employee performance at plantation companies since it establishes a clear career path for employees (Shan et al. 2012, 94-104). Similarly, the research carried out by Bawa and Jatan (2005, 73) and Das (2013, 12) discovered a positive relationship between job security and employee performance. They further suggest that employees, in particular, plantation companies feel secure on the future existence of their career. In contrast, Shan et al. (2012, 94-104) affirm that job insecurity causes plantation employees to lose faith and increase stress, affecting their performance. The same study discovers a negative impact of job security on employee performance since higher level stress were resulted due to a fear of losing in the future. Thus, plantation organisations are expected to increase the employee feeling of job security, which positively impacts on employee performance.

2.4 Impact of occupational stress on employee performance in plantation industry

According to Gamage and Wickramaratne (2020, 18), employees in plantation industry are vulnerable to stress resulting in substantially decreased performance as they portray central figures in managing workers from plantation estates (Rotich and Kwasira, 2015). Respectively, most of the studies conducted in the plantation industry reveal a negative impact of occupational stress on employee performance (Muhammad 2021, 118; Rotich and Kwasir 2015, 70-76), while only a few shows a positive correlation (Asamoah-Appiah and Aggrey-Fynn 2017, 21-23; Siregar 2018, 337; Munisamy 2013, 40-43). These suggest that limited studies were directed to examine the relationship between work stress and employee performance, yet, work stress and poor employee performance remain the fundamental issues for employees in the plantation sector.

Accordingly, research by Asamoah-Appiah and Aggrey-Fynn (2017, 21-23) conducted utilising 281 sample population in Twifo plantation reveals a positive impact of occupational stress on employee performance due to factors such as job conditions, interpersonal relations and career advancement. Similarly, the research by Munisamy (2013, 40-41) conducted with 50 employees in an Indian plantation company reveals a positive correlation between occupational stress and employee performance due to various stressors such as workload, job security, pay and benefits. These suggest that there are positive and negative relationships between performance and work stress among the employees in plantation industry.

Based on these empirical studies and models of work stress, the following conceptual framework (figure 3) was developed in order to identify the relationship between occupational stress and employee performance at Hayleys Plantation.

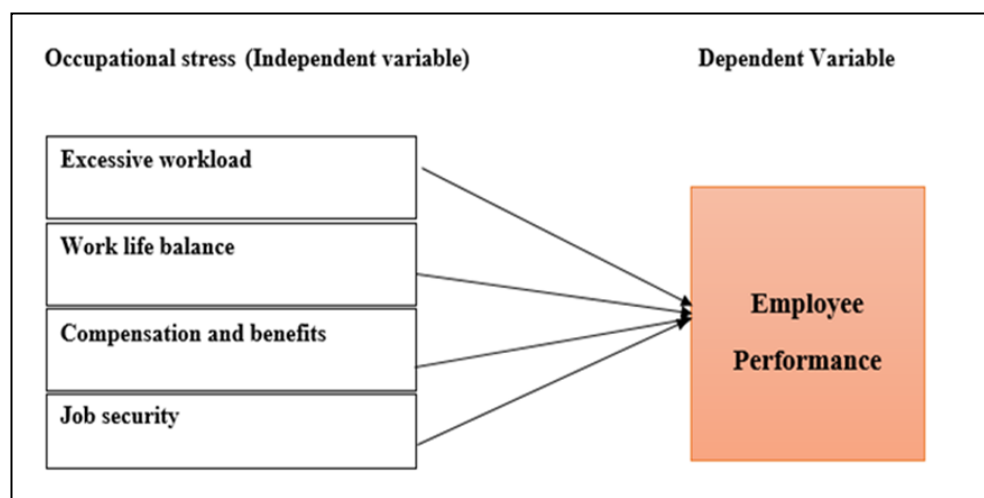


Figure 3. Conceptual framework of the current study

3. Research Methodology

The current cross-sectional study focused on the positivist school of thought (Morgan 2007, 48-50) by utilising deductive reasoning (King and Anderson 2002, 41) to collect quantitative data. Further, it reflects researchers' interest in choosing the mono method since it only utilises quantitative data collection and analysis procedures (Bryman and Bell 2015, 56). Furthermore, total 10 hypotheses (figure. 4) were formulated based on conceptual framework to discover the relationship between occupational stress and employee performance. Thus, the survey strategy was adopted for the current study since it developed a broad survey questionnaire in order to collect quantitative data.

Excessive workload → Employee Performance	
H ₀₁	Excessive workload has no significant impact on employee performance.
H _{a1}	Excessive workload has a significant impact on employee performance.
Work life balance → Employee Performance	
H ₀₂	Work life balance has no significant impact on employee performance.
H _{a2}	Work life balance has a significant impact on employee performance.
Compensation and benefits → Employee Performance	
H ₀₃	Compensation and benefits has no significant impact on employee performance.
H _{a3}	Compensation and benefits has a significant impact on employee performance.
Job security → Employee Performance	
H ₀₄	Job security has no significant impact on employee performance.
H _{a4}	Job security has a significant impact on employee performance.
Main hypothesis	Occupational stress → Employee Performance
H ₀	Occupational stress has no significant impact on employee performance.
H ₁	Occupational stress has a significant impact on employee performance.

Figure 4. Hypotheses for the current study

3.1 Sampling methods, population and data collection tools

The target population was 110 employees in which 82 sample size was decided based on Krejcie and Morgan (1970, 607-610) sample size table and chosen utilising simple random sampling. Respectively, the manual lottery method was utilised to provide equal opportunities for all participants in which each member of the population was assigned a number which is then drawn randomly. A total of 81 employees completed a paper-based survey questionnaire which was consisted of twenty 5-point likert scale. Significantly, the pilot survey was conducted, distributing the pilot questionnaire to a small sample size of 10 to assess the limitation and feasibility of the questionnaire. As per the results from the pilot survey, an improvement has been made to the questionnaire, which finally contributed the researcher to affirm its validity and reliability.

3.2 Data analysis method

The quantitative data was analysed utilising descriptive statics, bivariate Pearson correlation, coefficient, and multiple regression, with the help of SPSS (statistical package for social science) software.

4. Data analysis and discussion

4.1 Analysis of demographic factors

The data was analysed using SPSS version 27. The results showed a well-balanced sample of male (58%) and female (42%). The highest percentage of the selected respondents represents two age categories ranging from 18-24 (20%) and 30-34 (21%). The marital status of the population represents the majority as married (61%) compared to the single population (40%). In terms of the educational background, majority of the respondents have professional qualifications (47%).

4.2 Statistical analysis to identify the impact of occupational stress on employee performance (hypothesis testing)

The responses of the scaled questions were collected using 5-point likert scale (1 = strongly disagree, 5 = strongly agree). Table 1 summarises the descriptive statistics.

Table 1. Descriptive Statistics

Descriptive Statistics						
	N	Range	Minimum	Maximum	Mean	Std. Deviation
Excessive workload	81	1.75	2.50	4.25	3.3056	.43301
Worklife balance	81	1.75	2.50	4.25	3.2623	.40870
Compensation and benefits	81	1.75	2.25	4.00	3.3025	.45366
Job security	81	1.75	2.25	4.00	3.2623	.44353
Occupational stress	81	1.63	2.38	4.00	3.2832	.41412
Employee performance	81	1.75	2.50	4.25	3.2809	.44788
Valid N (listwise)	81					

As per table 1, the ranges of the independent variables (excessive workload, worklife balance, compensations and benefits, and job security) show lower values (1.75), including main independent variable (occupational stress-1.63) as these factors of the Hayleys Plantation were reviewed out of value 5 (maximum value). Similarly, the dependent variable (employee performance) manifests lower value (1.75) under range which goes line with independent variables. This is because employee performance was determined by other independent variables. On the other hand, standard deviation of the independent and dependent variables was impacted by range in which it shows higher values since the number are more spreaded.

The authors will consider the below parameters when analysing the correlation and strength of relationships between the independent and dependent variables.

Effect size: If,

$r < -0.5$ = Weak negative relationship

$r > -0.5$ = Strong negative relationship

$r < 0.5$ = Weak positive relationship

$r > 0.5$ = Strong positive relationship

Table 2. Correlation analysis

Correlations							
		Excessive workload	Worklife balance	Compensation and benefits	Job security	Occupational stress	Employee performance (DV)
Excessive workload	Pearson Correlation	1	.812**	.880**	.855**	.934**	.910**
	Sig. (2-tailed)		<.001	<.001	<.001	<.001	<.001
	N	81	81	81	81	81	81
Worklife balance	Pearson Correlation	.812**	1	.890**	.874**	.939**	.903**
	Sig. (2-tailed)	<.001		<.001	<.001	<.001	<.001
	N	81	81	81	81	81	81
Compensation and benefits	Pearson Correlation	.880**	.890**	1	.932**	.973**	.965**
	Sig. (2-tailed)	<.001	<.001		<.001	<.001	<.001

	N	81	81	81	81	81	81
Job security	Pearson Correlation	.855**	.874**	.932**	1	.962**	.946**
	Sig. (2-tailed)	<.001	<.001	<.001		<.001	<.001
	N	81	81	81	81	81	81
Occupational stress	Pearson Correlation	.934**	.939**	.973**	.962**	1	.978**
	Sig. (2-tailed)	<.001	<.001	<.001	<.001		<.001
	N	81	81	81	81	81	81
Employee performance (DV)	Pearson Correlation	.910**	.903**	.965**	.946**	.978**	1
	Sig. (2-tailed)	<.001	<.001	<.001	<.001	<.001	
	N	81	81	81	81	81	81

** . Correlation is significant at the 0.01 level (2-tailed).

According to the table 2, the selected 4 occupational factors such as excessive workload (.910), work life balance (.903), compensation (.965) and job security (.946) are positively correlated with dependent variable (employee performance). Consequently, the main independent variable (occupational stress, .978) is also positively correlated with employee performance. Similarly, significant value represents 0.000 which is less than chosen significant level of 1% (0.01). Therefore, it can be concluded that there is a strong positive relationship between independent and dependent variables, which means changes in independent variables correlate with employee performance. Furthermore, increases or decreases in independent variables do significantly increases or decreases in dependent variable. The findings suggest that although employees in Hayleys Plantation are stressed with excessive workload, their stress level does not create negative consequences but has a strong positive effect towards employee performance. This result is in line with the findings of Puteh, Pane, and Alfiady (2021, 114) and Munisamy (2013, 1-79).

Similarly, the correlation between worklife balance and employee performance is in accordance with the study by Haralayya (2021, 252), which affirms that employees perform well when they experience flexibility within work and personal life. On the other hand, the study by Baba (2015, 221) for plantation employees goes parallel with the findings of the current study in which sound compensation and benefits package resulted in higher level of employee performance. Thus, the positive correlation between job security and employee performance represents the similar findings from Baba (2015, 221) confirming that employee perform well due to career growth and feeling of security on future existence of their career. In conclusion, occupational stress positively and significantly correlates with employee performance in Hayleys Plantation Sri Lanka in which the similar positive relationship was confirmed by the previous studies undertaken by Asamoah-Appiah and Aggrey-Fynn (2017, 21-23), Siregar (2018, 337), and Munisamy (2013, 40-43).

Table 3. Model Summary

Model Summary				
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.910 ^a	.817	.815	.18735
2	.903 ^b	.815	.813	.19392

3	.965 ^c	.931	.930	.11867
4	.946 ^d	.895	.893	.14629
5	.978 ^e	.956	.956	.09413
a. Predictors: (Constant), Excessive workload				
b. Predictors: (Constant), Worklife balance				
c. Predictors: (Constant), Compensation and benefits				
d. Predictors: (Constant), Job security				
e. Predictors: (Constant), Occupational stress				

Table 3 demonstrates that 81.7%, 81.5%, 93.1%, 89.5% and 95.6% of the variance of dependent variable (employee performance) describes by the independent variables.

Table 4. Regression Analysis Results

Coefficients ^a					
Model		Unstandardized Coefficients		Standardized Coefficients	Sig.
		B	Std. Error	Beta	
1	(Constant)	.171	.161		1.062
	Excessive workload	.941	.048	.910	19.447
	(Constant)	.054	.174		.307
	Worklife balance	.989	.053	.903	18.648
	(Constant)	.135	.097		1.390
	Compensation and benefits	.952	.029	.965	32.567
	(Constant)	.165	.121		1.358
	Job security	.955	.037	.946	25.902
	(Constant)	-.192	.084		2.280
	Occupational stress	1.058	.025	.978	41.618

a. Dependent Variable: Employee performance

The regression analysis shows the positive relationship between independent and dependent variables which were confirmed by coefficients of determinations (r^2) 0.910, 0.903, 0.965, 0.946, 0.978 that explained 91.0%, 90.3%, 96.5%, 94.6%, and 97.8 % variation. As shown in Table 4, relationships between independent and dependent variables were significant at 0.000 which are less than the chosen significance level of 1% (0.01). Consequently, it can be concluded that there is a significant positive impact of occupational stress on employee performance at 1% significant level.

Hence, all null hypotheses were rejected, and all alternative hypotheses were accepted, confirming the positive relationship between occupational stress and employee performance.

- ✓ **Ha1** – There is a significant impact of excessive workload on employee performance.
- × **H01** – There is no significant impact of excessive workload on employee performance.
- ✓ **Ha2** – There is a significant impact of work-life balance on employee performance.
- × **H02** – There is no significant impact of work-life balance on employee performance.
- ✓ **Ha3** – There is a significant impact of compensation and benefits on employee performance.
- × **H03** – There is no significant impact of compensation and benefits on employee performance.
- ✓ **Ha4** – There is a significant impact of job security on employee performance.
- × **H04** – There is no significant impact of job security on employee performance.

- ✓ **Ha** – There is a significant impact of occupational stress on employee performance.
- × **H0** – There is no significant impact of occupational stress on employee performance.

5. Discussion and Conclusion

The main aim of the current study was to identify the impact of occupational stress on employee performance in Hayleys Plantation Sri Lanka. Accordingly, the main research question was developed in order to address the aim of the research which stated that “Is there a significant impact of occupational stress on employee performance in Hayleys Plantation Sri Lanka?”. To answer this question, the current research collected quantitative data from 81 employees working at Hayleys Plantation. The collected and analysed quantitative data affirmed that there is a significant positive impact of occupational stress on employee performance in Hayleys Plantation Sri Lanka ($r = .978$, $p < .01$).

5.1 Limitation and future research

The current research has few limitations. First, the present study was limited to one major plantation company and its population which further narrowed down the study area since the researchers couldn't reach more population in other renowned plantation companies to collect more data. Secondly, the researchers only considered 4 occupational stress factors which were derived from two models of occupational stress to determine the relationship between work stress and employee performance. Finally, it was challenging to find similar explanatory or causal research previously done in Sri Lankan context in which limited literature was found from other developed and developing countries.

These findings of the study are believed to be helpful for plantation companies to understand the main occupational stress factors which directly impact on level of employee performance. Further, it will contribute organisations to plan, evaluate, and solve stress-related issues for further areas of improvement. On the other hand, these findings provide important insights to authors and future researchers to focus on eustress and its positive impact on employee performance in plantation industry Sri Lanka. At the same time, future researchers can focus on carrying out mixed methodological research to obtain both quantitative and qualitative data.

5.2 Conclusion

In conclusion, we propose in-depth consideration of positive and negative work-related stress and its different impacts on employee performance in different country settings. Furthermore, we believe that the current research findings will encourage researchers to undertake more plantation industry research and evaluations on theories of work stress and employee performance due to the importance of considering occupational stress and employee performance in the workplace environment.

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Brief Considerations regarding the Enforceability of the Letter of Bank Guarantee

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ABSTRACT: The letter of guarantee is, as the name suggests, the instrument of a negotium usually offered by a banking institution for the benefit and at the request (order) of a client of his, engaged in production, trade or services in which he has the quality of debtor. Through the letter of guarantee, various types of guarantee can be constituted (including surety), being essential that the contents of the letter show the intention of the parties regarding the type of guarantee (negotium), which they intended to conclude.

KEYWORDS: the enforceability, letter of guarantee, negotium, enforceable titles, the executory law

Introduction

The letter of bank guarantee is regulated in art. 2321 of the Civil Code, together with the comfort letter regulated by art. 2322 in Chapter III with the name of autonomous guarantees, which is part of Title X of the Civil Code with the name of personal guarantees (Bemink, Jon, and Charles 2007, 109).

The enforceable title represents the document drawn up by the competent body under the conditions provided by law by virtue of which the creditor may request, by forced execution, the fulfillment by the debtor of the assumed obligation.

According to the provisions of art. 638 Code of Civil Procedure are also enforceable and may be enforced:

1. Conclusions and minutes drawn up by bailiffs which, according to the law, constitute enforceable titles;
2. Authentic documents, in the cases provided by law;
3. notarial enforceable titles issued under the conditions provided by law;
4. credit titles or other documents to which the law recognizes enforceability".

The existence of an enforceable title is a sine qua non condition for the commencement of enforcement (Bogliacino and Cardona 2010, 77).

Irrespective of the manner in which enforcement is to be effected, the obligation required to be enforced must be established by an enforceable title

The phrase "only on the basis of an enforceable title" used by the legislator is likely to emphasize and also limit the scope of acts under which enforcement can be performed, in the sense that only the enforceable title can lead to the initiation of enforcement proceedings, excluding any other titles that they do not have this character (Collett, Pandit and Saarikko 2014, 112).

At the same time, in the hypothesis in which the forced execution was started on the basis of a title that is not according to the executory law, it is possible to obtain the annulment of all the execution acts by way of the contestation to the execution.

It can be observed that the provisions of art. 632 C. proc. do not define the notion of enforceable title, the legislator limiting himself only to enumerating the documents that constitute enforceable titles. In the analysis of the category of enforceable titles, we will note that they constitute „acts drawn up according to law by the competent bodies and which may serve to initiate enforcement and to achieve, in this way, the rights recognized by those acts.”

Article 638 para. (1) § 4 C. proc. civ. disposes on the character of executory title, on the one hand, of the credit titles, on the other hand, of other documents to which the law confers executory power (Colombo, Croce and Guerini 2013, 54).

The bill of exchange, the check, the promissory note and any other credit securities (bearer shares, bearer bonds, real and personal guarantees, etc.) constitute enforceable securities provided that they meet the requirements of the special law governing them.

Regarding the expression of the legislator “other documents to which the law recognizes executory power”, we appreciate that this is vast, and not limiting, enforceable titles being found both in the general law (Civil Code) and in special laws. Thus, there are executory titles in various matters, respectively, according to art. 8 of O.G. no. 51/1997 on leasing operations and leasing companies, “leasing contracts, as well as real and personal guarantees, established in order to guarantee the obligations assumed by the leasing contract, constitute an enforceable title”.

Or, corroborating all the legal provisions and principles of law established in the legal doctrine, the letter of bank guarantee is without a doubt a personal guarantee, being the result of an agreement of will between the credit institution and the beneficiary of the guarantee.

The personal nature of the letter of bank guarantee results from the way in which the legislator understood to place this new type of guarantee, namely in Title X of the new Civil Code entitled “Personal guarantees”. At the same time, according to art. 2279 NCC, the personal guarantees are: “the surety, the autonomous guarantees, as well as other guarantees specifically provided by law.”

The character of executory title of the letter of bank guarantee was conferred previously to the regulation intervened on the occasion of the entry into force of the new Civil Code, of pre-existing regulations, the new code only coming to strengthen what was adopted by Law no. 58/1998 regarding the banking activity, which in art. 79 para. 2 provided: “bank credit agreements as well as real and personal bank guarantees constitute enforceable titles.” Paragraph 3 of the same art. 79 also provided for the need to invest with an enforceable formula (Cowling, Liu and Ledger 2012, 223). Currently the same provisions are provided in the O.U.G. no. 99/2006 on credit institutions and capital adequacy.

This is the reason the letter of bank guarantee undoubtedly falls within art. 120 of the O.U.G. no. 99/2006, which provides for “credit agreements, including collateral or personal guarantees, concluded by a credit institution, constitute enforceable titles”, undoubtedly resulting in the fact that it constitutes an enforceable title. The letter of bank guarantee represents an enforceable title according to the provisions of the special laws regarding other titles referred to in art. 638 para. 1 pt. 4 C. pr. regarding the credit titles or other documents to which the law recognizes the executory power - being the category of “other executory titles”, a wider one and includes on the one hand the credit titles, which are developed by art. 640, and on the other hand, other documents to which the law recognizes the executory power.

The ascertaining title of the guarantee has a constitutive character of rights, which attracts the qualification of the letter of bank guarantee as a true credit title. Or, according to art. 640 of the Code of Civil Procedure, are enforceable titles: bill of exchange, promissory note and check, as well as other credit titles, if they meet the conditions provided by the special law (Deventer, Imai and Mesler 2013, 169).

If the issuer is in bad faith and does not execute the letter of bank guarantee voluntarily, the creditor will be in the situation of being forced to start a lengthy process and, not infrequently, difficult, in order to be able to enforce it. Thus, on the one hand, according to art. 120 of the Government Emergency Ordinance no. 99/2006: "Credit agreements, including collateral or personal guarantees, concluded by a credit institution shall be enforceable." On the other hand, the Civil Code establishes that the letter of bank guarantee is a personal and autonomous guarantee contract, being regulated in Title X Personal guarantees, together with sureties and other specific guarantees provided by law.

Due to its appearance and development, its international use, as well as the differences in jurisdictions, autonomous guarantees have known extremely different names. The Romanian Civil Code uses the term autonomous guarantee and letter of guarantee as its species, considering that the idea of autonomy from the basic report is essential for this. In the same vein, in the UNCITRAL Convention on Independent Guarantees and Standing Letters, the term independent guarantee is used.

Publication no. 325, also called Uniform Rules on Contractual Guarantees, which sought to standardize the practice by resolving issues related to the abusive, fraudulent execution of guarantees (Cowling, Liu and Ledger 2012, 223).

Publication no. 458 or Uniform Rules on Guarantees on Demand, intended to supplement the shortcomings of the first publication, shortcomings highlighted by the evolution of international practice in this area. A new update from ICC takes place relatively recently, in 2010, through Publication No. 758, also entitled Uniform Rules on Guarantees on Demand.

The purpose of these new rules is to revise the previous ones; therefore, Publication no. 758 does not repeal them, but only updates them, adapting them to the current needs of international trade. As Romania has also acceded to these conventions, they apply mainly on the territory of the country, of course only when the parties decide that they should govern their legal relationship. This is because the regulation provided by the new Civil Code is a summary one, which is limited to defining and describing the main legal effects, without a detail of the mechanism of operation.

In parallel with this approach of the ICC, in 1995, the United Nations Commission on Trade Law (UNCITRAL) drafted a convention whose purpose was to bring together under the same regulation both continental self-guarantees and pending letters of credit (Dincă 2007, 155).

The fundamental difference between the UNCITRAL Convention on Independent Guarantees and the Stand-by Letter of Credit (in force since 1 January 2000) and ICC Publications is that while Publications are soft-law, the Convention becomes binding as part of the positive law for states ratifying it. However, Romania is not among the states parties to the convention.

The name on-demand guarantee or first-demand guarantee is one of the relevant international standards, as it is the terminology promoted by Publication 758 and because in the United Kingdom and France, it is preferred to use the equivalent names First Demand Guarantee. The terminology of other states also uses the names Guarantee zur Zahlung auf erstes Anfordern or Bankgarantie (German), first demand guarantee or contratto autonomo di garanzia (Italian), and in the United States the Stand-by Letter of

Credit is used, which is considered to be the equivalent mechanism due to the similarities between them (Deventer, Imai and Mesler 2013, 169).

The secondary legislation applicable in the case brought to trial, respectively the application norms in the matter of public procurement procedures establish at art. 41 of the Methodological Norms for the application of the provisions regarding the award of the public procurement contract / framework agreement from Law no. 98/2016 on public procurement of 02.06.2016, “the right of the contracting authority to issue claims on the performance guarantee, at any time during the performance of the public procurement contract / subsequent contract, within the limit of the damage created, if the contractor does not fulfill through his fault the obligations assumed by the contract.

Prior to issuing a claim on the performance guarantee, the contracting authority has the obligation to notify the claim to both the contractor and the issuer of the guarantee instrument, specifying the obligations that have not been complied with, as well as the method of calculating the damage. In the event of the performance of the performance guarantee, in whole or in part, the contractor shall be obliged to replenish the security in question in relation to the remainder to be performed.”

Conclusions

Autonomous guarantees are guarantee instruments regulated for the first time in national law as a legal institution; the letter of bank guarantee is one of those institutions that appeared and developed in the absence of a legislative framework in domestic law.

International trade practices developed in the banking field to guarantee obligations were codified by the Paris International Chamber of Commerce, first in 1978 (Publication 325), then in 1995 (Publication 458); in 2009 the same body revised the Uniform Rules on On-Demand Guarantees through a new set of rules on bank guarantees which entered into force on 1 July 2010 (Publication 758). The rules contained in Publication 758 apply to any letters of guarantee or counter-guarantee in which it is expressly stated that they are subject to these rules.

The bank guarantee consists of the commitment assumed by a bank (guarantor), at the request of a supplier of goods or services (authorizing officer or applicant) or on the basis of the instructions of a bank authorized by the authorizing officer, to a buyer or beneficiary of works (beneficiary), whereby the guaranteeing bank undertakes to make a payment in favor of the beneficiary of the guarantee within certain value limits. In English it is called “tender bond” or “bid bond”, and in French “garantie de soumission” (Bemink, Jon and Charles 2007, 109).

The beneficiary of the guarantee seeks by requesting the guarantee the coverage of the risks arising from the non-execution or defective execution of the contract by the applicant (seller), both in terms of quantity and quality.

The guarantee covers both the risks prior to the execution of the contract (when the guarantee aims at fulfilling the seller's obligations under the terms and conditions of the contract) and those subsequent to the execution of the contract (when the guarantee covers the quality of products and services delivered and provided).

The letter of autonomous bank guarantee produces its effects directly, between the beneficiary of the guarantee and the bank, and indirectly, between the applicant of the guarantee and the bank.

The guarantee is independent of the fundamental legal relationship. The bank is an autonomous debtor of the beneficiary of the guarantee. The autonomous bank guarantee takes effect only if its beneficiary expressly requests the guaranteeing bank to fulfill its obligation to pay. Related to the type of guarantee (unconditional or

conditioned), the beneficiary's request can be: a) pure and simple and b) justified or documentary. The bank's obligation to pay persists regardless of the type of guarantee.

Article 2321 of the Civil Code regulates the letter of guarantee having as object the autonomous guarantee, the autonomous character of the guarantee having to result unequivocally from the content of the document.

Establishing the type of guarantee constituted by letter is essential for determining the conditions under which the main effect is achieved - execution of the guarantee: in case of autonomous guarantee, the issuer (bank) is obliged to execute the guarantee on the simple request of the beneficiary or upon presentation of documents in the letter, without making any checks on the legal relationship (primary) between the creditor (beneficiary of the guarantee) and the debtor (authorizing officer) (Collett, Pandit and Saarikko 2014, 141).

We emphasize that it is very important not to create confusion between Letters of Guarantee, which means any signed commitment, whatever it may be called or described, that ensures payment upon submission of a compliant payment request and Documentary Credentials. ("Letters of Credit"), the latter having a different regime, being used mainly in international trade in import-export activities and governed by rules promulgated by the International Chamber of Commerce, known as the Uniform Rules and Practices on Documentary Credentials (UCP 600 being the latest version).

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An Empirical Validation of Eco-Service Quality (ECOPERF) Scale Measure: A Short Form ECOPERF

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ABSTRACT: This study examined validity of two key dimensions of eco-service quality (ECOPERF) scale measure in predicting ecotourism customer satisfaction. Data collected from 269 ecotourists in Australia suggest that the short form ECOPERF instrument (i.e., Eco-service dimension alone) can serve as a useful tool for assessing ecotourism service quality in predicting customer satisfaction. Further, our findings show that the environmentally-friendly practice is a prominent service quality attribute in the assessment of ecotourism service quality. The results provide useful implications for academics and practitioners.

KEYWORDS: ecotourism, service quality, eco-service, customer satisfaction, ECOPERF short-form scale

1. Introduction

Ecotourism has become increasingly popular and one of the fastest growing segments of the world's tourism (Mafi, Pratt and Trupp 2020, 305). Ecotourism provides opportunities for relaxation, experiencing nature and culture, and it also allows tourists to learn about responsible traveling; This is important not only for economic benefits but also to support conservation of natural ecosystems (Beall et al. 2021, 1216). Ecotourism plays a vital role in not only generating revenue but also contributes to the wellbeing of the natural areas and local communities where they visit (Lopez Gutierrez et al. 2020, 197; Mendoza-Ramos and Prideaux 2018, 278).

With the growing attention to ecotourism, ecolodges nowadays have a focus on nature-dependent tourism in order to meet the needs and desires of environmentally conscious consumers. Ecotourists are concerned about negative impacts on the environment and long-term sustainability, and they also expect ecotourism businesses to be environmentally friendly and trustworthy (Beall et al. 2021, 1216-1217). Ecolodges serve as an important element of the ecotourism sector as ecotourists' satisfaction is significantly influenced by ecolodges' service experience (Kwan, Eagles and Gebhardt 2008, 698-699). Thus, an accurate assessment and understanding of the service quality attributes of importance to ecolodge guests might be the first step in improving customer satisfaction in ecotourism industry (Mafi, Pratt and Trupp 2020, 305).

Although extant literature proposes a several ways to measure service quality of ecotourism experience (e.g., ECOSERV scale by Khan 2003; ECOPERF scale by Ban and Ramsaran 2017), there is still a need to devise an effective measure of service quality focusing on ecotourism service aspects that address the shortcomings of the existing measures. The present research addresses this gap by proposing and validating a short form measure of ECOPERF scale developed by Ban and Ramsaran (2017). This study is the first study to investigate the two different dimensions of ECOPERF measure: General-service dimension vs. Eco-service dimension and proposing a short form measure of ecotourism service quality. Our findings suggest that the short-form

ECOPERF instrument (i.e., Eco-service dimension alone) can serve as a useful tool for ecolodge operators in assessing the quality of services they provide.

2. Literature Review

2.1 Service Quality Measure

Literature often defines service quality as the degree of discrepancy between customers' perceptions and expectations (Bebko 2000, 11). Similarly, Parasuraman et al. (1985, 46) suggested that service quality is the assessment of the degree and direction of discrepancy between customers' expectations and perceptions of actual performance levels. Thus, the overall service quality perception involves a comparative evaluation process (Gronroos 1984, 37). Literature suggests that the overall service quality perception includes two components: 1) technical quality (what is delivered) and functional quality (how it is delivered). This means that the customer perception of service quality is influenced by both service outcome and service process.

In an attempt to measure service quality, Parasuraman et al. (1985, 47) developed the SERVQUAL model, which includes 22 service quality attributes within five dimensions: tangibles (appearance of physical facilities and personnel), reliability (ability to perform the expected service dependably and accurately), responsiveness (helpfulness and promptness), assurance (courtesy, trust, and competence), and empathy (caring and customer understanding). The SERVQUAL model has been adopted to many services literature and industry practitioners as a basic model in assessing service quality. However, despite the wide adoption of SERVQUAL model, some limitations have been identified around its conceptual foundation and methodological applicability. For example, Carman (1990, 33) argued that it is difficult to capture expectation and perception measures at the same time. He also suggested that there is a need to add on certain service quality aspects across different services (Carman 1990, 34-35).

With respect to ecotourism sector, Khan (2003, 117) developed the ECOSERV measure, an adapted version of the SERVQUAL to capture service quality in the ecotourism industry. The ECOSERV measure contains 29 items constructed on six dimensions, including assurance (knowledge and courtesy of the employees), reliability (ability to perform the promised service accurately), responsiveness (willingness to help customers), empathy (caring and individualized attention to customers), tangibles (physical facilities and appearance of the personnel that reflects local influence), and ecotangibles (environmentally friendly services dimensions).

Although the ECOSERV scale developed by Khan (2003) was suggested to be a useful instrument for measuring service quality in ecotourism, there were some methodological concerns in terms of the quality measurement and the service quality dimensions. The first limitation of ECOSERV is that it lacks in capturing tourists' service quality perception. The other limitation is that the key service quality variables of ecotourism—such as education and learning aspects—were not included in the service quality dimension, and they are factors that can influence the service quality expectations of ecotourists (Ban and Ramsaran 2017, 142-143).

To address the shortcomings of ECOSERV scale, Ban and Ramsaran (2017, 142-143) proposed a performance-based measure of service quality (SEVPERF) for ecolodge industry as a new service quality parameter that can better explain the variation in service quality measures in the ecotourism industry by using the SERVPERF perception-only attributes. They redefined the SERVQUAL measures by excluding any predetermined expectation items and focusing instead on the performance-only attributes of service and include three service aspects of eco-tourism sector. Some researchers found that a performance-based measures are more suitable in

the marketing research field (Jain and Gupta 2004, 25). The validity of the ECO-SERVPERF scale developed by Ban and Ramsaran (2017, 142-143) was confirmed by a recent work in eco-tourism service literature (Ban et al. 2021, 7).

However, given the environmentally conscious nature of ecotourists segment (Beall et al., 2021, 1216), we argue that there is a need to devise a short form measure of ECOPERF scale focusing on eco-service dimensions only. In this paper, we examine the validity and predictive capacity of the eco-service dimension of ECOPERF as a tool to assess ecotourism service quality and predict ecotourism customer satisfaction.

3. Method

3.1 Eco-tourism Service Quality

Using the ECOPERF proposed by Ban and Ramsaran (2017, 142-143), this article examines how eco-service focused dimension and general service dimensions reflect service quality measure for ecolodge industry. This investigation will help identify whether eco-service dimensions alone are viable alternative to measure service quality measure for ecolodge industry: a short form service quality measure.

More specifically, this paper examines whether eco-service dimension alone is a viable measure for service quality in ecolodge industry. To investigate this, tourists who stayed at ecolodges located in different parts of Australia were invited to complete an online survey questionnaire. These ecolodges are Eco-certified accommodation providers providing nature-based tourism experience and sustainable tourism activities. Five ecolodges agreed to participate in this research project.

3.2 Measurement (survey instrument)

We adopted a 6-dimension ECOPERF measure from Ban et al, (2021, 7). Customer satisfaction measures were adopted from William and Soutar (2009, 418-419). We conducted a pilot study to confirm the question comprehensibility. The questionnaire was then revised and modified to fit ecotourism context.

3.3 Participants and Survey administration

Survey questionnaire was designed in Survey Monkey, an invitation e-mail was sent to 4,571 Australian ecotourists via each of the five different ecolodges' management, serving as intermediaries to reach participants. Participants accessed the online survey through a link embedded in the email sent by the ecolodge where they had previously stayed, as well as through the ecolodge's Facebook webpages. After removing incomplete responses, a total of 269 responses were collected and used for data analysis. The data were analysed using IBM SPSS version 27.

4. Results

4.1 Sample Description

There were 158 (58.7%) female respondents and 111 (41.3%) male respondents in the study. The highest response rate was from the eldest group (60 years and older) with a value of 35.3%. The percentage who reported annual household incomes between \$50,001 and \$100,000 was 34.9% while a smaller-sized group (24.9%) reported incomes under \$150,000. For the education level, a majority indicated themselves as bachelor's degree graduates (34.2%) while a nearly similar-size group (32.0 %) were holders of certificate or diploma degrees.

4.2 Ecotourism service quality measure: *ECOPERF*

Following Ban et al (2021, 7), we used the identified the following six factors to measure service quality: Reliability and Responsiveness (RR), Assurance and Empathy (AE), Tangibles (TA), Eco-activities (EA), Eco-learning (EL) and Eco-friendly practices (EF). Among those six, we divided them into two dimensions to differentiate eco-service performance dimension from general-service performance dimension. General-service performance dimension includes Reliability and Responsiveness (RR), Assurance and Empathy (AE), and Tangibles (TA). Eco-service performance dimension includes Eco-activities (EA), Eco-learning (EL) and Eco-friendly practices (EF).

Confirming convergent validity (Fornell and Larcker 1981, 47), factor loadings of all items upon their respective constructs were significant (see Table 1). Confirming internal consistency, the Cronbach's Alpha values were well above the threshold level suggested by Fornell and Larcker (1981, 47) (see Table 1). The overall results suggest that measures possess a good level of discriminant and convergent validity. Additional tests confirmed that there was no multicollinearity or common method bias within the data. All variance inflation factor (VIF) values were below 5.

Table 1. Service quality reliability test results

Service quality factors / variables	Factor Loading	Cronbach's Alpha	Mean	Std. Deviation
Factor 1. Reliability and Responsiveness (RR)		.89	5.26	
1. Employees are well trained and knowledgeable	.84		5.17	.83
2. Employees provide adequate information	.78		5.18	.84
3. Employees provide the service at promised time	.67		5.25	.76
4. Employees provide the service reliably and consistently	.64		5.16	.73
5. My bill is recorded correctly	.61		5.28	.73
6. Employees are always available to help	.59		5.31	.79
7. Employees are always willing to help	.57		5.36	.73
8. Employees are approachable and easy to contact	.51		5.38	.72
Factor 2. Assurance and Empathy (AE)		.88	5.32	
9. Employees listen carefully to me	.84		5.38	.80
10. Employees are consistently courteous and polite	.77		5.37	.79
11. Employees understand my needs and requirements	.75		5.31	.77
12. Employees are trustworthy and honest	.54		5.23	.72
13. Employees make me feel safe in transactions	.52		5.35	.70
14. Employees instil confidence	.51		5.32	.70
Factor 3. Tangibles (TA)		.78	5.36	
15. Facilities are visually appealing	.67		5.42	.83
16. Facilities reflect local influence such as decoration, colour, texture, ambiance etc.	.65		5.33	.91
17. Rooms are comfortable and clean	.64		5.16	1.004
18. Employees wear local attire and look neat	.58		5.54	.794
Factor 4. Eco-activities (EA)		.82	5.34	
19. The ecolodge is a good place to do eco-activities such as hiking, bushwalking etc.	.86		5.39	.86

20. The ecolodge is a good place to do recreational and leisure activities	.86	5.38	.89
21. The ecolodge is a good place to view natural habitat and wildlife	.62	5.38	.91
22. The ecolodge is a good place to do adventure activities	.56	5.23	.85
Factor 5. Eco-learning (EL)	.86	5.44	
23. The ecolodge is a good place to learn about the environment	.88	5.44	.78
24. The ecolodge is a good place to learn about nature and wildlife	.86	5.47	.76
25. The ecolodge is a good place to learn about the local culture and livelihood	.84	5.42	.80
Factor 6. Eco-friendly practices (EF)	.88	5.26	
26. The ecolodge engages in energy/water conservation efforts	.83	5.26	.81
27. The ecolodge facilities are environmentally safe	.80	5.26	.78
Bartlett's test of sphericity	$\chi^2 = 4704.58$ df = 351, $p < .001$		
Kaiser-Meyer-Olkin measure of sampling adequacy	.90		
Total variance explained (%)	69.91		

4.3 Testing the two dimensions of ECOPERF: general-service dimension vs. eco-service dimension on ecolodge customer satisfaction

First, a Pearson correlation test shows that the customer satisfaction is correlated with all factors of the ECOPERF dimensions (see Table 2). Eco-friendly practice had a substantially stronger correlation with customer satisfaction compared to other factors.

Table 2. Correlation Table: ecotourism service quality factors and customer satisfaction

	1	2	3	4	5	6	7
CS	—						
RR	.295**	—					
AE	.251**	.830**	—				
EA	.275**	.846**	.822**	—			
EL	.274**	.762**	.762**	.727**	—		
TA	.255**	.760**	.787**	.737**	.781**	—	
EF	.329**	.780**	.716**	.719**	.648**	.712**	—

Where CS = Customer Satisfaction, RR = Reliability and Responsiveness, AE = Assurance and Empathy, EA = Eco-activities, EL = Eco-learning, TA = Tangibles, and EF = Eco-friendly practices; * $p < .05$. ** $p < .01$. *** $p < .001$.

Next, we ran a hierarchical multiple regression to examine the predictive capacity of eco-service dimension of ECOPERF measure in explaining the variance in ecotourism customer satisfaction. A hierarchical multiple regression was performed which used two models – 1) model 1 included general-service performance factors as predictors and 2) model 2 included

eco-service performance factors as predictor variables. The dependent variable was customer satisfaction. The model 1 accounted for a significant variance in customer satisfaction, $F(3, 265) = 8.679, p < .001$. The addition of model 2, eco-service dimension, significantly increase the variance accounted for in customer satisfaction, $F(6, 262) = 5.823, p < .001$.

The final model including both general and eco-service dimensions accounted for approximately 12% of the variance in ecolodge customer satisfaction. To test the independency of the eco-service performance dimension as a short form of ecolodge service quality measure, we reran the same hierarchical regression model with reverse order: 1) Eco-service dimension was entered first as model 1 and then General-service dimension was entered as model 2. The results show no significant increment variance in customer satisfaction after adding general-service dimension after eco-service dimension, thus suggesting that the eco-service dimension is the dominant service quality measure which can be used alone as a short form of ecotourism service quality measure (see Table 4).

Table 3. Summary of hierarchical regression model on customer satisfaction

Variable	Model 1	Model 2
<i>Main effects:</i>		
<i>General-service performance</i>		
RR	.250*	.062
AE	-.020	-.086
TA	.081	-.034
<i>Main effects:</i>		
<i>Eco-service performance</i>		
EA		.051
EL		.117
EF		.254**
Model R ²	.089	.118
df	(3, 265)	(3, 262)
R ² Change	.089***	.028*
F Change	8.679***	2.791*

Note. N = 269. Standardized regression coefficients are reported. Where CS = Customer Satisfaction, RR = Reliability and Responsiveness, AE = Assurance and Empathy, EA = Eco-activities, EL = Eco-learning, TA = Tangibles, and EF = Eco-friendly practices, * $p < .05$. ** $p < .01$. *** $p < .001$.

Table 4. Summary of hierarchical regression model on customer satisfaction
(Reverse order)

Variable	Model 1	Model 2
<i>Main effects:</i>		
<i>Eco-service performance</i>		
EA	.031	.051
EL	.090	.117
EP	.248**	.254**

<i>Main effects:</i>		
<i>General-service performance</i>		
RR		.062
AE		-.086
TA		-.034
Model R ²	.115	.118
df	(3, 265)	(3, 262)
R ² Change	.115***	.003
F Change	11.476***	.266

Note. N = 269. Standardized regression coefficients are reported. Where CS = Customer Satisfaction, RR = Reliability and Responsiveness, AE = Assurance and Empathy, EA = Eco-activities, EL = Eco-learning, TA = Tangibles, and EF = Eco-friendly practices,
* $p < .05$. ** $p < .01$. *** $p < .001$.

5. Discussion and Conclusions

The primary aim of this research was to devise a short form of the ECOPERF scale, which we accomplished. The present study investigated the two key dimensions of ECOPERF (ecotourism service quality measure). Our results suggest that the eco-service dimension of ECOPERF alone is a valid and reliable measure to captures the variance accounted for in ecotourism customer satisfaction. Additionally, including general-service dimension does not significantly improve the predictive capacity of the service quality measure. We encourage future research to consider using the short form ECOPERF to assess ecotourism service quality. The findings provide valuable insight into service quality assessment in ecotourism industry.

In addition, our findings provide an important insight into a better understanding the trends of tourist behaviours. We found that the Eco-friendly practice aspect has scored the highest compared to other factors. This indicates that there is a high consideration and expectation from ecotourists on environmentally friendly practices. The results well-representation current trend of environmentally conscious tourist behaviours. The findings inform ecotourism business practitioners of a key marketing attributes direction to attract more ecotourists. Ecolodge management should be fully aware of the consequences of service quality perceptions in increasing customer satisfaction and business success. Understanding what drives visitor satisfaction is not only for management improvements but also for devising an effective marketing strategy. As shown in our data, to manufacture a satisfactory stay, particular emphasis on promoting and executing environmentally friendly practice of the ecotourism experience is a must. For example, ecolodge operators could aim to: a) provide guests with information about what environmentally friendly practices that an ecotourism destination is engaging (e.g., history, traditions, heritage, ecology, attractions, nature reserves, etc.); b) explain what the ecolodge embraces and how it reflects the characteristics of its surroundings in terms of its architectural design and décor, including art, woodwork and textiles; c) feature an environmentally sensitive design; and e) offer locally grown produce such as wine, honey, olive oil, and unique artworks and crafts by local artisans.

5.1 Limitation and Future Research

The current study has a few limitations. First, the respondents, characterised by those who have stayed at the ecolodges, do not necessarily represent the perspectives of the entire

Australian population. Second, the study was conducted in only five ecolodges located in three regions of Australia: Queensland, Western Australia, and South Australia. In this sense, the findings of the study may not be generalised to other geographical areas and beyond this population. Although our study contributes to theory development by demonstrating how the latent constructs can be modelled and incorporated in a structural model, a cautionary note is in order when the results are evaluated. The findings of the current study are thus confined to specific accommodations due to the limitation of distribution and cannot readily be generalised across destinations in Australia. Larger and broader samples may enhance the generalisability of these findings in future research. Further, future research can extend this research through replicating the results in other context of ecotourism.

5.2 Conclusion

Our findings guide researchers in the effective administration and assessment of the ECOPERF in predicting ecotourism customer satisfaction. We propose general considerations around the adoption of this measure in different ecotourism contexts or with different country settings. It is our hope that the brevity of the ECOPERF will encourage uptake of more ecotourism research and service quality evaluation by practitioners and that this paper sheds light on the importance of considering an environmentally friendly practice service attribute.

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Regulation of the Double Degree of Jurisdiction in Criminal Proceedings in Romania

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ABSTRACT: In criminal cases, after the trial on the merits, the legislator has established legal provisions that give the parties and the Public Ministry the right to challenge these judgments in the first instance, or in situations where there is a presumption of error by the magistrate who tried the case criminal, or when there were other elements or evidence that were not taken into account in the trial of the case in the first instance (merits). The possibility of going through the dual degree of jurisdiction is an essential condition when a person is found guilty of a crime, having the right to request the examination of the case by a higher jurisdiction, being also a component of the right to a fair trial.

KEYWORDS: double degree of jurisdiction, appeal, criminal case

General aspects

The double degree of jurisdiction in criminal matters has existed in Romania since the publication of the Constitution of 1866, so that criminal proceedings were carried out in accordance with the legal provisions of the respective historical period, to ensure the validity and legality of a criminal solution be in accordance with the reality of the facts and the provisions of the law. In this way, the legislator made it available to the parties and the Public Ministry, when they are not satisfied with the solution given by the courts of first instance, to have the possibility of a control by higher courts in order to establish the truth and correctly resolve the criminal law conflict.

The trial on the merits of a criminal case is always indispensable for the realization of criminal justice, in order to have a criminal judgment in question, without the trial in the appeals being mandatory, the parties or the Public Ministry having the right to request the trial in the - the second degree of jurisdiction.

The trial in the second degree of jurisdiction determines a new phase of trial to which the criminal cases are subjected in order to be able to correct the mistakes due to the magistrate judging the criminal case or the parties, but also for the reason that not all elements or evidence were known to the trial on the merits of the criminal case.

The reason for the double degree of jurisdiction is in fact the control exercised by the superior courts over those of a lower degree who proceeded to a trial of a criminal case.

Regulation of dual jurisdiction and remedies

From the point of view of the Romanian Constitution (1991), published in the Official Gazette of Romania (21 November 1991, no. 233), according to art. 129 against the decisions of the court, the interested parties and the Public Ministry may exercise the means of appeal under the law.

This article must also be interpreted in accordance with the provisions of art. 20 paragraph 1 of the *Constitution and of the jurisprudence of the Constitutional Court*, which

are in line with art. 2 of Protocol no. 7 of the *Convention for the Protection of Human Rights and Fundamental Freedoms*, as well as the jurisprudence of the European Court of Human Rights, on the right to dual jurisdiction in criminal matters. (Council of Europe, 2019, 42. “Any person convicted of a crime by a court has the right to have the examination of a conviction or conviction by a higher court examined law, including the reasons for which it can be exercised, are governed by law”).

It is important to point out that this right is exercised under the law, as only the legislator can establish the conditions for exercising it (name and number of appeals, formal conditions, time limits within which an appeal can be exercised), but the requirement the right to dual jurisdiction presupposes that an appeal against a judgment of first instance cannot be suppressed. Moreover, also in the provisions of art. 5 point 4 of the European Convention on Human Rights there is the right of a person deprived of his liberty by arrest or detention to appeal to a court, so that it can rule in a short time on the legality of his detention and order the release if detention is illegal.

By adopting the *Code of Criminal Procedure* entered into force on 1 February 2014 (OG, 15 July 2010, no. 486), in order to meet the requirements of legality, speed and fairness of the criminal process, the legislator introduced the institution of the preliminary chamber (Parliament of Romania, 2017, 176-179, articles 342-348), having as object the verification, after sending to court, of the competence and legality of notifying the court, as well as the verification of the legality of the administration of evidence and execution of acts by the criminal investigation body. The idea was that this institution of criminal procedural law produces a direct, positive effect on the speed of solving a criminal case and removes a gap in the old criminal procedural provisions that prevent for a longer period of time, in some cases, the start of judicial investigation. In this way, the preliminary chamber procedure contains rules that eliminate the possibility of subsequent restitution, in the trial phase, of the case to the Prosecutor's Office, due to the fact that the legality of evidence and prosecution are resolved at this stage (statements in the explanatory memorandum preliminary chamber).

Also, in this context, the *Code of Criminal Procedure* provided express provisions on the trial on the merits (Parliament of Romania, 2017, 179-189, art. 349- 407), so that the trial was conceived as a complex of procedural acts and specific procedures, with the aim of pronouncing a legal and sound solution, based equally on law and truth.

Considering that the procedural provisions ensured a speed of the criminal process and the reduction of the duration of solving the criminal case as the guarantees were increased in the criminal investigation phase and in the trial in the first instance in the case of appeals only the way was provided, ordinary appeal against the sentences handed down by the court of first instance in criminal matters and the appeal that can be exercised only when the law expressly provides for it, namely in the case of preventive measures ordered by the judge of rights and freedoms.

In the *Code of Criminal Procedure*, in the provisions of art. 426-477 (Parliament of Romania, 2017, 207-225) were regulated the extraordinary means of appeal, namely: the annulment appeal, the cassation appeal, the review, the reopening of the criminal case in case of trial of the convicted person in absentia, and to ensure a unitary judicial practices the appeal was introduced in the interest of the law, in order to ensure the uniform interpretation and application of the law by all courts, and when at the Courts of Appeal or the court invested with solving a case the referral to the *High Court of Cassation and Justice* was introduced in order to issue a preliminary ruling for resolving legal issues.

When a criminal case is tried in the first instance, there is a possibility that the court erred in establishing the exact facts or legal provisions, as the trial activity is a human activity, the legislator adopting various procedural remedies through the existence of appeals.

In Romanian procedural law, appeals can be ordinary (ordinary) when an indefinite court decision is appealed and in the present situation we have the appeal, thus being in the

trial of a criminal trial in two degrees of jurisdiction: merits and appeal. The double degree of jurisdiction applies to all criminal and rare judgments or it happens that a criminal case, after the trial on the merits, is not appealed by one of the parties or by the prosecutor.

The extraordinary remedies mentioned above may be relevant in a criminal case only after a criminal judgment has become final and are limited to the cases expressly provided for in the *Code of Criminal Procedure*.

Ordinary appeal

In a criminal case the appeal is made against a sentence adopted by a court of first instance by the prosecutor and the defendant, both in terms of the criminal side and the civil side of the case, by the civil party in terms of the criminal side and the civil side, by the civilly liable party only in respect of the civil side, and in respect of the criminal side only in so far as the solution on that side influenced the solution in the civil side. The injured person may also appeal against the criminal side as well as other participants in the criminal proceedings if their legitimate rights have been violated by the sentence of the merits.

The ordinary way of appeal not only gives efficiency to the principle of double degree of jurisdiction prev. of art. 2 paragraph 1 of Protocol 7 to the *European Convention for the Protection of Human Rights and Fundamental Freedoms*, but it has a suspensive, devolving and extensive effect. The appeal has suspensive effect as the decision cannot become final and cannot be enforced as long as the appeal has been declared, until its judgment (the term for declaring the appeal is 10 days from the date of communication of the decision). With regard to the devolving effect of the appeal and its limits, the court judges the appeal only with regard to the person who declared it and the person to whom the statement of appeal refers and only in relation to the quality that the appellant has in the process. The law thus distinguishes between a full devolution of the criminal case and its settlement which must be limited only to the interests represented by the appellant and therefore the law limits the devolutive effect only according to the quality of the appellant and his role in criminal proceedings (applying the rule *tantum devolutum quantum appellatum*). Within these limits on the devolving effect, however, the court is obliged, in addition to the grounds relied on and the claims made by the appellant, to examine the case in all *aspects of fact and law*.

With regard to the extensive effect, although there is the principle that an appeal benefits only the user, the appellate court examines the case by extension and with regard to the parties who have not lodged an appeal or to whom it does not refer, and may also decide in without being able to create a more difficult situation for these parties. In situations where the criminal judgment is appealed only by the defendant, a solution cannot be adopted on appeal that may create a more difficult situation for him (*non reformatio in pejus*). But when the merits decision is appealed by to the Public Ministry or by the civil party (which can appeal both in terms of the criminal side and the civil side), the decision can be reformed to the detriment of the defendant (Parliament of Romania, 2017, 204, art. 418).

In practice, there have been situations where it has been necessary to resolve issues of law in criminal matters concerning the application of the more favorable criminal law until the final judgment of the case, in order to know whether the principle of non-aggravation of the situation in its appeal. The first instance in favor of the defendant from the previous Criminal Code may also be mentioned by the court of judicial control, invested only with solving the appeal declared by the defendant, since for the analyzed criminal deed the more favorable criminal law would be the current Criminal Code. Thus, the High Court of Cassation and Justice - Panel for resolving legal issues in criminal matters (OG, 2014, no. 502, decision no. 10/2014) ruled that the mitigating circumstances are assessed globally, depending on the incrimination and sanction. In the event of the entry into force of a new law that brings changes both on penalties and on mitigating circumstances, the circumstances as

part of the institution of the sanction of a crime cannot be viewed and analyzed separately from the institution of punishment. The removal of the mitigating circumstances does not prejudice the principle of non-aggravation of the situation in its own appeal provided in art. 418 of the *Code of Criminal Procedure*, when in concrete terms, for the same deed, a less severe sanction is established (Parliament of Romania, 2017, 204).

The importance of the double degree of jurisdiction

Given that the criminal procedural law provides for two degrees of jurisdiction, it is always necessary for the court to go through all the procedural stages in order not to deprive defendants of a degree of jurisdiction, by resolving the case directly by the appellate court (given the devolutive and extensive), after the re-administration of the evidence on appeal.

We consider that the notion of resolving the merits of the case should not be viewed restrictively in the sense that in a criminal case it means only pronouncing the solution regardless of the conditions, but legally carrying out the judicial procedure that necessarily leads to it, for that otherwise the judicial investigation would be useless. It is necessary for the first instance to carry out a trial activity through which to resolve the merits of the case with which it was referred, because otherwise the appeal will be admitted and the sentence will be annulled in its entirety with the case being sent for retrial to the court of first instance.

Also, the appellate court cannot fully replace the trial phase in the first instance because in this way a degree of jurisdiction is artificially eliminated, to the detriment of the procedural interests of the defendants, for which the criminal procedural legislation provides for the prosecution of two degrees of jurisdiction (High Court of Cassation and Justice, Criminal Section, Decision No. 144/A/2021)

The devolution of the criminal case is both before the court of first instance and the court of judicial control. When, for example, before the court of first instance there was no trial in compliance with all procedural guarantees, not taking into account all the evidence administered and for this reason cannot be considered the first degree of jurisdiction, for compliance with the provisions of art. 2 of the Additional Protocol 7 to the European Convention for the Protection of Human Rights, it is necessary to refer the case for retrial. We specify that according to the legal provisions (The Romania Parliament, 2017, 205, art. 421- paragraph 2) the retrial of a criminal decision is ordered even when the court has not ruled on a deed retained in the charge of the defendant by the act of notification, or on civil action, or when there is one of the cases of absolute nullity except in the case of incompetence when the retrial is ordered by the competent court. This retrial must be done within certain limits, and when retrying the case the court will consider all the evidence administered during the criminal proceedings and the trial, not being necessary to re-administer the evidence in the first procedural cycle, but only on the issues imposed by the appellate court.

Moreover, the unitary judgment is necessary in order not to prejudice the provisions of art. 6 paragraph 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms on the right to a fair trial, which is closely linked to the dual degree of jurisdiction in criminal matters.

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The Difficulties in Social Communication of Elderly People in Romania

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ABSTRACT: Communication in social processes means that all the social phenomenon also imply a social communication process, whether it is about a relationship, interaction, exchange, exerting power, control or influence by the communities, by groups, by structures, or by social functions. In our case, the elderly are a social category very vulnerable people with many social communication problems. The social communication disorder can result in many problems for elderly people, including difficulty participating in social settings. Social structures are stabilized interactions, in which communication processes intercede directly and sometimes decisively, formatively or destructively; as such, you can say that communication is a cultural and socio-communicational ensemble (Stoica-Marcu 2013, 128). The social communication difficulty includes difficulty in interacting with family, friends other people around them and social isolation in the different moments of social necessity.

KEYWORDS: communication, communication processes, social communication, elderly people

Introduction

"Essential in the aging process is its dependence on time," said Dr. Postelnicu Dimitrie (1984, 26). "The organism ages with time in all its components: senescence is a complex phenomenon, which results from a whole series of processes that take place in the body" (Albu 1984). Aging (Gusioc 1984, 26) must be studied and understood not only through synthetic optics, as a widespread biological phenomenon, but also from an analytical point of view, through its impact on the different "mechanisms" (morphofunctional systems) of the organism. It is also necessary for the fact that aging does not occur as quickly in all systems, it is asynchronous, this asynchronism being conditioned by several general and individual factors and intervening differently not only chronologically but also quantitatively and qualitatively.

Content

The study of aging at the level of various systems is also a condition of understanding the particularities and diversity of the pathology that accompanies aging, this way of approaching the problem being a necessary way to affirm at the level of different medical specialties the geriatric aspects and the geriatric interpretation of these specialties both from a nosological point of view and from a prophylactic and therapeutic point of view.

According to Law 17/2000, art. 1 para. 4, the elderly are the persons who have reached the retirement age established by law, this is the definition of the elderly person (Law no. 17/2000). The notion of aging designates, first of all, an individual phenomenon, that of the incidence of age, in its biological and psychological dimensions on the individual, from his

birth to death (Bălașa 2006, 79). Due to the phenomenon of population aging, there is a constant and rapid growth of the elderly population, the socio-economic consequences of this phenomenon affecting our country.

The aging of Europe's population is gradually increasing and Eurostat data warns that a reduction in the annual "potential growth" of European GDP could be achieved, from the current 2-2.5% to 1.5% in 2025, until to 1.25% in 2040. According to a 2005 European Commission study, "the ratio of the population under the age of 15 to the age of 65, on the one hand, and the population between the ages of 14 and 64, on the other hand, it has gone from 49% in 2005 to 66% in 2030. In particular, in the period 2005-2050, the number of people in the 55-65 age group (older workers) will increase by 8.7%, while the number of individuals included in the age group 65-79 (the elderly) will reach 44%, and the number of very old people (at least 80%) will increase by a percentage of 18% (European Parliament 2008). Relevant factors are a low birth rate, a progressive increase in life expectancy and an increasing number of people over the age of 65, in the context of that post-war generation called the baby boom that will increase the number of elderly people.

According to studies by the Italian National Institute of Statistics in Europe (2021), people under the age of 65 were 20.5% in 2010, 23.3% in 2020 and will be 27% in 2030, and in 2050 the percentage will be 33.6% (<https://www.tuttitalia.it/statistiche>). Japan will have over 1,000,000 longevity over 100 years by 2050. Old age is the condition that characterizes a particular age group, that of people over 60 (Fontaine 2008). Larousse's dictionary of psychiatry (1993) defines old age as the last period of life, corresponding to the normal result of senescence. Senescence is the term used as a synonym for aging, and senility is the term used as a synonym for pathological aging.

Old age cannot be precisely defined, as this concept does not have the same connotation in all societies. In many parts of the world, people are considered old as a result of certain changes in their activity or social role, such as when someone becomes a grandfather, or when due to aging, a person is forced to perform different tasks or slow down thing.

In general, the age of 65 is associated with the onset of old age. In the world, the number of people over the age of 65 is growing strongly, mainly in developing countries. This situation is a positive symbol of increasing the quality of life, but at the same time it creates a series of demands and problems to be addressed in order to avoid serious socio-economic consequences in the future (Bătrân 2021).

Marta Roxana Mureșan stated - and rightly so - that lately, as a result of the increase in life expectancy and more and more complex problems faced by national economies, the aging of the population is a social problem particularly important. The correlation with the tendencies of the demographic processes and the forecasts for the next decades increase the reasons for concern and require finding solutions to preserve, at least, some conditions of dignity for the years of old age (Mureșan 2012, 1).

According to a 2016 study, approximately 1.5 million elderly people in Romania are affected by loneliness (Onofrei 2016). It is expected that in the future there will be a slow decline in population due to the negative natural increase, for this reason Romania is expected to have 16 million inhabitants or less in 2050, in other words an aging and aging population with each passing year as the statistics below show. This is not just about us. The situation is equally critical in Russia and Japan.

Psychosocial aspects specific to the elderly

Aging is not a state, but a process of gradual and differential degradation, it is a set of phenomena, which occur as a result of the end of the development phase and which involve changes from a biological and psychological point of view. However, the aging process manifests itself differently, the individualization being determined by: the degree of autonomy; physical degradation; psychological degradation; emotional and mental state; the

possibility of behaving, such as involvement in community life, how to cope with the loss of social roles due to the death of acquaintances and life partner, how to adapt to new social roles (Bătrân 2010, 40).

Morpho- and psycho-physiological changes, which characterize the aging process, lead directly or through their consequences to profound changes in the social relationships of the elderly individual, both in intra-family relationships and in his general social relationships.

Family solidarity relationships can be affected somewhat by material difficulties, by the wrong mentality of the family group regarding the duties towards the elderly, by a selfish attitude of adults, or by a feeling of embarrassment, helplessness, in the case of the elderly with severe disabilities.

Many of the conflicts of a multi-generational family, with a negative effect on the health status of the elderly could be avoided if the family in question had a proper education, a mentality favorable to the situation of the elderly. Solidarity is better preserved, the rural type family, better preserving the roles and statutes of the elderly in the family. This is because, in general, the family relationships of those living in urban areas are degraded, by a precarious financial situation, by the fact that the elderly often have to live with adult children in a small apartment, they are affected by urbanization and industrialization.

Once the elderly person retires from professional activity, there is a restriction and a loss of previous responsibilities, which leads the elderly to focus on his relationships with his family, in the opinion of Bogdan (1992, 297). The aging process, including the main issues involved in each stage of the process and psychological and social theories on aging, provides considerable space for deepening the needs of older people, as well as social policies for the protection of the elderly.

One of the most significant indicators in terms of the quality of life of the elderly is the state of health. It is obvious that once an elderly person is in poor health, they run the risk of losing their autonomy. There are people who reach very old age with a high degree of autonomy precisely because they maintain their health, but health is influenced by a complex of factors, which is why both individuals and family and society have a duty to ensure quality life (and not only in old age, but from a young age) (Mureșan 2012, 19).

In the opinion of the author Marta Roxana Mureșan, the differences between the elderly in terms of health status, level of schooling, degree of professional training or lifestyle contribute to the inhomogeneous group image. The deficient classification of the elderly in an age category, being assigned to them the roles of active adults but also of passive, useless people who have nothing to give in exchange, makes it difficult to substantiate a budget or social policies that make it possible development of social assistance services adapted to the needs of the elderly, especially since there are no studies and records on income, habitat conditions, resources in the formal system at the local level, as well as the degree of involvement in the informal environment (Mureșan 2012, 15).

Europe's population is experiencing rapid change. The good news is that Europeans are living healthier and longer lives. Thanks to decades of peace, health insurance, medical progress and better living and working conditions, people are now enjoying a longer and more active pension in greater numbers. Life expectancy has increased tremendously.

In the case of men, the average life expectancy, which in the 1900s was 43 years, is expected to reach 82 in 2050. In the case of women, the life expectancy, which was 46 years, is expected to increase to 87 years in 2050. Most of the children who will be born in Europe from now until 2025 will live 100 years. At the same time, healthy life expectancy and access to health services continue to vary considerably from one income group to another and from one region to another.

Longevity will have a profound impact on public policies and social services, beyond the health and care sector, starting with the education system and reaching the need for housing and mobility services adapted to the elderly. An aging population can be a source of

new jobs, resulting in the rapid development of the social economy sector, whether it is recreation or care. However, it also creates new requirements that must be met. Today we already see that almost one in three people over the age of 65 live alone and that no less than two in three people over the age of 75 depend on informal care, usually provided by their closest relatives. One in six older people lives in poverty, with women at risk of low pensions being older women who have not worked long enough, according to the European Commission's report on the White Paper (European Commission 2017).

In general, the aging of the population also brings up the issue of equality between generations. There is currently a real risk of a gap between the younger and older generations, which is reflected in the decision-making process, welfare, material security and access to housing, but also in the distribution of the financial and budgetary burden of to an aging company is shown in the same report (European Commission 2017).

The situation is worrying even if our elderly people will reach 100 years in the near future - as the statistics show, how many of our young people today remain in the country for contributions to the Romanian pension system ?!

The elderly benefit from Law no. 17/2000 with subsequent amendments regulating their access to social and medical assistance services. The national social assistance system was initially described by Law no. 705/2001 and redefined according to Law no. 47/2006, which established the organization, functioning and financing based on the European principles of social assistance in order to promote the process of social inclusion.

Currently, the national social assistance system, regulated by Law no. 292/2011 - Law on social assistance, is defined as the set of institutions, measures and actions by which the state, represented by central and local public administration authorities, as well as civil society intervene to prevent, limit or eliminate the temporary or permanent effects of situations that may generate marginalization or social exclusion of the individual, family, groups or communities. This long-awaited law overturned a lot of outdated ordinances that were not adapted to EU law. According to the general framework of active aging in the EU, Romania considers that the main elements of the concept are: 1) longer and healthier life; 2) increasing the level of employment at older ages; 3) increasing the social and political participation of elderly groups; 4) decreasing the dependence of the elderly; 5) improving long-term care services (Social Worker 2018, 6).

In Romania, as in other EU countries, care for the elderly has a special role. The elderly are protected by the legislation in force through a series of social protection measures. In the situation of the elderly person alone or whose family cannot provide, in part or in full, its care and maintenance, the state intervenes by providing social assistance benefits and social services appropriate to the strictly individual needs of the elderly person. Morpho- and psycho-physiological changes, which characterize the aging process, lead directly or through their consequences to profound changes in the social relationships of the elderly individual, both in intra-family relationships and in his general social relationships. Family solidarity relationships can be somewhat affected by material difficulties, by the wrong mentality of the family group regarding duties towards the elderly, a selfish attitude of adults, or a feeling of embarrassment, helplessness, in the case of the elderly with severe disabilities.

Many of the conflicts of a family with several generations, with a negative effect on the health of the elderly could be avoided if the family in question had a proper education, a mentality favorable to the situation of the elderly.

In general, families no longer respect the previous status of the elderly, this leading to the loneliness of the elderly, to his isolation. It is observed that in the rural environment, the ties, intra-family, solidarity are better preserved, the rural family, better preserving the roles and statutes of the elderly in the family. This is because, in general, the family relationships of those living in urban areas are degraded, by a precarious financial situation, by the fact that the elderly often have to live with children and adults in a small apartment, they are affected

by urbanization and industrialization. Once the elderly person retires from professional activity, there is a restriction and a loss of previous responsibilities, which leads the elderly to focus on his relationships with the family (Bogdan 1992, 297). The time that families give to people Dependent, which they have in the family, can often involve giving up work or other activities, including leisure.

Conclusion

Dr. Constantin Bogdan draws attention to the current trend of the Romanian family, especially those in urban areas, to force the institutionalization of the elderly, due to restricted living conditions, the impossibility of permanent supervision of the elderly with mental disabilities, but also due to thoughts of children or grandchildren who do not agree that death, illness, disability and with them old age are part of life. Often, one of the family members leaves the job to provide the necessary care for the dependent elderly person; most carers are the spouses of dependent elderly people, their own state of health can be altered, while carers of younger ages often experience symptoms of severe depression. In addition, home care services provided by family members do not amount to the quality of services provided by professionals trained in the field.

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The Importance of the Holy Matrimony's Secret in the Liturgical Life of the Orthodox Church

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ABSTRACT: The wedding is that Holy Mystery in which, through the priest's prayers and blessing, the grace of the Holy Spirit is given to those who come together as one through the union of the wedding (man and woman), thus, helping them build a Christian family.

KEYWORDS: sacrament, love, union, holiness, help, procreation

The marriage celebrant

This is the Bishop and the Priest. The old teachings say that the priest can officiate even the matrimony of his son or his daughter, if there is no other priest available, and the hieromonks can officiate the service of the matrimony, even though, in the past, the old teachings clearly forbade this on the account that they had sworn a life of chastity and, in consequence, they weren't allowed to take part at the ritual dance or at the wedding party (The Pravila of Matei Basarab 1962, 149).

The receivers of the Mystery

The subjects or the receivers of this Mystery are the man and the woman (both adults), who willingly agreed to make a home. Besides the legal and canonical conditions requested for the creation of a family (age, physical ability, etc.), the two grooms have to be orthodox Christians. Built on the decisions of the holy canons, the Orthodox Church has never allowed mixed matrimony. The canons are very clear about it. The resolution of canon 72 of Trulan Synod (692) firmly says that: the orthodox man is not allowed to marry a heretical woman nor the orthodox woman to marry a heretic man, and if someone does so, the marriage will be considered null (Floca 1991, 138). Mixed marriages, between an orthodox partner and one that is not a Christian are approved by the bishop on the condition that, the ones that are not orthodox, before the wedding, to fulfill the formalities of joining the Orthodox Church (the approval of the bishop and the customs of joining the Orthodoxy, as written in the Molitfelnic). In this regard, the Orthodox Church completely submits to the rules imposed by the holy canons. Thus, the Rules of Procedure of trial and disciplinary courts of the Romanian Orthodox Church (1953, 63), art. 47 says: "Clergy must officiate the Secret of Matrimony only between orthodox people. People belonging to another cult must fulfill the formalities of joining the Orthodoxy, before the Wedding. The priests that will not respect these rules will be punished and sent to a monastery until transfer, excepting the situation in which the priest had the acceptance of the bishop. This is the official position of our Church, and the priests must strictly obey it. When performing the matrimony, the priest must make sure that the civil and religious rules are followed and not perform the service without

the marriage certificate issued by the City Hall: otherwise, he will be punished by rebuke (if he did it unconsciously or recklessly) or by suspension of service for a certain amount of time, if he did it consciously.

The Godparents

At the engagement and at the wedding the grooms are accompanied by their godparents. They are witnesses and endorsers of the strong, moral and spiritual link of the grooms and their mutual commitments, being, at the same time, like their parents, counselors and mentors. The godparents must be orthodox and older than the grooms; usually, the godparents from the baptism or their children. During the engagement and wedding, they touch the rings and the crowns of the grooms together with the priest, to bear witness that they are partakers at the holy act of the wedding and that they will be like spiritual parents and mentors of the grooms.

Where the wedding takes place

The wedding is celebrated into the church, the House of God, so that it can be done in front of God and with His blessing, because the Church is the place where the other Holy Secrets are celebrated. On the other hand, the church is also known to be the place where Christians gather and that is why the wedding must be done in front of the people; this way, the grooms can share their joy with everyone. In private houses, the wedding can be celebrated only in very exceptional situations and for very good reasons.

When the wedding takes place

The weddings are done in holydays (usually on Sundays, right after the Holy Liturgy, following the indications in the Molitfelnic). In the Church's learning, from the ninth command, one can find the periods of time and the days when no weddings can be made: the four fasts and all the isolated fast days (Wednesday, Friday, the 14th of September – The Rising of the Holy Cross, the 29th of August – the Cutting of John the Baptizer's head, the 5th of January - Epiphany's Eve), because parties and wedding cheerfulness are in contrast with the atmosphere of prayer, restraint and sadness, specific to a fast. That is why there are no weddings in the Bright Week, since the Birth of the Virgin Mary until Epiphany, in Whitsunday, on all the Royal Feasts and the day before them, whereas the joy and the party of a wedding tempt us to ignore the significance and the joy of all these great holidays and turn them into worldly celebrations (1996, 281).

The content of the religious service

a) The Engagement. The wedding service is preceded by the engagement, a way through which the Church gives its blessing to an old tradition, the mutual understanding of two young people to form a family. When time is right, a table is set in the middle of the church and on it there are: The Holy Cross, The Holy Gospel, candlestick with candles, the Holy Crowns and a glass of wine.

When the grooms come to church accompanied by their godparents, they are welcomed by the priest, who is dressed with the epitrahil and the phelonion. The priest takes the candles, blesses them and he gives them to the godparents, then he takes the grooms' rings and places them on the Holy Gospel: the ring that is engraved with the

initials of the man is placed on the right and the other one is placed on the other side. The priest gives the blessing over the heads of the grooms three times and after censuring around the table and for the wedding guests he comes in front of the table and gives the blessing: "Blessed is our Lord...". Then he tells the Great Litany which includes special requests for those who get engaged. After the ending of the request he reads the two prayers for the blessing of the engagement, the first one out loud and the other one secretly. Then, taking the ring that is placed on the right side, the priest makes the sign of the Holy Cross across the man's face, saying thrice: " God's servant becomes engaged (N)(he touches the forehead of the man with the ring) with God's servant (N) (he touches the forehead of the woman with the ring), in the name of the Father (forehead), of the Son (chest),and of the Holy Spirit (the shoulders); at the third time he adds : "Now and forever..." and then he places the ring on the groom's finger. He does the same thing with the bride's ring. Next, the priest reads the prayer of sanctioning the engagement, blessing the grooms when saying their names. After that, he reads the triple Litany. The ending of the engagement is done only when the wedding doesn't follow.

b) The wedding. If the wedding follows right after the engagement, then, after the engagement prayer, the Psalm 127 is read with the refrain: "Glory to Thee, our Lord, glory to Thee." Meanwhile, the priest censes around the table, the grooms and the wedding guests, then he kisses the Holy Cross and the Holy Gospel, making the sign of the Holy Cross above the wedding crowns with the Holy Gospel and he says: "Blessed is the father's Kingdom...". He places the Holy Gospel on the table, he puts the wedding crowns on it and says the great Litany, with special requests for the grooms, followed by the three blessing prayers of the grooms. As he reads the third prayer, at the words:".... Unite your servant (N) with your servant (N)..." he unites the right hand of the groom with the right hand of the bride and he carries on with the prayer. Once this prayer is ended, the priest takes the groom's wedding crown and he makes the sign of the Holy Cross over his face, saying thrice: :God's servant is marrying (N) (he touches the forehead of the man with the wedding crown) God's servant (N) (He touches the forehead of the woman with the wedding crown), in the name of the Father, of the Son and of the Holy Spirit", adding after the third time : " Now and forever..". The groom kisses the wedding crown and, the priest and the godfather place the crown on the groom's head. The priest does the same with the bride's wedding crown. The priest blesses the grooms thrice while the choir sings: "Our Lord, with honor and glory crown them".

While the Apostle is being read, the priest censes and after that he reads the Gospel facing the grooms. When he is finished, he kisses the Holy Gospel and he uses It to bless the people that are present. A triple Litany follows, a prayer and the Litany of requests, Our Heavenly Father, the wine blessing prayer, from which the priest allows the grooms taste three times each, while the choir sings: "The salvation cup I will take...". Taking the censer, the priest walks around the table three times with the grooms and the godfathers while the following hymns are sang: "Isaie is dancing...", "Holy martyrs ...", and "Glory to Thee our Lord..." (meanwhile, in some churches, people through candies, as a symbol of the richness of the Holy Ghost's gifts that the grooms receive now that the wedding is blessed). After the circle around the table is done, the groom makes three worships, places his hands on the Holy Gospel while bending his head, and the priest with the godfather take the wedding crown from his head saying: "Thee shall be worshipped as Abraham...", then the groom kisses the crown and places it on the Holy Gospel. He does the same with the bride when he says: "You bride shall be blessed like Sara".... . The priest now reads the two blessing prayers of weds, gives a speech if he wishes followed by the end of the ceremony. The

choir sings "Happy birthday..." while the weds, the godparents, the parents and the relatives kiss the Holy Gospel, The Saint Cross and the wedding crowns, receiving at the same time the priest's congratulations.

c) The prayer in the eighth day since the wedding

After eight days from the wedding, weds come to church, kneel in the narthex and the priest reads them a blessing prayer.

d) The molitfelnic also contains the ordinance of a second wedding, for those who get married a second time; this is done after a very special ordinance. The engagement is one with the wedding; at the beginning, the little blessing is given and the prayers that are read contain requests of repentance and absolution, because the second marriage was seen, in the past, as a concession made by the Church for the weakness of the human nature. Since the placing of the weddings the ordinance is the same as at the first wedding. The same happens with the third wedding. Nowadays, because this kind of marriages is quite frequent, the Church had to bless them in order not to allow its spiritual sons to live in sin. Long time ago, the second and the third wedding were allowed by the Church through stewardship as an exception for the sinful ways of the human nature, and the grooms were forbidden the Holy Communion and submitted to canons of repentance (Nițu 1907, 119). The ordinance of the second wedding has more the aspect of a blessing religious service than the aspect of a Holy Mystery.

The symbolic-mystical significance of the ordinance of the Holy Matrimony and its importance in the promoting religious and moral family life

The service of the wedding is preceded by that of the engagement, which is a service through which the commitment of weds is blessed. The matrimony is the secret that sanctifies the natural connection between spouses, turning it into a pure and perfect moral connection, like Christ and the Church. The ring that is put on weds' finger symbolizes their uninterrupted link with Christ and the Church and, since the circle symbolizes the eternity, he also represents the endless love and the mutual fidelity that the plighted lovers promised to each other (Fecioru 1982a, 218-220). The ring also represents the unity and resistance of the matrimony. The lighted candles that the godfathers keep symbolize the purity and the holiness of the life that the grooms have to live, according to what the Savior says: "This is how your light should light before people and seeing your good deeds he should glorify our heavenly Father." They also symbolize the light of the human grace (Cherasie 1865, 181) that unites, strengthens and brings to perfection the moral and religious life of the grooms. Changing the rings means communication and the sharing of thoughts, intentions, ideas and feelings.

Psalms 127, whose lines are sung before the wedding ceremony, describes the blessed life of pious husbands. The ordinance of the Holy Matrimony begins with the big blessing: Blessed is the Kingdom", through the crossed mark with the Holy Gospel, because the purpose of the mystery is to establish the Kingdom of God into the hearts and lives of the couple, to help them live in peace, harmony, understanding and love since, The kingdom of God is justice, joy and peace with the Holy Ghost (Romani 14: 17). The life of the newlyweds is building Trinitarian (husband-wife-children). It is meant to be perfected in the communion of love following the trinity life model. That is why, in a prayer from the service, the priest says: "... unite them with the Holy union that comes from you". In the three prayers from the ordinance's beginning of the Holy secret of matrimony, the priest asks God to bless the wedding like he blessed the one from Cana Galileii (II Ioan 1:12) and the weddings of the patriarchs from the Old Testament: Abraham, Isaac, Moses, Joseph, etc. Each wedding, secretly represents the wedding from Cana Galileii and is filled with joy and Godly blessing.

The third prayer contains the epiclesis expressed by the words: "Reach out Your unseen hand from the height of your Holy establishment and unite Your slave (X) with your slave (Y), since You brought the man and woman together...". At this very moment, the priest unites the groom's right hand with the bride's right hand. This is the moment when the link between the man and the woman is established, because, "when their right hands are brought together they show that they have united into Christ and became as one and that the man took the woman from the Church, through the priest's hand..." (Cherasie 1865, 180). The free union of the two spouses, sanctified by divine grace shows their new way of life (in common). So, marital love is essentially strong", since the grace of the Holy Ghost makes from it the unbreakable union of love" (Evdokimov 1996, 321), helping the two spouses get over their state of seclusion and egocentric isolation and give themselves to each other. The thing that is blessed in this Secret is Love and it receives the gift of the Holy Ghost (Evdokimov 1994, 53). Love is true when it brings the spouses closer in order to unite them with God. This is the reason why the disciple says: "This secret is big; and I say into Church and Christ". (Efeseni 5:32). "Only when weds sacrifice themselves for the other one, the wedding touches the depths of a Divine Secret and becomes creative" (Galeriu 1960, 494). On this purpose, Saint Clementin Alexandrin asks himself: "Who are the two or three gathered in the name of Christ and in the middle of whom there is God? Aren't the man and the woman that united into God?" (Fecioru 1982b, 216).

The wedding crowns that are placed on the heads of the grooms are the symbol of their victory over the bodily passions (Saint Simeon of Tesalonic, 179). It means that the grooms kept their chastity and they appear before the Holy Shrine pure and righteous, and for these virtues, the Church crowns them with royal crown like the emperors that returned victorious from war, with laurels and glorious trophies. As John Chrysostom says: "the couple, at the wedding, is adorned with crowns, symbol of their victory, that they are undefeated and that they come near the wedding bed invincible by pleasures" (Chrysostom 1911, 79).

The Apostle that is read at the wedding service (Efeseni 5: 20-33) renders the mystery and the significance of the Secret, comparing the union between a man and a woman with the union of Christ with the Church and advising the future husbands to love each other with the same holy love that Christ had when He sacrificed Himself for His Church.

The Gospel reveals to us the wonder made by our Savior at the wedding from Cana Galileii since Christ presides all the Christian weddings just like he presided the wedding from Cana Galileii" (Evdokimov 1994, 161). The glass of wine, that is blessed by the priest and from which the grooms have a sip, symbolizes the joy and cheerfulness of the wedding and the common destiny of the grooms. The sip from the glass and the piece of bread means that the grooms are part of the joys and troubles of life (Saint Simeon of Tesalonic, 180). This ritual reminds of the communion of the grooms with the Sacraments because, in the old times, the wedding was done after the Holy Liturgy is over (Saint Simeon of Tesalonic, 182).

The circling around the table for three times (the grooms and the godparents lead by the priest) symbolizes the fact that their life is build around Christ embodied by the Holy Gospel from that table and shows us that their marriage is eternal since the circle is the symbol of eternity. The three hymns that are sung during the ritual dance ("Isaia is dancing...", "Holy martyrs...", "Glory to Thee Christ...") expresses the spiritual joy that the Church lives when a new family is made and blessed. The Church wishes for this union to be made under the ghost of abstinence, following the pattern of Virgin Mary to fulfill its destiny, also having as their ideal the spirit of sacrifice of the martyrs and of the apostles, if they want to be part of Christ and His Saints and wish to be

crowned in Heavens. These hymns teach the grooms to keep the unity of faith and purity in order to make from their home a micro-church of God.

As a general conclusion of the things written above, we can say that the Orthodox Church, through the ceremony of the matrimony, shares the grace and blessing of God to the newlyweds for the fulfillment of the three important objectives of the marriage: the birth of sons (Genesis 1:28), the mutual help in the name of love (Genesis 2:18) and the channeling and disciplining the passionate instincts of the human nature since it is well known that the family represents an environment for the practice of moral and Christian virtues and a way of abstinence from bodily passions (I Corinthians 7:2,29). The wedding, for Christians, not only unites two beings but, it also unites two souls. The daily life of the spouses progresses on the way of the moral good, only if the two of them are trying to become better than the other one, “because the unfaithful man is blessed through the faithful woman and the unfaithful woman is blessed through the unfaithful man” (I Corinthians 7:14).

The man, in the house, is the emperor, and the woman his empress. The man is the foreign minister and the woman is the minister of interior. They both are very important factors in building and developing the institution of the family. One supports the family and the other one takes care of it.

Through the wedding, the heirs of God's Kingdom come to life: “Let the children come to Me and do not stop them, because the Kingdom of Heaven belongs to those that are like them” (Mathew 19:14), said the Savior.

Through the birth, the raising and education of children, the parents are raised to the honor and dignity of being collaborators with God at the work of renewing the world and the instauration of God's Kingdom. The wedding is creation. The parents are creators. The wedding, through Christ is joy, life, love and the beginning of eternal life, if it is built on true love, faith, on the fulfillment of Christian deeds and the holy commands of Jesus Christ. If it is built on material interests, on social status or bodily beauty and not on spiritual beauty, the union of the wedding can break.

Only when the spouses want the spiritual progress and the promotion of moral values, through good deeds and keeping God's word, family becomes a place of virtues, a true church where Christ reigns, the Sanctifier of the secret wedding and law maker of the bodily wedding. The purpose of marriage can only be reached if we see the wedding not as a pleasure, but as love, not in a selfish spirit, but generous, not as a party and worldly pleasure but as a holy joy, as a beginning of moral perfection and a way of inheriting the Heavens.

The ritual of the wedding service ends with the grooms' oaths on the Holy Gospel and on the Holy Cross and the blessing of this promise made in the name of the Holy Trinity, from which they ask help and blessing for the achievement of worldly goods and the delight of the eternal goods. “The supreme goal of marriage is for the husband and wife to help each other to enter the Heavens. The Secret of the wedding has no other purpose than this one” (Codrescu 2002, 166).

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The Importance of Church Iconography

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ABSTRACT: The holy icons and church painting represented on the inner walls of the holy places of worship never had a decorating role but a purely religious and teaching-educational purpose. Through these sacred images, the Church opened a way of communion with God and His saints and produced a way of initiation and guiding the believers into knowing the teaching of faith and the rules of moral life. Each icon and each holy painted scene expresses, intuitively, a historic or dogmatic truth, a moral-Christian principle, a deep meaning, and a rich content of religious ideas, revealing and guiding for the spiritual building and growing of the believers. The instructive-educational importance of the holy icons and of the church painting has always been acknowledged by the Holy Church and, that is why, they are so much used in the Christian cult and in the religious life of Orthodox Christians.

KEYWORDS: icon, religious painting, iconographic programme, biblical scene, holy character

Introduction

The dogmatic teaching of our Holy Church defines man as being the crown of the creation or micro cosmos, because he unites in himself, harmoniously, the elements of the material and spiritual worlds. Being the face and the icon of the Creator, man always reaches for the resemblance with Him, since he was made for this, as David, the psalmist says: "Just like the deer wishes for the waters of the springs, so does my heart wish You, God" (Ps. 41: 1). When God made him, He said: "Let us make a human after Our face and appearance... And God made man after His face; after God's face he was made; He made man and woman" (Making 2:7).

In the history of the tradition and religious life of the Church, the icon and the church painting had a very well-defined role. Through these visual and intuitive images, Church has kept alive the memory of the holy people and deeds, has presented the biblical history of the Old and New Testament and has cultivated the ghost of devoutness among the believers.

The icons and the pictorial representations have entered liturgical use ever since the beginning of Christianity, as means of expressing the veneration brought to God and saints. In the cult of the icons our steady faith in God and in His saving, work is reflected and, at the same time, the faith in the help and the saints' intermediary power. Church has always taught that we don't venerate the matter from which the icon is made, but the face represented on it, since "the veneration given to the face passes onto the prototype" (Comițescu 1988, 60). The icon is an open book which reveals to us the history of godly revelation and the entire work for the salvation of the world.

So, the icons and the church painting on the walls of the holy places are means of religious education and of expressing the truths of faith. This painting does not have an aesthetic and purely decorative purpose, but a teaching and instructive-educational

purpose. In folk language it is called “The Bible of the illiterate ones” or “catechism in pictures”, because every icon or religious scene has got a symbolic function, showing in the shape of images the deep meanings and understandings of the Bible and teaching of the faith, eloquently painting certain important facts and events from the holy history or some sacred ceremonies of the Christian Orthodox cult.

Iconographic tradition

The iconographic tradition was formed in time, the painters orienting themselves by certain rules of forming the iconographic scenes, and all these guiding marks were collected in collections called *erminies*. *Erminies* showed the painters which images and faces are painted in the *pronaos*, in *naos* and in the altar, so that the pictorial decorum of the church will represent a unitary ensemble. Each group of saints and each register of holy scenes takes a particular space and fulfills a well-defined role in the presentation of the theological doctrine, which the church place has the mission to reveal to believers through looking at the holy images painted in it. These *erminies* have evolved in time and have established themselves according to the following factors:

- 1) The development of the church architecture, also influenced a long time, by the religious currents an idea that has dominated the Christian life and thinking.
- 2) The history of dogmas, synods and religious controversies appeared in the bosom of the Church.
- 3) The regional traditions of different people, since there were different ways to paint a church in Moldavia, another one in Ardeal or Muntenia.
- 4) The officiation of the cult of saints, the evolution of the divine cult and the development of the ritual of the Holy Liturgy.

The painting differs accordingly to the destination of the Church because there is a way to paint a monastery church and a different one to paint a parish church. There is a different way to paint a cemetery church (where the Savior’s post-Resurrection scenes predominate) and there is a different way for a chapel of ease or a chapel.

In all the cases reminded above, church painting must reflect the image of the triumphant Church in the skies, because the earthly Church mirrors the beauty of the heavenly paradise. “Church is the earthly sky, where the heavenly God lives and walks, representing Christ’s crucifixion, funeral and resurrection, more glorified than Moses’s confession tent” (Explaining the Holy Liturgy 1974).

The spire shows the image of the victorious Church in heavens and represents the inhabitants of heavens. In her peak, it is painted the Pantocrator’s icon (God Almighty), surrounded by the holy angels. On the inner walls of the spire, are painted the angels, apostles and prophets who harbingered Him, served Him into this world and who now, rejoice and enjoy the sight of His face, and in the four corners at the base of the spire are painted the four evangelists, who left us, in writing, the Savior’s life, miracles and words.

In the Holy Altar are painted the ones that sit close to the godly throne. On the northern *absis* (on the arch) is painted the Lord’s Mother with the infant in Her arms, for her the sky was united with the earth, giving birth to God’s Son embodied, and on the inner walls are painted the author of the three Holy Liturgies: Saint John Golden Mouth, Saint Vasile the Great and Saint Gregory the Dialogue, as well as other hierarchs: Saint Nicholas, Saint Spiridon of Trinitude, Saints Atanasie and Chiril and the serving deacons (Saint Stephen and Saint Laurențiu).

In the Holy Altar, also, are painted scenes from the holy history of the Old and New Testament related to the Christian Liturgy, such as: The Secret Meal, the heavenly

Liturgy, the receiving of the Eucharist by the Apostles, the Altar of the Old Law, Isaac's sacrifice, and the dinner in Emmaus etc.

In the naos, on the arch of the absis found on the right side is painted the Savior's Birth icon, and on the arch of the absis found on the left, the icon of the Resurrection. On the semi-circular walls of the absis are painted the holy martyrs and confessors of the right faith: George, Demeter, Eustratie, Theodor Tiron, Theodor Stratilat, John the New from Suceava, the Holy Emperors Constantine and Helen and the holy martyrs: Tecla, Varvara, Ecaterina, Filofteia, because due to their martyred sacrifice Christ's Church strengthened and spread.

In the pronaos are painted the faces of the austere persons who struggled in this earthly life with fast, prayer and bridling, to obtain the crown of redemption. That is why, on the right wall of the pronaos are painted the holy pious people: Antonie the Great, Pahomie the Great, Macarie the Egyptian, Eftimie, Teodosie, John the Staircase man, and on the left wall are painted the faces of the pious women: Parascheva, Mary the Egyptian, Teodosia, Pelaghia, Anastasia, Teodula, Teodora from Sihla etc.

In the porch are painted the faces of the patriarchs of the Old Testament (Avraam, Isaac, Jacob, Moses, Aron, Noe), as well as those of the prophets and righteous who harbingered the messianic times and aspired to them, but did not become able to enter the Law of grace. In some churches is also painted the scene of the Judgment Day, to suggest the idea that nobody can enter the heavenly realm (embodied by the church) without passing through the threshold and the judgment chair.

On the exterior walls of churches are painted the philosophers of the pagan world: Plato, Aristotle, who, through their wisdom, led the pagan world towards Christ and foresaw the arrival and embodiment into the world of the divine Logos.

The place of the church, as a liturgical space, means, for the believers, a different world, a transfigured world, in which is over fulfilled the separation between past, present and eschatological future, between earth and sky, between created and non-created. To the intuition and the life of this truth contributes, mainly, the icons from the holy place.

The Christian Icon

The Christian Icon is a religious scene painted on canvas, glass or paper, framed and hallowed through the prayers of the Church and through sprinkling holy water. In the icon is represented in colors the face of a holy character or a special event from the history of redemption. Through sanctification, the icon becomes a sacred object, being taken out of the profane use and included in the patrimony of the Church. From the moment of sanctification, the icons become carriers of grace and the believers kiss them piously. They fulfill a sanctifying function, but not like the Holy Secrets and religious services, but through the connection to their prototype, as means of communication with the person represented by them.

The ground for the representation of the icon is the embodiment of God's Son. "And the word turned into body" (John 1:14), says the holy evangelist John. Through Christ's embodiment, his human nature united with the godly nature and, because for this, Christians paint the unseen God, due to the fact that He made Himself seen through the body, „since we do not represent the unseen divinity, it is not It that we turn into icon, because not even the holy angels can understand it and penetrate it in Its wholeness. But ever since His only Son, He, Who is in the bosom of the Father, has condescended to turn into a man, according to the benevolent will of the Father and Holy Spirit, to redeem His own creature..., we draw the face of His human appearance after the body and not at all the face of His unseen and not understood divinity" (Ciubuc

1998, 14), and, because the human nature has received as Eucharist the divinity, being thus saved through the work of the Holy Spirit, we also cherish the icons of the saints, as ones who “received the godly nature” (II Peter 1:4), becoming „sons and heirs of God and, together- heirs with Christ”(Romans 8:17).

According to their destination and place of usage, the icons are divided into two categories:

a) Icons used in the church, at the officialization of the divine service: fixed icons, like the ones on the rood screen and mobile icons, like the ones that are put on the iconostasis, in the porch and in naos.

b) Icons used outside the church (in the private cult), such as: family or domestic icons, meaning the ones kept in our houses or worn around the neck and at chest (portable little icons) and traffic icons, like the ones set at the triptych from the crossroads.

Church iconography has evolved rapidly after the seventh Ecumenical Synod (787) after the local Synod from Constantinople in 843, when iconographic heresy was condemned forever and the holy icons cult was definitely reestablished. In the dogmatic definition of the Seventh Ecumenical Synod it was established the fundamental truth forever that the veneration given to the holy icons is relative and it is not mistaken with „the true godly worship, that is only granted to the godly Being, but its hat kind of worship that is only given to the honest and life giving Cross and Holy Gospel and the other holy objects through incensing and the lighting of candles, which pious habit was had by the ancient ones. That the veneration given to the face goes to the prototype and the worshiper of the icon worships the being painted on it (Ștefănescu and Melchidescu 1980).

The icon represents a precious legacy of a faraway past. The tradition of the Church states that the first icon of the Savior dates from the period of His earthly life. It was the image called in West “The Holy Face”, and in the Orthodox Church „the not made by the hands of man image” (Uspensky 1994, 28), representing the pure face of Christ the Savior, sent to the faithful king Abgar of Edessa and kept in this town until the middle of the Xth century (944), when the Byzantine Emperor Constantine Porphyrogenet and Roman the Ist Lecapen bring it to Constantinople and set it in the Church of the Holy Virgin in Pharos. (Uspensky 1994, 29) The feeling of deep piety of the first Christians was displayed as the wish to always have before their eyes Savior’s face, Holy Virgin’s face and of the Holy Apostles in concrete shapes, visible, which would continuously stimulate the ardor of following their divine example of holy and pure life.

Even if, as reference, the cult of icons is certified from the IVth century (Bodogae 1987, 288), we have to admit their existence even from the period following the grounding of the Church, when the Christian life pulses stronger than ever. The holy tradition confesses us that the holy evangelist Luca painted the Savior’s icon and that of Lord’s Mother, which were prototypes for other icons. Another icon dating back from the time of Savior’s earthly activity is the holy shroud which pious Veronica (one of the prudent women) laid on His face while He was climbing the Skull’s Hill, carrying the cross on His back to the place of crucifixion. A great church priest stated that the practice of painting the icons has existed even from the time of the Apostles. „I cherish and venerate in a special manner the traits of the holy icons –says this holy priest – because they were passed on to us by the Holy Apostles, that they weren’t stopped and that they are even represented in all our Churches” (Bodogae 1988, 618). So, the cult of the holy icons was not imposed, but spread spontaneously, just like the seed thrown on earth germinates and bears fruit. This cult „was not surprisingly introduced into Church, but naturally blossomed from the Christian heart, continuously staying under the ruling of the grace” (Radu 1975, 6).

Since the first Christians could not show their feeling of veneration freely even from the beginning, having to endure countless hardships from pagans and the roman emperors, the first iconographic elements appear in catacombs, the painters using, for the representation of religious ideas, different symbols: the fish, the anchor, the dove, the lamb, the olive branch, the lily (Cireșeanu 1910, 197) etc. The painting of the catacombs represents, for the entire Christianity, a priceless treasure of artistic and religious values who stand as testimony over centuries and millennia about the existence of icons even from the early times of Christianity, about the feeling of profound religious feeling and about the theological conception of the first Christians.

The oldest catacombs in which are kept religious paintings date from the second century. The paintings of the catacombs did not miss the allegoric subjects representing Savior's teachings and the ways in which He describes Himself, as: grape vine, the good shepherd with the sheep on his shoulders, the lamb and the fish (Mitrofanovici, Tarnavschii and Nectarie 1929, 27). From the end of the second century things move on to a portrait painting faze, appearing, thus, scenes that represent Savior in different moments of life, or the Holy Virgin and the Holy Apostles, as well as other characters from the New Testament.

The religious freedom given to the Christians through the Edict of Milan (313), as well as finding Savior's Holy Cross by Empress Helena, in year 324, supports the rapid development of religious art. Christians leave the catacombs; mighty churches are built and adorned with icons, holy images and crosses. The IVth and the Vth centuries were the crucial eras in which are formed and established in written the Christian dogma, and iconography will become, more significantly, a religious language, which will illustrate the victory of Orthodoxy in its fight against heresies.

Icons were a means of spreading the teachings of faith, which was passed on not only orally or in writing, but through the beauty of the holy images. They have always served as a precious auxiliary of the Holy Scriptures, because the inspirational book of the Christian iconography was the word revealed of the Holy Book. Icons have always had an educational-religious purpose, being a live plasticization of the moral-religious ideas and precepts expressed in the pages of the Holy Gospel. Between icon and Gospel there is a tight correlation, since both contribute to explaining and spreading of the teachings of the right faith. We could describe the icon as being a Gospel in colors, and the Gospel a verbal icon of Jesus Christ. The icon speaks about God, it reveals Him.

Everything that is being said in the Godly Liturgy, in the Church songs and in the teaching words of the Holy Scriptures and of the Holy Priests, which are spread or read in the holy place of worship, find an eloquent and bright commentary in the silence of frescos and of holy icons. What is demonstrated by the word, is expressed and shown by the icon through colors. The art of speaking through colors is necessary and useful to expressing the godly things, because this is demanded by our psycho-physical nature itself. The orthodox icon is a window towards the sky, an opening towards the absolute. In icons, Christians reveal Savior's deeds and teachings, observe the patience, the moral courage and the sense of sacrifice of the martyrs and acknowledge the wonderful virtues of the saints who offered their lives to God and sacrificed themselves for the triumph of the truth of the right faith and for achieving redemption. „I do not have too many books and I do not have too much spare time to read them, says a holy priest, I enter the Church, the common hospital of souls, smothered by thoughts as if they were thorns; the ornament of the icon urges me to look, it spoils my eyes as an orchard and, without feeling, God's glory sneaks into my soul. I watched the patience of the martyr, the reward of the crowns and I lit, as if through fire, by the wish to imitate Him. Falling to the ground, I bow to God, through the instrumentality of the martyr and I redeem myself (Fecioru 1998, 30).

Final Words

In conclusion, icons had their well-determined role in the history of Christianity, being, for the Orthodox believers, sacred objects used to express religious piety and means of cultivating the communion with God and with His saints. And Saint Teodor Studitul reveals the identity between the cult of the icon and the one given to the prototype. “We do not venerate the matter of the icon – he says – but the figure of the prototype that is shown, the matter of the icon remaining without worship. Since not the matter is the one we worship, but the prototype, along with its figure. So, the worship brought to the icon is the same with the one heading for the prototype, and the resemblance is the same” (Ică 1994, 36). The cult of icons met eras of amazing blossoming, and iconography gave expression to the rules regarding icons. „The painted icon is for us a holy light, a saving memory because it shows us Christ in His birth, baptized, performing miracles, crucified, buried, resurrected, rising to the sky. In all of these, we are not wrong, seeming like all of these never happened, cause the sight adds to the contemplation of the mind and, through both, faith and the secret of iconomy are strengthened (Schönborn 1996, 180).

Regardless the color or the shape and the material that is made of, the Christian icon reveals to our mind and eye a great enigma which is, the untold secret of our encounter with God. It supports our dialogue with God and with His saints. The icon sets the eyes of our mind towards God and urges us to get closer to Him. Looking piously at the holy faces on the icons, believers lit with spiritual ardor to imitate Savior’s deeds and life and to practice the virtues of the saints, who dedicated their lives to God and suffered for Christ’s love and for the confession of the right faith. Thus, icons fulfill an educational-instructive function, bending our will to do good deeds, avoid evil, and fulfill God’s wish. That is why the Orthodox Church, understanding the religious and educational-teaching importance of the holy icons, confirmed their cult in the canonic dispositions, in the dogmatic definitions of synods and in the works of the holy priests, cherishing them like a priceless sacred treasure and giving them the proper veneration in the cult and Christian life.

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MIRON: *The Importance of Church Iconography*

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The Cornerstone Imprint of Kandinsky in the History of Abstract Art

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ABSTRACT: With all forms of art being continually subjective in the process by which they are perceived and appreciated, abstract art has been no exception, facing both elicited support and criticism over the years. The greatest debate on abstract art was experienced over a century ago when the art first emerged, that is in its initial stages of development. A century ago, abstract art signified a new perception of art that was conceived and accepted only by a few people. However, the art later transformed to be accepted by many as one of the purest and most beautiful forms of art, a change that was brought about through the works and ideas presented by Wassily Kandinsky. Kandinsky had, through his artistic vision and modes of expression, led to a critical revolution in the way abstract art was visualized and conceived. Therefore, he had not only helped lay the robust foundation that governed many of the concepts in abstract art, in contemporary and modern times, but he had also helped revolutionize its framework enriching it with the elements it still carries to the modern day.

KEYWORDS: Abstract art, Kandinsky, Avant-garde, Contemporary art

Discussion

Preceding the 20th century, art was closely associated with realism, since it was always attached to “reality”. In other words, art has been a tool through which artists captured and reflected realistic elements, much similar to modern-day cameras. In fact, the invention of the camera in the 19th century had changed the common ideologies regarding the purpose and execution of art. The growth of photography, especially after the development of the first Kodak Camera in 1888, had also given artists another reason to reject realism, as there was no meaning to do what the camera is already doing; even much better.

Consequently, artists keen meaning in individual perception and this paved the way to the emergence of other art forms, most notably Cubism and Abstract Art respectively (Duiker and Spielvogel 2006). Vincent van Gogh viewed art as a profound level of spiritual experience where he was specifically interested in colors as he believed they offered unique forms of expression, almost similar to a distinctive language. He believed that artists must paint and express what they simply feel (Duiker and Spielvogel 2006). Shortly after that, the belief that the purpose of art was to reflect “reality” has fallen out of date. By that time, newly identified concepts in both psychology and physics left people unclear of what ‘reality’ really was. By the beginning of the 20th century, Pablo Picasso, a pioneer in modern art was just starting his career. He was extremely open to different variety and disciplines in painting, feeding the hunger for different styles. Also, he was serving the aim of the establishment of an experimenting and novel approach known as “Cubism” that created geometrical figures in attempt to re-create a reality to be perceived by the viewer (Duiker and Spielvogel 2006).

After the cubism style, the modern art reached a new peak in 1910 when abstract painting began. Principally, abstract art does not produce a link with reality as much with the concept of this reality. Basically, it puts and reflects reality through another

form that links to illusion and offer another replacement to reality away from the main subject and focus on the principle of the subject.

Wassily Kandinsky, a Russian artist who was working in Germany, recorded and achieved the world's first paintings as a form of abstract art. Kandinsky tried to aside the old methods in representing art forms, entirely, and he assumed that art truly communicates on its own to reach souls, and so it had to prevent the old paths and ideas about visual reality and instead focus on lines and color (Duiker and Spielvogel 2006). In the following century, Kandinsky became a founding pioneer in the growth and expansion of art, especially in abstract art.

Abstract art can be described as the art that does not paint tangible objects or familiar scenes. Instead, it utilizes equivalent shapes and senses from the surroundings that reflect and present the abstract in best form, ignoring similarities from the real visual world and disconnecting them from reality. In that sense, abstract art was able to gain its unique identity and became observed as the one of the milestone achievements in early 20th century art. Ever since then, abstract art has developed into several different types and approaches, yet with the fundamental elements still noticeable (Chilvers and Graves-Smith 2009).

Although some people were amused and astonished by the paintings of Kandinsky, others acknowledged the new artistic vision of abstract art. One of the critical figures was the reviewer and critic: Clement Greenberg who thought Kandinsky's art was rather showy and demonstrated meaningless or worthless objects. "Instead of a picture...a gimcrack is produced", commented Greenberg who obviously failed to understand the depth behind Kandinsky's paintings. Another critic: Fairfield Porter, an American critic and painter, also thought that Kandinsky's paintings had "dead areas" and that Kandinsky did not connect with the surface.

By contrast, other critics, for example, Hilton Kramer (1995) had reached the depth and meaning of Kandinsky's abstract paintings. In the article, "Kandinsky & the Birth of Abstraction", he praises Kandinsky's art and refers to his paintings as "some of the most beautiful" abstract paintings that were ever created. Abstract art became an impressive hallmark in the history of art, and admittedly Kandinsky has helped establish the elements of this novel style. This was a result of emotional developments that came to Kandinsky throughout his long path of influences and gained experience. Because Kandinsky drew what he felt and experienced, his abstract paintings had depth and lots of meaning, however, some people seemed to fail to acknowledge the ingenuity of this new art form.

Wassily Kandinsky is credited as the pioneer of abstract painting, with his artistic ambition going even further than laying a solid foundation. He had a deep interest in music, and he proposed that there was a deep existing connection between painting and music. He wanted to align the sound through creation and to link the sight with hearing. He realized that music could create unique visual experiences for the audience through establishing connections with certain colors and moods. Based on that, viewers can find connections to musical themes in many of Kandinsky's artwork, with elements such as vivid shades and dynamic structures signifying the flow of musical notes. He simply described the relationships between color, form, and sounds. In his art: "Concerning the Spiritual in Art" and "Point and Line to Plane", Kandinsky believed that music and painting, are united through feelings with different elements to express it and express the form, color, and tone. That is why Clement Greenberg, as mentioned earlier, wasn't aware of the resemblance of music and poetry in Kandinsky's paintings. Greenberg paid attention to the surface of the pictures, but not to their evolution and depth.

Apart from music, Kandinsky's art has always been influenced by other elements in his surrounding environment. For instance, the "avant-garde" movements which

affected art prominently in the 1930's and offered new routes of perception to familiar artistic pieces, was such an influential artistic stream for him (Walther and Suckale, 2005). At that time, several artists came to utilize approaches that were inspired by avant-garde yet still maintained their own identity. Aside from structures that were realistic and represented exact elements from reality, other geometric structures evolved that can create meaning and deliver new interpretations. This could be observed in Kandinsky's Bauhaus paintings where he utilized the use geometric figures together with other elements to create musical forms and movement.

Following the shut down of the Bauhaus by the Nazis in 1933 in Germany where 57 pieces of Kandinsky's works were destroyed, he relocated to France. He approached a non-permanent shelter, yet he was able to quickly build a new private circle, which ended up attracting a lot of artists from different cities. Meanwhile, was able to keep the contact at an international level. In 1936, Kandinsky took part in the "Abstract and Concrete" exhibition in London as well as the "Cubism and Abstract Art" which was based in New York. In France, Kandinsky was exposed to the exhibitions of the fauves where he was able to witness artistic expressions such as the liberation of color that inspired his art from this point onwards (Reily 2017). He also admired the art of Matisse and his application of color; however, his paintings became brighter and broke away from the Bauhaus geometry.

Kandinsky's abstraction became one of the most important art forms all over the world. Because of its ingenuity and creativity, people accepted this form and therefore it has been spread worldwide. In addition, Kandinsky had inspired lots of artists and painters: Hans Hoffman, William Baziotes, Hans Hartung and Arshile Gorky. In the world of that distinct art, Wassily Kandinsky is deemed by many art historians to be the key founder of abstract expressionism, as early as from 1910 (Zeri 1999). This term: "abstract expressionism" was practiced in the United States, for the first time in 1929 recognition of Kandinsky's works (Kuhn 1957). Also, in Germany, he had a profound influential effect on the "blaue reiter" artists, facilitating the movement towards and adoption of abstract expressionism.

In addition, Kandinsky is seen by historians and artists to have established and advanced an artistic approach that is deemed revolutionary and largely influential especially in shaping art in the 20th century. He proposed that a unique piece of art can be evaluated in terms of the artist's inner motives and how well the piece can reflect his vision. This connection was more important than assessing how well the artwork connected to widely known realistic elements or how well it depicted reality. Such an approach created a greater space for the artists to be creative with their vision and with how they presented it to the audience. Furthermore, Kandinsky also proposed that a correlation exists between the artist's utilization of various artistic elements, such as colors, shapes, etc., and the resulting effect of the artwork on the audience (Bova 2003). Not only that, Kandinsky branched the artistic work into three recognizable divisions based on the artist's individual inner world which represent his artwork. The first division representing the perception of the artist to reality (impressions). The second reflecting his inner world (improvisations). And the third division reversing the collectivity conventions (compositions) (Kandinsky 2012). Kandinsky rationales towards abstract art was extraordinarily credible regarding his associates, allowing his approaches and methods to have an extensive impact on modern art's advancement in Europe and Russia.

Although a source of inspiration for many, Kandinsky himself had been influenced dramatically during his personal and professional life. The initial impact came during his travel to Vologda, in Siberia, in 1889, when he was part of a group assigned to make ethnographic research. There, he was enormously impressed by the

house decorations and colors. He was also attracted to the style of wooden churches, and moreover, he studied Vologda's folk art that left its trace in his use of colors. In addition to that experience, Kandinsky accentuated two central emotional and aesthetic encounters that touched and impacted his determination and choice to turn to arts. Kandinsky was exposed to a huge experience that left him with great impression and wonder when he first visited the French Impressionism exhibition in Moscow in 1892. And experimented the allure of Claude Monet haystack painting before perceiving it define subject. Kandinsky was captivated by the color and form merger and prompted him to speculate and questioning the audience optical perception and trying to navigate the viewer emotional impact regarding the artwork while comparing this to the normal optical influence of the pre-recognized shapes and forms. The second key experience was the musical performance of Wagner's "Lehngren", as music integrated his artistic view and was expressed somehow in his paintings.

Kandinsky's work, his targets in the quest for an unused painting expression, is a new art conception that in general might appear to most people as mysterious and tense, as if built on a previous statement or proposition that is unrecognizable. For instance, yellow was a high ranked and main color for Kandinsky, which is considered a key to manipulate and react with the audience on an emotional level and steer their feelings. Kandinsky's shared and supported the theosophists met earlier in Germany (Kandinsky 2012). In addition, Kandinsky's childhood and youth were blended with his thoughts and also influenced his works. Moreover, he was inspired by Picasso's style and the creative treatment of geometrical shapes and forms. Kandinsky was also inspired by Claude Monet and Richard Wagner. He reciprocally also influenced key artists, like Munch and Franz Marc.

Kandinsky's composition VII came to represent amorphous forms away from reality, shared an advanced theme of apocalypse and was influenced by Theosophy and the new wave of art recognition and turned to become one of the most solid apotheosis divine purity form in art. He was also involved in the avant-garde movements which influenced art enormously in 1930, as mentioned previously. Meanwhile, Alfred H. Barr coordinated a various exhibitions which reflect his strong leading chart that revealed the abstract evolution. Further, it focuses on the metamorphosis in modern art. Also, by that time, abstract art endured massive challenges in the Nazis time being and exposed to destruction and extermination. Abstract art faced a substantial challenge when the Nazis either destroyed or auctioned art including Kandinsky's work, prior to the Second World War.

Conclusions

Art has undergone a significant revolution during the past century. Targeting the spiritual facets and linking this form to the artist individual aspects and principles. Therefore, mind setting the perception of reality from the artists own consciousness.

Abstract art produced a new perception that caused a new form of art, which open gates to explore new horizons and arguments away from the old artistic forms and created a new platform to express art. Abstract art targets was to eliminate the effect of reality in the subject, and instead make the forms, colors and shapes make the impact and the outcome of the subject. Abstract painting is also geometric and fluid, and for that, it is completely different from realism.

A clear example of that, is the work of Wassily Kandinsky, credited as the pioneer and main influence behind that form of art during the early 20th century (Sers and Kandinsky 2016). Kandinsky was to perform a leading part in the surge of abstract art, and he argued that artists should not be evaluated correspondingly with the "inherent requirement." The widespread of abstract art was related to many artists departing from

Germany accordingly to numerous societies in Europe, in addition to the United States. The Abstract art extended to spread in the consecutive for many years, and became a cornerstone to several leading artists, fine arts groups, educational acclaimed centers and faculties who initiate this type of art.

Abstract art is more than a painting, as it is an integrated expressionism that borrowed the expressionism concepts into the abstract painting (Lucie-Smith 1977). Obviously, keeping and integrating the creativity to produce art that simulates other forms but with different structure and affect. Considering the main subject as a hidden element and introduce similar concepts with new elements like lines, shape and colors. On the other hand, the figurative reality was able to reflect and produce a real structure to the painting which always suggests the subject as a real matter and main target to creativity. Therefore, art in Kandinsky's work was critiqued by several artists, and on the other hand, was credited and appreciated by others who could deeply figure out the tools utilized and the combination of feelings and views in each painting.

Kandinsky was influenced by several events in his life, and consequently, he was able to add several elements to his painting including the presentation of colors and the feeling of sounds. Overall, the elements that represented was not important as the formation that hold the creativity in producing the artwork that reflects and symbolizes the intended subject by comparison methodologies as line, shapes and colors to put the forms in effect and explore the principle of the design behind the outlined forms, causing dramatic feelings with the black lines.

Finally, the abstract art pioneer drew what he felt and experienced, creating a wonderful canvas that carries beauty and meaning throughout different times and centuries. Kandinsky concluded his artistic view and philosophy by saying: "move in the painting, to live in the picture."

Acknowledgment

This paper has been previously presented and published in an earlier version in the *20th International RAIS Conference on Social Sciences and Humanities* held online on December 6-7, 2020.

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