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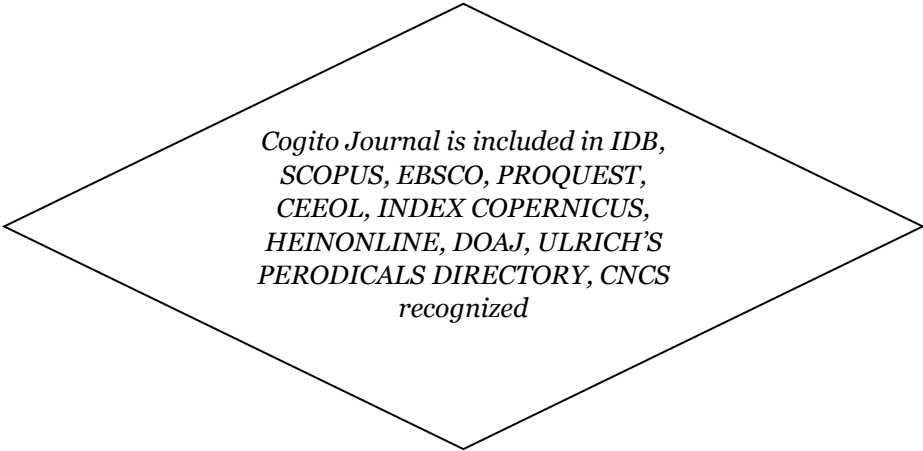
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THE PLACE OF WISDOM FROM ANTIQUITY TO MACHIAVELLI

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Abstract: *This study aims to demonstrate the characteristics of the place of wisdom from Antiquity to the Renaissance and to analyze the philosophical elements that stem from this connection. First of all, a distinction is discernible between the terms phronesis and wisdom, which distinction is nothing more than the different sides of the same coin: phronesis represents the ethical and political function of philosophy within human becoming, while wisdom represents theoretical contemplation in a condition of complete intellectual tranquility. However, phronesis and wisdom cannot be separated from each other, as one constitutes a political or theoretical reflection of the other. The place of wisdom is therefore not located beyond the city, in an inaccessible, strange place, but within the city or on its outskirts. Every human can approach the house of the wise man, but he always avoids it, because he is dominated by irrational passions and does not understand the function of reason. Within the home of the wise man, a Seneca or a Machiavelli, austerity, order and rationality reign supreme, erecting an impenetrable wall against chance. This omnipotent deity fears to enter the door, because it knows that in any case it will find itself defeated.*

Keywords: *wisdom; phronesis; Antiquity; Renaissance; Seneca; Machiavelli; chance; ethics; political philosophy.*

1. The Land of Wisdom

The place of wisdom has always been somewhere else, far from the place of becoming and the many. At the peak of philosophical questioning,¹ the philosopher goes out from movement and change and finds himself in the place of true being, where truth is eternal and immovable. Where is this mysterious, distant place, unseen by the eyes of the many and unimaginable by their selfish minds? To find it, you must not walk along the avenues,² where the noisy crowds move, nor in the world of shadows and false images, where you will be a prisoner of deceptive sensations. The path of truth is uphill and blinding, like the path of a liberated, curious thinker who walks

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¹ Plato, *Theaetetus*, 155d: *μάλα γὰρ φιλοσόφου τοῦτο τὸ πάθος, τὸ θαυμάζειν· οὐ γὰρ ἄλλη ἀρχὴ φιλοσοφίας ἢ αὕτη*. “The greatest passion of the philosopher is questioning; and there is no other beginning for philosophy than this”.

² Iamblichus, *De vita Pythagorica*, 18.83: *οὐ δεῖ τὰς λεωφόρους βαδίζειν ὁδοῦς*. “You should not walk on the crowded roads”.

from the underground darkness to the sunlight,³ towards the sparkling - although so well hidden - ideas of beings. Or from another perspective, the reason for things is common and omnipresent, but most people live having an individual wisdom⁴ that cannot perceive anything beyond its subjective self. Although they live within the common truth, they live asleep in a dreamy sensory delusion.⁵ They wallow in irrational pleasures, like pigs in the mud, and eat endlessly without satiety, like oxen, identifying pleasure with happiness,⁶ but they ignore that fulfillment and happiness are not found in matter and pleasures, but within their almost divine self⁷ that awaits a natural integration.

2. The political and apolitical life of the nous

But the real place of the higher human process, philosophy, cannot be located within the political sphere. The friend of wisdom is, of course, a political being, because he participates in human natural sociability and needs the reception of the city, in order to be able to acquire the material and rational supplies of human integration, but the city itself limits philosophical development. Political life full of matter, daily corporal labor and various obligations (family, work, politics, etc.) limits the free time of the wise man, the higher intellectual occupation and confines him to a vicious circle of common experience and action. No matter how much one tries to reach the land of wisdom, he cannot do so under these inescapable parameters of social life. His effort resembles that of Sisyphus,⁸ an otherwise very capable politician of experience, whose undertaking always ends in disastrous failure: the rock of practical life ultimately crushes any possibility of supreme human integration. So, since the philosopher as a social being needs the city, but the practical life of the city limits the theoretical fulfillment of wisdom, where is the place of the wise man?

³ Plato, *Respublica*, 514a–517a.

⁴ Heraclitus, B.2 DK: τοῦ λόγου δ' ἐόντος ξυνοῦ ζῶουσιν οἱ πολλοὶ ὡς ἰδίαν ἔχοντες φρόνησιν. "While reason is common, the most of humans live as if they had an individual phronesis".

⁵ Heraclitus. B. 75 DK: τοὺς καθεύδοντας οἶμαι ὁ Ἡράκλειτος ἐργάτας εἶναι λέγει καὶ συνεργοὺς τῶν ἐν τῷ κόσμῳ γινομένων. "I think Heraclitus calls sleeping men workers and collaborators in what happens in the world". Cf. Heraclitus, B. 89 DK: ὁ Ἡράκλειτος φησι τοῖς ἐγρηγορόσιν ἓνα καὶ κοινὸν κόσμον εἶναι, τῶν δὲ κοιμωμένων ἕκαστον εἰς ἴδιον ἀποστρέφεισθαι. "Heraclitus says that the world is common to those who are awake, while those who are asleep live each one closed in his own world".

⁶ Heraclitus, B. 4 DK. Cf. Aristotle, *Nicomachean Ethics*, 1095b.20: οἱ μὲν οὖν πολλοὶ παντελῶς ἀνδραποδώδεις φαίνονται βοσκημάτων βίον προαιρούμενοι. "The most of humans seem completely servile, because they choose a herd life that suits to irrational animals."

⁷ Heraclitus, B. 119 DK.: ἦθος ἀνθρώπῳ δαίμων. "God for human is his ethical character".

⁸ Apollodorus, 1.9.3; Homer, *Odyssey*, 11.13; 11.593; Plato, *Gorgias*, 525e.

Theoretical life,⁹ the life of the mind and contemplation¹⁰ can thrive only on the fringes of political society, neither completely within it nor completely outside it. The philosopher needs the city firstly to achieve his material self-sufficiency and self-preservation (food, security)¹¹ and secondly to provide friends who will accompany him in his intellectual pursuits.¹² Also, any human perfection or virtue would be impossible without comparison with other human actors,¹³ virtue is a kind of superiority in comparison with other similar beings in terms of their particular characteristic.¹⁴ The particular characteristic of human is reason, therefore his aretaic perfection passes through the maximum rational development, the central axis of which is philosophy.¹⁵ The wonderful path of the hyperborean unshakable

⁹ Aristotle, *Politics*, 1324a.28. Cf. Donald Morrison, "Aristotle's Definition of Citizenship: A Problem and Some Solutions", *History of Philosophy Quarterly*, 16, 1999, pp. 143–65.

¹⁰ Aristotle, *Politics*, 1324a.28. Aristotle, *Nicomachean Ethics*, 1177a-1179b. Cf. Jessica Moss, (2011), "'Virtue Makes the Goal Right' Virtue and *Phronesis* in Aristotle's Ethics", *Phronesis*, 5, pp. 204–261.

¹¹ Aristotle, *Nicomachean Ethics*, 1178b.33-35: Δείσει δὲ καὶ τῆς ἐκτὸς εὐημερίας ἀνθρώπων ὄντι· οὐ γὰρ αὐτάρκης ἡ φύσις πρὸς τὸ θεωρεῖν, ἀλλὰ δεῖ καὶ τὸ σῶμα ὑγιαίνειν καὶ τροφήν καὶ τὴν λοιπὴν θεραπείαν ὑπάρχειν. "However, being a human being, the wise man will also need to have the prosperity of external material goods, because human nature is not completely self-sufficient for the exercise of philosophical contemplation; in addition, there must be health of the body, food and all other material and corporal comforts". Cf., Richard Kraut, "Two Conceptions of Happiness", *Philosophical Review*, 88, 1979, pp. 167–197.

¹² Aristotle, *Nicomachean Ethics*, 1177a.32: ὁ δὲ σοφὸς καὶ καθ' αὐτὸν ὢν δύναται θεωρεῖν, καὶ ὄσω ἂν σοφώτερος ἦ, μᾶλλον· βέλτιον δ' ἴσως συνεργοὺς ἔχων, ἀλλ' ὅμως αὐταρκέστατος. "The philosopher, even when he is alone, can reflect theoretically; indeed, the wiser he is, the more; and he will philosophize, perhaps, better, if he has collaborators in it (i.e., friends), but in fact he is supremely self-sufficient". Aristotle, *Nicomachean Ethics*, 1177b.4: ἡ εὐδαιμονία ἐν τῇ σχολῇ εἶναι. "A prerequisite for happiness is the existence of free time". Aristotle, *Nicomachean Ethics*, 1177b.12: ἔστι δὲ καὶ ἡ τοῦ πολιτικοῦ ἀσχολος. "The life of a statesman lacks free time". Cf. Van Cleemput, "Aristotle on Eudaimonia in *Nicomachean Ethics* I", *Oxford Studies in Ancient Philosophy*, 30, 2006, pp. 127–158.

¹³ Aristotle, *Nicomachean Ethics*, 1103b.14-16: πράττοντες γὰρ τὰ ἐν τοῖς συναλλάγμασι τοῖς πρὸς τοὺς ἀνθρώπους γινόμεθα οἱ μὲν δίκαιοι οἱ δὲ ἀδικοί. "By doing what we do in our daily interaction and comparison with other humans, some of us become just and others unjust". Cf. Jeffrey Purinton, "Aristotle's Definition of Happiness (NE I.7 1098a16–18)", *Oxford Studies in Ancient Philosophy*, 16, 1998, pp. 259–298.

¹⁴ Aristotle, *Politics*, 1253a.10: λόγον δὲ μόνον ἀνθρώπος ἔχει τῶν ζώων. "Of all living beings, only human has rational ability". Cf. Fred Miller, "Aristotle and the Origins of Natural Rights", *The Review of Metaphysics*, 49, 1996, pp. 873–907.

¹⁵ Aristotle, *Nicomachean Ethics*, 1178a.6-8: καὶ τῷ ἀνθρώπῳ δὴ ὁ κατὰ τὸν νοῦν βίος εἶπερ τοῦτο μάλιστα ἀνθρώπος. οὗτος ἄρα καὶ εὐδαιμονέστατος. "Therefore, for human too, the life in accordance with reason is the happiest, since reason is more than anything else human. This, therefore, the theoretical life is also the happiest". Cf. Timothy Roche, "Ergon and Eudaimonia in *Nicomachean Ethics* I: Reconsidering the Intellectualist Interpretation", *Journal of the History of Philosophy*, 26, 1988, pp. 175–194; Ursula

wisdom cannot be found either on foot or by ship in the practical pursuits of humans, but only with rational contemplation in an inaccessible for many, almost mythical country.¹⁶

3. Phronesis and wisdom: the statesman as a reflection of the wise man

Consequently, the one who is unable to live socially with the other humans is either a beast or a God, or is he a philosopher?¹⁷ The highest political virtue is phronesis, but the highest apolitical Virtue is wisdom. The philosopher through pure theoretical contemplation is certainly close to wisdom, but through his rational ability to make right decisions in everyday life he is close to phronesis. Does the wise man ultimately have two exceptional homes or is he truly homeless? Wisdom is the knowledge of the nature and purpose of all beings, the contemplation of a magnificent intellect of all time and the essence of all that exists. Phronesis is the knowledge of the necessary means for the achievement of virtuous human goals.¹⁸ But, in order to know the purpose of man, one must first know his essence, his proper natural order and his eudemonic perspective. Therefore, phronesis constitutes the human part of wisdom and is therefore limited to the human condition. This does not mean that the prudent is not wise, on the contrary it means that he is wisest about human things, as he knows the essence and purpose of man. He falls short of the wise in the knowledge of the whole, as his participation in individual human society does not leave him the time margin for universal contemplation. Therefore, the prudent man is the reflection of the wise man in political society. He is not himself fully wise, since he is bound by the changing becoming and social movement and change, but he reflects the universality of immovable wisdom. But the statesman, in the strict sense of the term, is prudent, because he works for the improvement of the humans under his care under the knowledge of their nature and purpose. He uses the necessary means for the greatest human purpose, which is the improvement of man, e.g., his individual and political

Coope, "Why does Aristotle Think that Ethical Virtue is Required for Practical Wisdom?", *Phronesis*, 57, 2012, pp. 142–163.

¹⁶ Pindarus, *Pythian*, 10, 27-30: *Ναυσι δ' οὔτε πεζὸς ἰὼν εὔροις ἐς Ὑπερβορέων ἀγῶνα θαυμαστὰν ὁδόν.* "You will not be able to find the wondrous road that leads to the Hyperborean Games, neither on foot nor by ship."

¹⁷ Aristotle, *Politics*, 1253a: *ὁ δὲ μὴ δυνάμενος κοινωνεῖν ἢ μηδὲν δεόμενος δι' αὐτάρκειαν οὐθὲν μέρος πόλεως, ὥστε ἢ θηρίον ἢ θεός.* "He who cannot live in human political society or who, because of his autarky, does not need political society, nor is he part of the city, is consequently either a beast or a god". Cf. Friedrich Nietzsche, *Twilight of the idols, or, How to philosophize with the hammer*, transl. Polt R., Hackett Publishing, Indianapolis/Cambridge, 1997, p.5: "To live alone one has to be a beast or a god—says Aristotle. But there's a third case: one has to be both—a philosopher".

¹⁸ Aristotle, *Nicomachean Ethics*, 1144a. 25.

happiness. The statesman differs from the citizen in the matter of phronesis, the statesman is prudent, he knows the truth about human, while the citizen is not, he simply participates in a true opinion or ideology.¹⁹ Both the citizen and the statesman participate in judgment and governance,²⁰ they can make political decisions, which determine the fate of the political community, and subject these decisions to critical evaluation. However, only the one who can use phronesis, that is, the rational choice of the right decision, is both a citizen and a statesman. On the contrary, the citizen can be imprudent, obey the ideological influence of the political institutions and promote the purpose of the state with his choices, without having a full understanding of the cause and the targeting of his choices. The statesman as a prudent person knows the nature and purpose of man and for this very reason is possessed of phronesis, because the purposes he serves are necessarily virtuous, since they tend to the natural integration of the human being. Phronesis is the intermediate space between wisdom and political society.

4. The wise man as a citizen of the world

However, there is also the view that the wise man should not take the city into account at all, to the extent that state institutions are a false invention,²¹ a contractual agreement of the many. The political parts of the state live under the subjectivity of the contract, while the wise man lives under the objectivity of nature. For the wise man, natural right precedes the positive, wisdom precedes the law. The homeland of the wise man is not any conventional law and no conventional human society, but the whole world.²² The wise man's field of action and feedback is nature and not

¹⁹ Aristotle, *Politics*, 1277b.26: ἡ δὲ φρόνησις ἄρχοντος ἴδιος ἀρετὴ μόνη. "Only phronesis is a particular virtue of the statesman". Aristotle, *Politics*, 1277b.29: ἀρχομένου δέ γε οὐκ ἔστιν ἀρετὴ φρόνησις, ἀλλὰ δόξα ἀληθής. "Wisdom does not belong to the one who governed, but conformity to a true ideology". Cf. Jean Roberts, "Excellences of the Citizen and of the Individual", in Georgios Anagnostopoulos (ed.), *A Companion to Aristotle*, Oxford: Wiley-Blackwell, 2009, pp. 555–565; Melissa Lane, "Claims to Rule: The Case of the Mutlitude", in Marguerite Deslauriers and Pierre Destrée (eds), *The Cambridge Companion to Aristotle's Politics*, Cambridge: Cambridge University Press, 2013, pp. 247–274.

²⁰ Aristotle, *Politics*, 1275a.23: πολίτης δ' ἀπλῶς οὐδενὶ τῶν ἄλλων ὀρίζεται μᾶλλον ἢ τῷ μετέχειν κρίσεως καὶ ἀρχῆς. "The citizen is not defined in any other way than by making political decisions and exercising critical control over the exercise of governance". Cf. Catherine Zuckert, "Aristotle on the Limits and Satisfactions of Political Life", *Interpretation*, 11, 1983, pp. 185–206.

²¹ Democritus, A. 166 DK: ἄδικον δὲ τὸ ἐναντίον τῆς φύσεως. ἐπίνοιαν γὰρ κακὴν τοὺς νόμους ἔλεγε καὶ οὐ χρὴ νόμοις πειθαρχεῖν τὸν σοφόν, ἀλλὰ ἐλευθερίως ζῆν. "Unjust is that which is contrary to nature. He also considered the laws as false invention and that the wise man should not obey to the laws, but should live freely".

²² Democritus, B 247 DK: ἀνδρὶ σοφῶι πᾶσα γῆ βατή· ψυχῆς γὰρ ἀγαθῆς πατρίς ὁ ξύμπας κόσμος. "A wise man can go to every part of the earth; for to a virtuous soul, the whole world is home".

convention. If someone understands and follows the natural life,²³ he is virtuous and happy without needing political society. A wise man cannot be a citizen of a specific conventionally defined state, but is a citizen of the world, that is, a cosmopolitan (*kosmopolitēs*).²⁴ The cosmopolitanism of the wise man does not indicate his movement to many places and his contact with various cultures or ways of life, but the identification of wisdom with natural right. Whoever aligns himself with the natural right of human nature and the world is truly wise. Nature constitutes the criterion of truth and charts the path of virtue both on an individual and a political level. Existing states are wrong because they are conventional. The wise man must either live in obscurity,²⁵ abstain from social life in a garden of friendship and theoretical contemplation, or he must, if he finds himself in the position of a statesman, accept this sociopolitical role²⁶ and perform the work assigned to him by nature,²⁷ improving the overall political organization and

²³ Marcus Aurelius, *Meditations*, 12.1: μὴ τὸ παύσασθαι ποτε <τοῦ> ζῆν φοβηθῆς, ἀλλὰ τὸ γε μηδέποτε ἄρξασθαι κατὰ φύσιν ζῆν. "And do not be afraid of ceasing to live at some point, but of never having begun to live according to nature".

²⁴ Cf., Diogenes Laertius. 6.63 (Diogenes the Cynic): ἐρωτηθεὶς τί αὐτῷ περιέγρονεν ἐκ φιλοσοφίας, ἔφη, «καὶ εἰ μηδὲν ἄλλο, τὸ γοῶν πρὸς πᾶσαν τύχην παρεσκευάσθαι». ἐρωτηθεὶς πόθεν εἶη, «κοσμοπολίτης», ἔφη. "When asked what he has gained from philosophy, he said: 'And if nothing else, to be ready to face any fate.' When asked where he comes from, he said: 'I am a citizen of the world'". Cf. Cicero, *De Finibus*, I and V, 17: "The philosophers believe that the world is governed by the divine will. They think that it is something like a city and a state common to gods and men, and that each of us individually is a part of this world; this implies our obligation by nature to put the common good above our individual one. For, as the laws put the common welfare above the individual, in the same way the right and wise man who obeys the laws cares more for the welfare of the whole than for the welfare of any one individual or his own. And the traitor of the fatherland should not be criticized more than the traitor of the common interest or whoever deserts the common welfare for the sake of his individual benefit and prosperity". Cf. Walter Nicgorski, "Cicero on Expertise in Governance", in Kyriakos N. Demetriou and Antis Loizides (eds), *Scientific Statesmanship, Governance, and the History of Political Philosophy*, New York: Routledge, 2015, pp. 41-55. Cf. David Konstan, "Cosmopolitan Traditions", in Ryan K. Balot (ed.) *A Companion to Greek and Roman Political Thought*, Wiley-Blackwell, 2009, pp. 473-484.

²⁵ Cf. Plutarch, *De latenter vivendo*, 1128c: αὐτὸ (δὲ) τὸ πρᾶγμα πῶς οὐ πονηρόν; «λάθε βιώσας» — ὡς τυμβωρυχίας; ἄρ' αἰσχρόν ἐστι τὸ ζῆν, ἵν' ἀγνοώμεθα πάντες; "But isn't this thing ugly, that is, "live unnoticed". Like saying "live in tombs like a graverobber"? Is life so shameful that we want to be all unknown"?

²⁶ Marcus Aurelius, *Meditations* 6. 53: Τὸ τῷ σμῆνι μὴ συμφέρον οὐδὲ τῇ μελίσση συμφέρει. "Whatever is not good for the hive is not good for the bee". Marcus Aurelius, *Meditations* 11.4: Πεποίηκά τι κοινωνικῶς; οὐκοῦν ὠφέλημαι. τοῦτο ἵνα ἀεὶ πρόχειρον ἀπαντᾷ καὶ μηδαμοῦ παύου. "Did I do something for society as a whole?" So, I am benefited. Always keep this in mind and never forget". Cf. Anton-Hermann Chroust, "The Ideal Polity of the Early Stoics: Zeno's Republic", *The Review of Politics*, 27, 1965, pp. 173-183.

²⁷ Cf. Michail Mantzanas, "The Concept of Moral Conscience in Ancient Greek Philosophy", *Conatus - Journal of Philosophy*, 5, 2020, pp. 65-86.

leading it in the direction of happiness. There is, of course, also the view that every social convention is disastrous for man and that the wise man must live in poverty, even in a jar, like a dog, limiting every artificial need that political life creates and being himself self-sufficient in an almost divine autarky.²⁸

5. The room of Stoic wise man

The wise man 's house is cramped, unkempt, noiseless, and devoid of luxuries. It is not served by any doorkeeper who directs the multitude of visitors with servile arrogance, but through the empty threshold that is free from porters, chance does not pass: it recognizes that there is no space for it, where there is nothing of its own.

Seneca, *De Constantia Sapientis*, 15.3-5.

But let us focus on the *wise man's personal* place, where he can reflect and create his intellectual conceptions by contemplating the essence of beings. In a passage from the Stoic Seneca (Seneca, *De Constantia Sapientis*, 15.3-5), we have an image of the house of wisdom.

1) The house is presented as cramped, small, without spaciousness and comforts. It is a common house, ordinary, indistinguishable from those of most people. No one could distinguish it from its external appearance.

2) There is no care or elaborate decoration of any kind, the external austerity of the building does not give any idea of the inner intellectual wealth.

3) There is also a lack of luxury in any form. Material wealth is opposed to the self-sufficient austerity of the wise, pleasure is a factor in moving away from the direction of virtue and integration. The Cyrenaic philosopher

²⁸ Cf. Xenophon, *Memorabilia*. 1.6.10: εοικας, ὃ Ἄντιφῶν, τὴν εὐδαιμονίαν οἰομένῳ τρυφήν καὶ πολυτέλειαν εἶναι· ἐγὼ δ' ἐνομίζον τὸ μὲν μηδενὸς δεῖσθαι θεῖον εἶναι, τὸ δ' ὡς ἐλαχίστων ἐγγυτάτῳ τοῦ θεοῦ, καὶ τὸ μὲν θεῖον κράτιστον, τὸ δ' ἐγγυτάτῳ τοῦ θεοῦ ἐγγυτάτῳ τοῦ κρατίστου. "You give me the impression, Antiphon, that you think that happiness consists in pleasure and luxurious living; for my part, I thought that not having any needs at all is something divine, having a limited number of needs approaches the divine, but the divine is the most prevalent of all, and the state that approaches the divine also approaches the most prevalent of all states". Cf. Joannes Stobaeus, *Florilegium*, 3.5.31: Σωκράτης πρὸς τὸν πυθόμενον τίς πλουσιώτατος εἶπεν "ὁ ἐλαχίστοις ἀρκούμενος." αὐτάρκεια γὰρ φύσεώς ἐστι πλοῦτος. "When Socrates was asked 'who is the richest man', he replied 'he who is content with little. Autarky is the wealth of human nature.'" Cf. Joannes Stobaeus, *Florilegium*, 3.17.30: Σωκράτης ἐρωτηθεὶς ὑπὸ τίνος πῶς ἂν γένοιτό τις πλούσιος; "εἰ τῶν ἐπιθυμιῶν" εἶπε "εἴη πένης". "When Socrates was asked 'how could one become rich' he replied 'if he is poor in desires.'" Cf. Democritus, B 283 DK.

Aristippus, the main representative of classical hedonism, when he was shown around by a wealthy merchant in his luxurious house, mockingly spat in his face, saying that he could not find a dirtier place within the luxurious space to deposit the vile bodily fluid. The house of the wise man does not shine with luxury and expensive material, but with an inner order and symmetry of human nature, which leads to right choices and rational intellectual processes.

4) Tranquility prevails and noise is absent. The purpose of the philosophical process is to achieve mental or rational tranquility, the creation of an inner world of reason, order, tranquility and symmetry. Noise corresponds to violent movement, disorder and disturbance, it is more suitable for passions and not for right reason. Therefore, in the room of the wise man there is no place for turmoil and asymmetrical movement, but for the tranquility of reasonable contemplation. Also, noise is characteristic of places where crowds are found, such as popular gatherings, the market or vulgar entertainment. Riot is something foreign to the development of philosophical reason and the wise man himself, it corresponds to the many who are plagued by noisy and disorderly passions. Here we can also remember the Pythagoreans, who imposed five years of speechless silence²⁹ on the new members of the school, so that they would learn to “listen” to the hidden harmony of everything.

5) Furthermore, the wise man does not need slaves to serve him and doorkeepers to control the multitude of visitors, precisely because wisdom is not addressed to the many, but to the few who can perceive it. The many do not wish to enter the house of the wise man, which is indifferent to them, but prefer the crowded festivities and the market full of material goods and bodily pleasures. The door of the house is unguarded and wide open, and yet few or no one approaches to pass through it, because there are no material goods and pleasures that most humans desire, but only reason, order, right measure, and harmony with nature, things abhorrent to the ignorant mob.

6) However, what certainly does not approach the door of wisdom is chance, that omnipotent deity, which governs human affairs. Where there is wisdom, there is no chance. Although chance is present in every human manifestation and sometimes deifies and sometimes casts down everyone, poor or rich, insignificant or king, it stands with fear before the threshold of the wise man's door and trembles to enter, because it knows that defeat is certain. In this austere room there is no space, everything is foreign to it. The right reason and the order within the nature of the wise man do not allow any disturbance from the factor of chance, the knowledge of the essence and purpose of things completely limit subjectivity, relativity and

²⁹ Iamblichus. *De vita Pythagorica*, 17. 72.

nihilism, the inseparable companions of randomness³⁰. But, even if an unexpected event occurs, such as pain, illness, death, chance will still be defeated, because the wise man is not disturbed,³¹ since he knows that everything is nothing but the connection and dissolution of matter. The wise man aligns himself with the reason of nature that governs everything³² and is not affected by the movement and change of matter, in which chance is contained. Everything moves and changes, but reason remains unchanged, everything is subject to chance, but the wise man completely determines his chance. Even if he suffers, even if he dies, he is victorious over chance, because he knows that all these are manifestations of the nature of everything. The complete dominance of right reason completely expels chance from the human horizon.³³

6. The wise man's room in Renaissance

As the afternoon approaches, I return to my house and enter my office, and on the threshold of the door I take off my everyday clothes, which are covered with mud and dust, and put on royal and formal garments. Now that I am suitably dressed, I enter the ancient courtyards of ancient men, who welcome me with affection. I feed on this kind of intellectual food, which is exclusively mine, since by nature I belong to the world of these people; I talk to all of them without blushing and ask them the causes of their actions. They, behaving politely, always offer me their answers. For the next four hours or so I do not feel any boredom, I forget all problems, I stop fearing poverty, I am not terrified of death. I abandon myself entirely to my association with these people.

Machiavelli, *Letter to Francesco Vettori*, December 10, 1513, Florence

We now move to the Renaissance and specifically just outside Florence, where a very important thinker³⁴ of that time, Niccolò Machiavelli, describes (Machiavelli, *Letter to Francesco Vettori*, December 10, 1513, Florence) his own place of wisdom.

³⁰ Cf. Kyriakos Demetriou, "The logical status of history and the paradoxes of historicism", *Dia-noesis: A Journal of Philosophy*, 12, 2022, pp. 145-162.

³¹ Cf. Anthony Arthur Long and Despina Vertzagia, "Antiquity Revisited: A Discussion with Anthony Arthur Long", *Conatus - Journal of Philosophy*, 5, 2020, pp. 111-122.

³² Cf. Arthur Walzer, "Quintilian's 'Vir Bonus' and the stoic wise man", *Rhetoric Society Quarterly*, 33, 2003, pp. 25-41.

³³ Cf. Malcom Schofield, "Stoic Ethics", in Brad Inwood (ed.) *The Cambridge Companion to the Stoics*, Cambridge: Cambridge University Press, 2003, pp. 233-256.

³⁴ Faisal Baluch, "Machiavelli as Philosopher", *The Review of Politics*, 80, 2018, pp. 289-300.

1) The dividing point between the wise man's room and the outside world is the threshold of the door. The threshold is the invisible wall between wisdom and unwisdom, the symbolic impassable for the uninitiated in the higher rational process. We note that in both cases (Seneca-Machiavelli) there is no well-locked door that prevents entry. Anyone who wants to can enter, but paradoxically no one approaches there, except the wise man. It is an indifferent place, almost invisible to the human majority, as if it does not exist.

2) The wise man before the threshold, with a symbolic act, strips off his daily unclean clothes and wears clean and formal, almost royal, garments. The contrast of daily dirty, dusty and formal clothes echoes the contrast of the world of the many and the world of wisdom. The world of movement and decay is full of dust and impurity, formless matter and chaos, which create ugliness, while the world of wisdom expresses a purity and an order, which declare an incomparable beauty. The wise man is also a human made of matter and full of corporal passions, but as soon as he enters into an intellectual activity, he hastens to strip off all the material characteristics of his perishable, material nature and to activate his higher rational essence. Human cannot escape the world of decay, precisely because he himself is perishable, material. Inevitably, he will participate in everyday life, he will go to the market to procure the goods necessary for his self-preservation, he will fall in love and have carnal pleasures, he will get angry with others and perhaps curse, but also perhaps have fun with them. Mixing with the many and their occupations is materially inevitable, however wisdom is another matter, pure from matter and decay.³⁵

3) This stripping of matter and decay opens the channel of communication with all the spaces of wisdom of all times, the wise man in his room is not alone, as it seems, but enters the courtyards of the ancient wise men, who welcome him with affection. While the wise man seems completely alone perhaps reading some books, in fact he is in a space full of intellectual friends and contributors, who rush to attend to his every

³⁵ Machiavelli, *Letter to Francesco Vettori*, December 10, 1513, Florence: *Then I move along the road to the inn. I talk to passers-by, I learn news from their places, I really get informed about many and varied things. I am impressed by the so different preferences and the so varied fantasies of people. After all these very important things, dinner time comes, where together with my family I eat as much as my small field and generally my humble property allows me. When the meal time is over, I return to the inn. There are usually the butcher, the miller and two bakers. With them I immerse myself in vulgarity all day, playing cards and trich-trach, and in the end these games cause a thousand quarrels and countless insults with offensive words, and we usually fight over for five cents and our voices can be heard as far as Saint Cassian. Mixed up in all this vileness, I try to keep myself away from spiritual debauchery and entertain myself with the vicissitudes of my fate, willingly walking the path that drags me along, to see if it will ever feel ashamed and change course.*

question. Therefore, the wise man's room is not materially and temporally limited, but has a view of the entire spectrum of time and the essence of things.

4) Within the philosophical place there is autarky, as there are no material bonds that limit thought, but neither is there a lack of intellectual food. The philosopher is self-sufficient in a constant search for truth that is not limited by the necessity of matter and self-preservation. Intellectual food is inexhaustible and of excellent quality and is intended exclusively and only for the friend of wisdom, who receives it with great pleasure. Also, with intellectual food what happens is not what happens with material food, there is no saturation and filling or damage to the body and health, but constant rejuvenation and a continuum of pleasure and autarky.

5) There is a natural affinity of the philosopher with the previous philosophers, which is based on the degree of human integration. The wise man by nature belongs to the world of these great thinkers, because he is connected with them in the natural path towards the human goal.³⁶ These are natures that are at the same level of aretaic perfection³⁷ and their kinship is unique and indisputable. Within the human race there is a species of philosophers with a distinctive element of their difference being their participation in right reason and the degree of its natural integration. The kinship of the wise is both intellectual in the light of rationalism, as well as ethical and biological, because firstly they excel other humans in aretaic gradation, but also secondly in biological development, to the extent that they develop a natural potential to the fullest.

6) The method of approaching the truth is dialectical, the philosopher poses targeted questions to the appropriate thinkers of the past and they answer with willingness. The approach to the truth is not done all at once, but gradually. Little by little, question by question, the levels of truth appear dialectically. Also, dialectics shows that the approach to knowledge is not dogmatic, like philosophy itself, the questioning is continuous and dynamic, it does not remain static and entrenched. Furthermore, there is a plurality of answers to every question that is asked, there is no philosophical authority that has all the answers. The arguments are many, perhaps heterogeneous, and this offers a more comprehensive investigation into the true. Philosophy is an approach to the truth that is as right as possible and not a rigid dogma.

7) The main feature of the dialectical discussion about truth is decisiveness, the courage to express arguments without the cover of

³⁶ Cf. James Hankins, "Machiavelli, Civic Humanism, and the Humanist Politics of Virtue", *Italian Culture*, 32, 2014, pp. 98–109.

³⁷ Cf. Elias Vavouras, "The Machiavellian reality of Leo Strauss", *Dia-noesis: A Journal of Philosophy*, 12, 2022, pp. 265-273.

morality. Both the ancient sages and the Renaissance sage ask and answer without blushing, they do not use a possibly esoteric teaching hidden within their positions, a characteristic of wisdom is the pure truth and the decisiveness of its expression. Philosophy differs from barren dispute, where the goal is to prevail in the discussion by any means, philosophy is a decisive struggle of right reason in order to find ways of interpretation.³⁸ Decisiveness does not lead to a sterile conflict, but to a fruitful battle, where all the parties involved fight with all their intellectual powers for objective knowledge.

8) Knowledge of causes is everywhere present within the philosophical landscape. It constitutes the basic function of human rationality and the principle of every philosophical undertaking. The “why” of every natural phenomenon or moral-political event is the essence of every scientific, that is, objective interpretation of reality. The causal relationship between mover and moved clarifies causality on both a natural and a moral or political level and allows a rational interpretation of the natural or human world. Knowledge of causality signals knowledge of the necessity that regulates things on a cosmic or human level.³⁹

9) Boredom is something alien to the realm of wisdom, and this is because this human appetite for the unknown finds its greatest fulfillment here. Every humble problem of the philosopher’s social life is forgotten before the fair wind of the first voyage of knowledge.⁴⁰ And this is because matter loses its power in this wondrous room. Boredom is a characteristic of material imperfection that shifts from one material satisfaction to another without the possibility of self-sufficient fulfillment. Material poverty cannot compete with philosophical aporia, as the first is equivalent to poorness and destitution, while the second is the beginning of all epistemological wealth and research. So, here there is no material poverty, but a complete lack of material needs and maximum rational autarky. The terror of material poverty does not concern the wise man, because the less he needs, the richer he is.

³⁸ Cf. Plato, *Gorgias* 505e: *Χρῆναι πάντας ἡμᾶς φιλονεικῶς ἔχειν πρὸς τὸ εἰδέναι τὸ ἀληθὲς τί ἐστὶν περὶ ὧν λέγομεν καὶ τί ψεῦδος*. "All of us need to willingly give this dialectical battle to ascertain clearly what is true and what is false about what we are discussing".

³⁹ Elias Vavouras, "The philosophical masks of N. Machiavelli: Natural right, freedom, democracy", pp. 37-192, in Niccolò Machiavelli, *The Prince*, Translation - Comments: Vasilios Makrypoulis, *Zitros* 2023 (in modern Greek), pp. 41-42, 50-5.

⁴⁰ Plato, *Politicus*, 300c; *Philebus*, 48e; *Phaedon*, 99d. The expression “first sail” (*πρῶτος πλοῦς*) in ancient Greece meant the course of a ship with open sails with the help of the wind. While the expression “second sail” (*δεύτερος πλοῦς*) meant the arduous continuation of the ship's course through paddles during calm weather. Plato considers that the philosopher's course towards knowledge is equivalent to the “first sail”, as there is the prevailing wind of aporia. On the contrary, the application of knowledge in reality by the philosopher is equivalent to the “second sail”, certainly a more arduous process.

10) In addition, the greatest human fear, which disturbs the soul and leads to wrong thoughts and choices, the fear of death, trembles to enter and cross the threshold of wisdom. The wise man knows that genesis is a union of material elements, while death is nothing more than their separation. Death is a completely natural process that occurs throughout the spectrum of time and cosmic existence. Virtue or bliss is not identified with longevity, but with the fulfillment of the human natural purpose. What matters is the achievement of virtue at any age and not a long, insatiable life full of passions and turmoil. The fear of death is a passion, like all the rest, perhaps the most powerful,⁴¹ but still a passion, which has no place in a self-sufficient intellect. The existence and integration of the wise man consists in the rational process and not in corporal passions or irrational fears.

7. Conclusion

We can therefore make some structural conclusions regarding the characteristics of the place of wisdom in both antiquity and the Renaissance. It is a space not so distant from the political community, from the dynamic field of movement and change of human affairs. The land of wisdom is not located in some celestial place or in some natural cave carefully hidden, but is completely accessible and visible to everyone and the entrance is open and unguarded. Every person passes by the house of the wise man, but its simplicity and austerity do not attract the insatiable nature of desire, which is attached to matter. The room is empty of material goods and bodily pleasures, but full of rational order and clarity. Within this suggestive space there is no temporal determination, the wise man, if alone, can travel through time and meet all the thinkers of past eras and ask them questions about the nature and causes of things in a dialectical process aimed at the truth. The many are not attracted by the space of the wise man, because they have a selfish - distorted by matter and greed - wisdom that does not allow them to participate in the universality of reason. But the one who consciously trembles even to think of crossing the threshold of the door is chance, because it knows that its defeat by wisdom is predetermined. There is no fear there, nor movement and change, but a rational moving immobility that remains unshaken in the adverse waves of chance.⁴²

⁴¹ Elias Vavouras and Michail Theodosiadis, "The Concept of Religion in Machiavelli: Political Methodology, Propaganda and Ideological Enlightenment," *Religions*, 15, 2024, 1203.

⁴² Marcus Aurelius, *Meditations*, 4. 49: "Ὅμοιον εἶναι τῇ ἄκρᾳ, ἣ διηνεκῶς τὰ κύματα προσρήσεται ἢ δὲ ἔστηκε καὶ περὶ αὐτὴν κοιμίζεται τὰ φλεγμήναντα τοῦ ὕδατος." "Be like the shore that is constantly being beaten by the waves. It remains unwavering and the raging waters rest around it." Cf. Elias Vavouras, "Machiavelli: Natural right and historicism," *POLIS* 9 (2021), 5-24. Cf. Elias Vavouras, "Natural right and historicism: from Thucydides to Marx", *Cogito*, 13, Vol. 1, 2021, pp. 7-20.

References:

- Baluch, Faisal, (2018), "Machiavelli as Philosopher", *The Review of Politics*, 80, 289–300.
- Chroust, Anton-Hermann, (1965), "The Ideal Polity of the Early Stoics: Zeno's Republic," *The Review of Politics* 27, 173-183.
- Cleemput, Van, (2006), "Aristotle on Eudaimonia in Nicomachean Ethics I," *Oxford Studies in Ancient Philosophy* 30, 127–158.
- Coope, Ursula, (2012), "Why does Aristotle Think that Ethical Virtue is Required for Practical Wisdom?" *Phronesis* 57, 142–163.
- Demetriou, Kyriakos, (2022), "The logical status of history and the paradoxes of historicism," *Dia-noesis: A Journal of Philosophy*, 12, 145-162. <https://doi.org/10.12681/dia.37800>
- Hankins, James, (2014), "Machiavelli, Civic Humanism, and the Humanist Politics of Virtue," *Italian Culture*, 32, 98–109.
- Konstan, David, "Cosmopolitan Traditions," in Ryan K. Balot (ed.) *A Companion to Greek and Roman Political Thought*, 473-484, Wiley-Blackwell, 2009.
- Kraut, Richard, (1979), "Two Conceptions of Happiness," *Philosophical Review*, 88, 167–197.
- Lane, Melissa, (2013), "Claims to Rule: The Case of the Multitude," in Marguerite Deslauriers and Pierre Destrée (eds), *The Cambridge Companion to Aristotle's Politics*, 247–74, Cambridge: Cambridge University Press.
- Long, Anthony, Arthur and Vertzagia, Despina, (2020), "Antiquity Revisited: A Discussion with Anthony Arthur Long," *Conatus - Journal of Philosophy*, 5, 111-122.
- Mantzanas, Michail, (2020), "The Concept of Moral Conscience in Ancient Greek Philosophy," *Conatus - Journal of Philosophy*, 5, 65-86.
- Miller, Fred, (1996), "Aristotle and the Origins of Natural Rights," *The Review of Metaphysics*, 49, 873–907.
- Morrison, Donald, (1999), "Aristotle's Definition of Citizenship: A Problem and Some Solutions," *History of Philosophy Quarterly*, 16 143–65.
- Moss, Jessica, (2011), "'Virtue Makes the Goal Right' Virtue and Phronesis in Aristotle's Ethics," *Phronesis*, 5, 204–261.
- Nicgorski, Walter, (2015), "Cicero on Expertise in Governance", in Kyriakos N. Demetriou and Antis Loizides (eds), *Scientific Statesmanship, Governance, and the History of Political Philosophy*, 41-55, New York: Routledge.
- Nietzsche, Friedrich, (1997), *Twilight of the idols, or, How to philosophize with the hammer*, transl. Polt R., Hackett Publishing, Indianapolis/Cambridge.

Purinton, Jeffrey, (1998), "Aristotle's Definition of Happiness (NE I.7 1098a16–18)," *Oxford Studies in Ancient Philosophy*, 16, 259–298.

Roberts, Jean, (2009) "Excellences of the Citizen and of the Individual," in Georgios Anagnostopoulos (ed.), *A Companion to Aristotle*, 555–565, Oxford: Wiley-Blackwell.

Roche, Timothy, (1988), "*Ergon* and *Eudaimonia* in *Nicomachean Ethics* I: Reconsidering the Intellectualist Interpretation," *Journal of the History of Philosophy* 26, 175–194.

Schofield, Malcom, (2003), "Stoic Ethics", in Brad Inwood (ed.) *The Cambridge Companion to the Stoics*, 233-256, Cambridge: Cambridge University Press.

Vavouras, Elias, (2021), "Machiavelli: Natural right and historicism," *POLIS* 9, 5-24.

Vavouras, Elias, (2021), "Natural right and historicism: from Thucydides to Marx", *Cogito*, 13, 1, 7-20.

Vavouras, Elias, (2022), "The Machiavellian reality of Leo Strauss," *Dia-noesis: A Journal of Philosophy* 12, 265-273.

<https://doi.org/10.12681/dia.37834>

Vavouras, Elias, (2023), "The philosophical masks of N. Machiavelli: Natural right, freedom, democracy", pp. 37-192, in Niccolò Machiavelli, *The Prince*, Translation - Comments: Vasilios Makrypoulias, Zitros (in modern Greek).

Vavouras, Elias and Michail Theodosiadis, (2024), "The Concept of Religion in Machiavelli: Political Methodology, Propaganda and Ideological Enlightenment," *Religions* 15, 1203. <https://doi.org/10.3390/rel15101203>

Walzer, Arthur, (2003), "Quintilian's 'Vir Bonus' and the stoic wise man," *Rhetoric Society Quarterly* 33, 25-41.

Zuckert, Catherine, (1983), "Aristotle on the Limits and Satisfactions of Political Life," *Interpretation* 11, 185–206.

LIBERALISM UNDER PRESSURE: A MANIFESTO-BASED STUDY OF POLITICAL IDEOLOGIES IN THE WESTERN BALKANS

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Abstract: *This study offers a detailed examination of political party manifestos in the Western Balkans. It analyzes the main parties' manifestos for four countries: Croatia, Serbia, Bosnia and Herzegovina, and Montenegro. The research identifies the major political parties' thematic priorities by quantitatively analyzing their national manifestos. The analysis themes include welfare policies, economic development, and nationalist rhetoric. This study uses the Manifesto Project database to highlight regional variations in the presence and prominence of nationalism or liberal values within party platforms. The findings indicate that while nationalist themes are present across party manifestos, they are often secondary to pragmatic and socio-economic, more liberal agendas, particularly in Montenegro and Croatia. Conversely, nationalist rhetoric is more central in certain Serbian and Bosnian parties. To contextualize these patterns, the research integrates theoretical insights from Rawls, Horowitz, Vachudova, and Ferrara.*

Keywords: *Political Manifestos, Liberalism, Nationalism, Western Balkans, European Integration, Political Culture.*

1. Introduction

The Western Balkans is a politically and historically complex region that has experienced significant changes in the last century. Until recently, all Western Balkan countries were ruled by communist governments. These regimes repressed political dissent and promoted Marxism as their only ideology. Alternative ideologies, nationalism, and liberalism were seen as instruments of exploitation and as incompatible with communism. The region shifted to multipartite systems after Yugoslavia broke up and

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communist governments fell. These changes gave rise to ideologies ranging from the extreme left to the extreme right.

The fall of communism also created the possibility of a dualism between nationalism and liberal ideology in the Western Balkan Countries. Many were “optimistic that transitioning to political liberalism would bring the region a golden era of peace.¹ However, political leaders in Yugoslavia's member countries used nationalist rhetoric in the early 1990s to achieve independence from the multination state, and instead of a golden era, harsh wars spread into the region. Nationalism was the co-cause of Yugoslavia's dissolution, with the other being the fall of communism in general. Historical grievances and ethnic divisions were used extensively as weapons in political discourse. Old “particularist mythologies were revived to find justification for ethnic hegemonies.”² After some decades, the political milieu of the region seems to have improved. Although some tensions have decreased since the 1990s due to European integration initiatives, nationalism has not yet been eradicated. Despite these initiatives, the region's democratic growth is nevertheless uncertain.³, and instances of democratic backsliding pose serious threats to stability and European integration.

This study investigates the political manifestos to evaluate the prevalence and prominence of nationalist discourse in Croatia, Serbia, Bosnia and Herzegovina, and Montenegro. It uses these manifestos within the general theoretical frameworks of nationalism and political liberalism. The study aims to investigate the presence of nationalistic versus liberal content that shapes the political narratives of the Western Balkans through their political manifestos. To give a theoretical context of the relation between liberalism and nationalism, the study offers a framework for examining the political party by incorporating ideas from theorists like Alessandro Ferrara, Milada Vachudova, Donald Horowitz, and John Rawls.

We incorporate theoretical insights to create a possible framework to analyze the political manifestos of the parties in Serbia, Croatia, Bosnia and Herzegovina, and Montenegro. According to the first theory, nationalism in Western Balkan political party manifestos is correlated with the nation's past experiences of conflict and transition. According to the second hypothesis, parties prioritizing sovereignty or traditional values will use more nationalist language than those with a pro-European integration

¹ V. Perica, *Balkan Idols: Religion and Nationalism in Yugoslav States* (New York: Oxford University Press, 2002), vii.

² M. Križan, *New Serbian Nationalism and the Third Balkan War*, " *Studies in East European Thought* 47 (1994), 47.

³ J. Myftari, *Quantitative Analysis of Democracy in the Western Balkans Using Advanced Statistical Models* (2024).

agenda. According to the third hypothesis, regional diversity rather than internal party rivalry accounts for the more significant variation in the level of nationalism in party manifestos between nations than inside them.

The research questions center on the degree to which nationalist themes predominate in the political manifestos of the Western Balkan major parties and how recent political history contexts impact the prevalence of nationalism in political manifestos throughout Serbia, Croatia, Bosnia and Herzegovina, and Montenegro. This framework examines the theoretical underpinnings of nationalism, ethnic divisions, Europeanization, public reasoning, and liberal democratic values.

2. Theoretical Considerations

1.1 Nationalism and Political Liberalism

At the turn of the century, all Western Balkan countries adopted liberal democracies, starting with the nationalist dissolution of a multinational state. Nationalism and political liberalism are at odds with the ideological spectrum in modern political philosophy. Even though they are not exclusive, many of their predicates are in mutual tension. Political liberalism promotes diversity, individual rights, and inclusiveness, whereas nationalism emphasizes unity, identity, and exclusivity. This strain is most pronounced in newly independent states, where political liberalism must coexist with nationalism aspirations. This article examines the relationship between nationalism and political liberalism content in the manifestos of Western countries.

Nationalism is a political philosophy that centers on supporting the interests and culture of a particular nation. It contradicts the inclusive ethos of political liberalism. Nationalist movements usually attempt to define and retain a single identity. This entity has the potential to marginalize minorities and undermine the pluralistic bedrock of liberal democracies. For example, nationalist rhetoric in the Western Balkans has traditionally led to ethnic wars, as seen in the collapse of Yugoslavia.⁴ In this type of nationalism, the state's power is used to promote the specific interests of the core nation.⁵

Political liberalism, as defined by Rawls⁶, is based on reasonable pluralism. The principal claim of reasonable pluralism recognizes that a decent society must allow varied ideas and life goals. Rawls' "overlapping consensus" concept emphasizes agreement on fundamental political

⁴ D.L. Horowitz, *Ethnic Groups in Conflict*, University of California Press, 1985.

⁵ Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe* (Cambridge: Cambridge University Press, 1996), 5.

⁶ J. Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).

principles notwithstanding divergent comprehensive theories. Nationalism's exclusive tendencies contradict this paradigm. Nationalism proposes a dominant cultural or national identity as a condition for political legitimacy. Such nationalistic principles can undermine trust in democratic institutions and jeopardize the stability of pluralistic societies. On the contrary, political liberalism tries to tackle these difficulties and necessitates balancing nationalist goals with the inclusivity and impartiality required by political liberalism. In the western Balkan, the tension between liberalism and nationalism is also aggravated because "the first multiparty elections in Southeastern Europe did not bring forth democratic and pluralist systems but instead resulted in hybrid regimes that used nationalism and patronage to retain control, often to the detriment of minorities and the opposition."⁷

The paradigm of political liberalism provides conceptual tools to resolve the problems between nationalism and present pluralism in modern society. The notion of equal citizenship is central to political liberalism. It affirms that all individuals have equal moral and political worth regardless of cultural or national ties. Rawls's paradigm guarantees minority groups' rights and freedoms. According to this philosophy, nationalist policies should be screened for compliance with universal human and legal equality principles. For example, equal citizenship has been established in post-conflict societies, such as Bosnia and Herzegovina. Also, agreements aimed at power-sharing were designed to balance ethnic groups' interests. Although these arrangements have not entirely eradicated nationalist rhetoric, they provide a framework for reconciling group peculiarities with liberal democracy.

The concept of public reason is also a tool to tackle nationalism from within the liberalism frame. Public reason requires that political actions can be defended not only by an appeal made to those perceived to be the enlightened reason. This criterion guarantees that the nationalist drive is assessed in terms of public value and not driven by a particular identity. For example, nationalist parties in Europe calling for restrictive immigration laws should phrase their arguments in terms of public safety, economic stability, or cultural integration and not on open ethnic exclusion. Political discourse can accommodate nationalist concerns and liberalism's pluralistic ethos using public reason principles.

The concept of overlapping consensus enables the divergent groups to agree on core political concepts. Liberalism maintains that ideological or ethnic disagreements do not exclude consensus for fundamental political collaboration in heterogeneous countries. From a liberal point of view, nationalist movements can fit within this paradigm by connecting their

⁷ C. Laštro and F. Bieber, *Democratic patterns and party systems in the Western Balkans*. *Zeitschrift für Vergleichende Politikwissenschaft*. 2023 Mar; 17(1), 60.

objectives with common values like social cohesiveness, economic success, and national security.

In the European Union (EU), constitutional norms have helped to limit nationalist excesses. Member States must follow democratic standards and human rights norms. These constitutional norms make it possible to oppose nationalist initiatives that violate minority rights.⁸ One of the most challenging aspects of combining nationalism and political liberalism is the existence of identities in multicultural societies. In Balkan, there are different countries with a plurality of ethnicities. Nationalism frequently strives to glorify a single identity; however, liberalism promotes plurality. The combination of nationalism and political liberalism impacts governance in pluralistic democracies, even those in the Western Balkan. In these countries, Policymakers must find a difficult balance between satisfying nationalist desires and preserving liberal values.

Educational policies should promote a shared civic identity and respect cultural diversity. Rawls's emphasis on reasonable pluralism suggests that education can serve as a platform to nourish cooperation and respect among different identity groups. It is framed by the principles of public reason and equal citizenship so that such authorities can respond to nationalist anxieties. These mechanisms ensure that each group plays a role in governance. The relationship between nationalism and political liberalism in pluralistic democracies, however, is complex. Rawls's political liberalism provides tools to reconcile these tensions through equal citizenship, public reason, and consensus principles. Ultimately, however, the success of such convergence will rest upon political agents opening up the space for dialog, respecting constitutionally defined limits, and supporting the richness that characterizes pluralistic societies.

Nationalist parties in the Western Balkans often promote exclusionary visions of the nation-state—this conflicts with Rawlsian egalitarian principles. For instance, Bosnia and Herzegovina has an ethnically polarized party system that demonstrates how nationalist rhetoric undermines efforts to build inclusive institutions. Public reason fosters a dialogue that transcends ethnic boundaries. An example is the absence of agreement in the constitution of Bosnia and Herzegovina. It also represents Rawls' worry that agreement on fundamental notions in plural societies is more essential for stability. In contrast, Nationalist discourse turns ethnic differences to establish inclusive democracy.

Donald Horowitz's work on ethnic conflict and nationalism is another valuable tool for understanding the persistence of nationalist politics in the Western Balkans. Horowitz argues that ethnic divisions can cause political

⁸ M. Vachudova, *Europe Undivided: Democracy, Leverage, and Integration After Communism*. Oxford: Oxford University Press, 2005.

parties to form specific groups. These parties thereby increase intergroup tensions. This pattern is evident in the Western Balkans. Ethnic parties are unusually prominent in politics in this area. It perpetuates sectarianism and does not promote integration among people of these societies. Horowitz's examination of ethnic party systems yields several insights into the strategic imperatives within nationalist rhetoric. In deeply divided societies, political parties often prioritize ethnic solidarity over broader alliances. This dynamic perpetuates the approach to politics that gains for one group are perceived as losses for the other groups. Such conditions provide fertile ground for nationalist parties to thrive. Because it allows them to position themselves as protectors of their ethnic electorate. The legacy of ethnic conflict also influences voter behavior. The historical grievances shape contemporary political alignments. For example, the survival of wartime narratives in Serbia and Kosovo illustrates the way nationalist parties use collective memories for internal politics. Addressing these dynamics requires an approach that fosters interethnic trust and promotes institutional arrangements that incentivize cross-ethnic cooperation. In the Western Balkans, political parties often prioritize ethnic solidarity by zero-sum politics. In this type of politics, gains for one group are perceived as losses for another. The presence of wartime narratives in Serbia illustrates how nationalist parties misuse historical grievances to enlarge their electoral base.

Milada Vachudova's analysis of Europeanization in the Balkans analyzes how external pressures can influence nationalist agendas. European Union (EU) integration processes aim to minimize these ethnic, nationalistic tensions. This politics promotes democratic norms, the rule of law, and minority rights (Vachudova, 2005). The interaction between Europeanization and nationalism is complex, as EU conditionality often clashes with entrenched nationalist ideologies. Europeanization can hinder nationalist tendencies because it incentivizes reforms and gives reasons to foster regional cooperation. Several EU accession criteria, such as the protection of minority rights and the resolution of bilateral disputes, compel nationalist parties to moderate their rhetoric. Croatia's EU accession process exemplifies how Europeanization can constrain nationalism. In Croatia, the EU accession process tied political rewards to compliance with liberal democratic norms. On the contrary, a slow pace of EU integration and perceived double standards can fuel nationalist turning back. The effectiveness of Europeanization in countering nationalism depends on the credibility of EU commitments and the ability to balance conditionality with local ownership of reforms. Europeanization can constrain nationalism by relating political rewards to compliance with democratic norms. Croatia's EU accession process exemplifies how external pressures moderated

nationalist rhetoric. For example, in Montenegro, the “Europe Now” party’s manifesto demonstrates the relationship between Europeanization and nationalism. It balances the EU integration and nationalist rhetoric to appeal to diverse constituencies.

Alessandro Ferrara's aesthetic judgment and the concepts of public reason allow us to see from another point of view the construction of the relationship between nationalism and the discourse of the liberal variable. In 2008, Ferrara highlighted the importance of exemplarity and imagination as a medium through which public reasoning is developed, suggesting that specific symbols, stories, or events can exemplify the causes of justice and inclusivity. In the Western Balkans, nationalist politicians frequently use symbolic politics to build narratives of identity and inclusion. These signs could be employed to better, it seems, support exclusive ideologies and, in their turn, to become, conversely, representative of, e.g., commonly held values. The content of the political manifestos may be such (symbols). Ferrara suggests that creating alternative symbols that resonate with pluralistic constitutions might disrupt nationalist discourses. For example, content in the manifestos that celebrate cultural pluralism and historical coexistence gives society an example of the values of mutual respect and solidarity. Imagination also plays a crucial role in envisioning alternative political futures. When nationalism is paramount, rethinking the country as a civic, unlike ethnic community, provides a route to more inclusive politics. Public reasoning guided by Ferrara's perspectives prompts the production of stories that extend beyond ethnic boundaries and emphasize the interdependence of heterogeneous populations. Nationalist parties in the Western Balkans increasingly build exclusionary narratives of identity. Ferrara's conceptualization identifies the process of alternative symbols that can appeal to different interest groups. This is to challenge nationalist discourses. Celebrating cultural polycentrism and historic intercommunity could demonstrate mutual appreciation and togetherness.

From the theoretical positions of Rawls, Horowitz, Vashudova, and Ferrara, the common thread is in responding to the factors underlying nationalism in the Western Balkans. In Rawls' prioritization of public reasons and overlapping consensus, there is a normative agenda for nationalism and pluralistic democracy to understand how they can live at peace with one another. From the perspective of Horowitz's representation of ethnic conflict, the structural difficulties of divided societies are essential, whereas, from Vachudova's theory of Europeanization, external actors play a role in domestic politics. Ferrara's emphasis on exemplarity and inventiveness provides unique instruments to reconfigure public debate. For properly analyzing the nature of nationalism in WP political parties, an integrative, interdisciplinary approach that synthesizes these findings is

required. The quantitative analyses can supplement this theoretical model of nationalist rhetoric, party platforms, and voter behavior. Through the integration of normative, structural, and symbolic dimensions, this framework offers an integrated understanding of the political role of nationalism in the political landscape of the area. In political manifestos, we should expect to find a balance between pragmatic, inclusive liberalist principles and nationalistic ones.

3. Methodology

Data Selection and Coding

The selection criteria for political parties were based on their parliamentary representation. We have prioritized those holding the most significant number of seats. In cases where manifesto data for a leading party was unavailable, the next-ranked party was included. Due to disparities in the availability of manifestos, the analyzed documents correspond to different electoral years (Table 1). For instance, Croatia’s data is drawn from the 2020 parliamentary elections, whereas Montenegro’s reflects the 2023 elections. Albania and North Macedonia were excluded due to insufficient data availability.

Table 1 -Countries and Political Parties

| Country | Political Party/Coalition | Manifesto Year |
|--------------------|--|----------------|
| Croatia | Croatian Democratic Union (HDZ) | 2020 |
| | Restart Coalition | 2020. |
| Serbia | Together We Can | 2022 |
| | National Democratic Alternative | 2022. |
| Bosnia Herzegovina | Party of Democratic Action | 2018 |
| | Alliance of Independent Social Democrats | 2018 |
| Montenegro | Europe Now Montenegro | 2023 |
| | For the Future of Montenegro | 2023 |

The coding process utilized the standard schema of the Manifesto Project, which categorizes quasi-sentences within manifestos into predefined themes. Codes indicative of nationalist rhetoric included but were not limited to “positive assertions of the national way of life,” “anti-imperialist assertions,” “militarism,” and “traditional morality” (Table 2). These codes were analyzed alongside other thematic categories to identify patterns in party priorities.

Table 2 Nationalistic and liberal Codes^{9*}

| Nationalism | Liberalism | Neutral or Context-Dependent |
|--|--|--|
| National Way of Life: General Positive | Welfare State Expansion | Technology and Infrastructure: Positive |
| Internationalism: Negative | Economic Growth | Governmental and Administrative Efficiency: Positive |
| Military: Positive | Free-Market Economy: Positive | Culture: Positive |
| Immigration: Negative | Keynesian Demand Management: Positive | Political Corruption: Negative |
| Traditional Morality | Internationalism: Positive | Economic Orthodoxy: Positive |
| Protectionism: Positive | European/Regional Integration: Positive | Agriculture and Farmers: Positive |
| Law and Order: Positive | Human Rights | |
| Foreign Special Relationships: Positive | Civic Mindedness: General Positive | |
| European/Regional Integration: negative | Equality: Positive | |
| | Keynesian Demand Management: Positive | |

The study employed frequency counts of coded themes to determine their prevalence within each manifesto. This approach helped identify dominant narratives. It also provided a framework to compare the weight of nationalist rhetoric or more liberal political priorities. Themes such as welfare state expansion, infrastructure development, and economic growth were opposed to nationalist codes to evaluate their prominence and interaction within party platforms. Also, note that in this categorization, we do not distinguish between different forms of liberalism but try to include all the codes that can overlap with liberalism as a general concept. We used quite an expansive table of the most frequent codes. The analysis consists of the 20-25 most frequent codes. This approach was preferred instead of a less inclusive list to have a more expansive panorama of the party's manifests. Then, these codes were grouped into three categories, and we calculated the sum of each category. We will show the group graph for each category in each section. The categorized graph gives a better grasp of the manifesto inclinations. However, in the narrative of each paragraph, we

^{9*} Due to the extensive list, it has been shortened.

make a short description of the most frequent single codes to have a more detailed representation of the data.

Each country's manifestos were analyzed independently, and then we synthesized the findings across the region. This analysis allowed for examining intra-national and inter-national variations in thematic priorities. When classifying the codes, the research used the theoretical perspectives of Rawls, Horowitz, Vachudova, and Ferrara. Also, the study considers that it analyses only political manifestos and tries to give a historical background. It is also noteworthy that the parties' manifestos do not reveal the entirety of the political party's ideologies and behavior, and analyses of other variables should be considered.

4. Findings

4.1 Croatia

Croatia has undergone considerable political transformations over the past two decades. "Croatia is the only Western Balkan country that has met the requirements to join the European Union."¹⁰ In the early 2000s, the Nationalist Government led by the Croatian Democratic Union (H.D.Z.) was replaced by a more centrist coalition Government in 2003 when the Social Democratic Party (SDP) won the elections. "In certain respects, the ruling parties set the stage for their defeat."¹¹ These elections brought to power Iвица Račan. Croatia focused on nation-building, democratization, and European integration during this period. "After taking over, the "Europeanists" reversed some of the measures their predecessors took, leading their respective countries closer to the West."¹² The country made substantial progress and gradually aligned with European Union (EU) standards. Subsequently, in July 2013, it achieved EU membership. This accession signified a primary political goal and facilitated economic reforms. However, it also helped the adoption of democratic norms. Croatia's post-accession period tells us that the successful outcome of the EU integration process does not necessarily clear the paths toward regional reconciliation, truth, and justice-seeking.

¹⁰ V. Finn, *Democracy in Croatia: From Stagnant 1990s to Rapid Change 2000–2011*, 2019, 5.

¹¹ S. Fisher, *From Nationalist to Europeanist: the rise and fall of national movements in Slovakia and Croatia*. University of London, University College London (United Kingdom), 2003, 149.

¹² Ibid

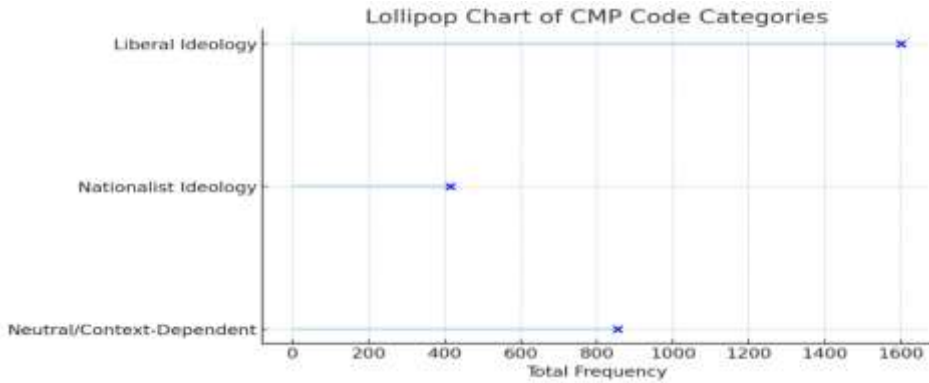


Figure 1 “The Croatian Democratic Union” (HDZ) 2020

“Croatian Democratic Union” (HDZ), established in 1989, has been a dominant force in Croatian politics since the country's independence from Yugoslavia. Under the leadership of its founding president, Franjo Tuđman, the party positioned itself as the primary representative of Croatian national interests. HDZ has undergone various transformations. At its dawn, it had a nationalist agenda and, recently, a more centrist and pro-European stance. This is true, especially after Croatia acceded to the European Union. Analyzing the graph in Figure 1, we can consider that the HDZ manifesto mainly refers to the material development of the country, which is the most coded quasi-sentence—referring to the positive development of the infrastructure and technology development. A second theme central to the manifesto of the HDZ is the Expansion of the Welfare State to reach more strata of the Population and economic growth. Among the party's most embedded themes is a discernible positive emphasis on the ‘nation's way of life, the sixth most coded theme in the manifesto. This code is typical for nationalistic parties and shows the nationalistic legacy of the party.

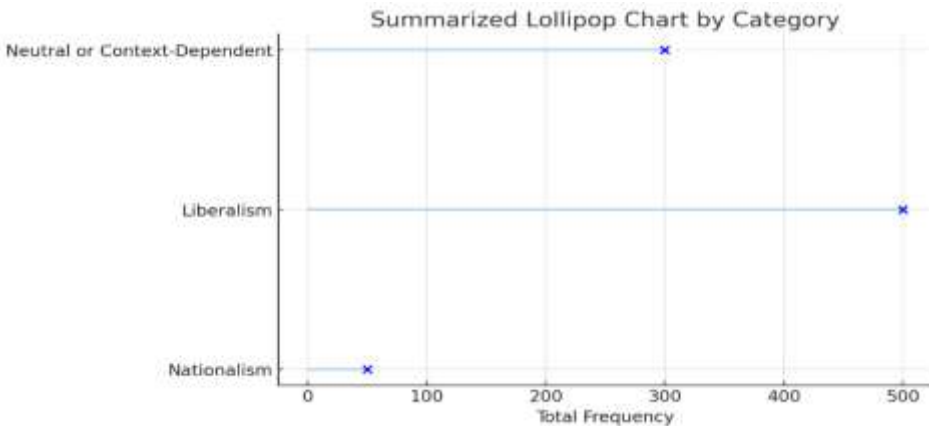


Figure 2 “Restart Coalition” – Croatia 2020

“Restart Coalition” in Croatia was a center-left alliance formed ahead of the 2020 parliamentary elections to challenge the incumbent Croatian Democratic Union (HDZ) Government. Led by the Social Democratic Party (SDP), the coalition included several smaller parties, such as the Croatian Peasant Party (HSS), Civic-Liberal Alliance (GLAS), and the Pensioners' Party (HSU). Restart aimed to address socioeconomic inequality, enhance Government transparency, and enhance Croatia’s healthcare and education systems. Despite its ambitions, the coalition did not gain significant traction with voters. It lost to the HDZ in the elections. After this defeat, the Restart Coalition eventually dissolved. Its members either realigned with SDP's efforts or pursued independent paths. The graph analysis shows that all the main themes are not nationalistic, such as welfare expansion and efficiency in administrating state affairs. Intervention in the economy is needed to help with economic demand and equality—some remarks on positive assessments of the military lead to nationalistic themes in the manifesto of this coalition. In any case, these are not prevalent in the main coded themes.

4.2. Serbia

The “Serbian Progressive Party” (SNS), led by President Aleksandar Vučić, has dominated Serbian politics in the past decade. The SNS has maintained a firm grip on power, winning multiple elections amid accusations of authoritarianism, media suppression, and electoral irregularities¹³. Opposition parties have struggled to unite against the ruling party. Also, they faced challenges in mobilizing public support. Ongoing tensions with Kosovo have also marked the political landscape, EU accession issues, and a complex relationship with Russia and China. Serbia's political environment remains contentious. It has significant implications for its democratic institutions and regional stability. However, in Serbia, there is a problem with nationalism “since it is widely understood that xenophobic nationalism is a vital part of Serbian culture.”

¹³ F. Bieber, "Patterns of Illiberal Governance in Serbia," *Southeast European and Black Sea Studies* 20, no. 1 (2020): 15–34.

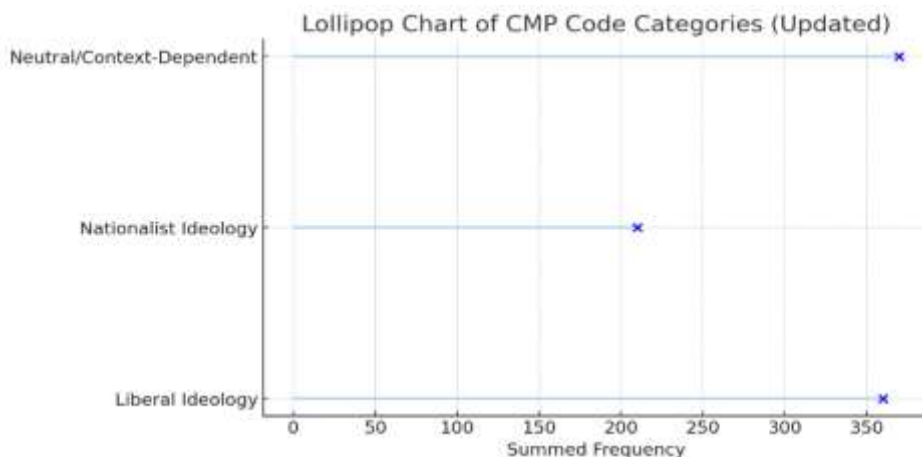


Figure 3 “Together We Can” -Serbia 2022

“Together We Can” is a Serbia coalition around the Serbian Progressive Party (SNS). President Aleksandar Vučić leads it. This coalition emphasizes stability, economic development, and foreign policy that balances EU integration with strong ties to Russia and China. In recent elections, *Together We Can* appeal to voters by showcasing economic growth and infrastructure improvements. Critics, however, argue that the coalition represents a centralization of power with limited tolerance for dissent. It raises concerns over democratic backsliding in Serbia. The coalition’s governance has sparked debates on press freedom, judicial independence, and the role of civil society in Serbia’s political landscape. From the quantitative analysis of their manifesto, we observe that their central theme is improving the infrastructure and technology in their country. Then, the welfare state expanded, and economic and educational growth also grew. In this case, in the first 20 most used themes of this coalition, we see that nationalistic themes like the National way of life and traditional morality are present. This shows that the conventional and nationalistic themes are still present in this political entity.

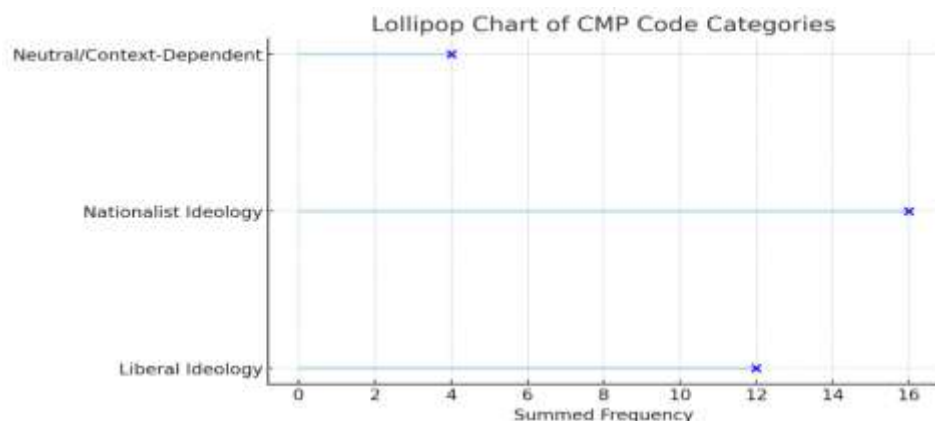


Figure 4 “National Democratic Alternative” – Serbia 2022

“The National Democratic Alternative” (NADA) is a nationalist political coalition in Serbia, founded to present an alternative to the ruling Serbian Progressive Party (SNS) by promoting a platform of Serbian sovereignty, traditional values, and anti-globalism. Formed in 2020, NADA unites several conservative and right-wing parties, including the Democratic Party of Serbia (DSS) and the Movement for the Restoration of the Kingdom of Serbia (POKS). This is also clear in their manifesto, where the most used topic is the National way of life. Also, here in this manifesto, we find praises against internationalism or even against democracy. The coalition emphasizes Serbian cultural identity, more robust national defense, and opposition to EU-imposed reforms perceived as undermining Serbia’s independence. NADA’s platform appeals to voters who are skeptical of the EU and opposed to what they view as the SNS’s compromises on Kosovo and relations with Western powers.

4.3 Bosnia and Herzegovina

In the past decade, Bosnia and Herzegovina's political landscape has been characterized by persistent ethnic divisions and political stalemate. The 90s Bosnian conflict “led to certain observers and combatants explaining the violence because of ‘ancient ethnic hatreds’ or ‘primordial evil.’”¹⁴. The country now is governed by a complex power-sharing arrangement among its three main ethnic groups. Bosniaks, Croats, and Serbs share power among themselves. This arrangement has led to frequent blocks in governance. This is especially true in the case of the 2018 elections, where nationalistically oriented governments still hold strong influence. Moreover, the rise of nationalist rhetoric and secessionist movements,

¹⁴ A. Jeffrey, Contesting Europe: The Politics of Bosnian Integration into European Structures," *Environment and Planning, Society and Space* 26, no. 3 (2008), 429.

particularly in the Republika Srpska, has heightened tensions. It also has complicated the path toward EU integration and overall regional stability.

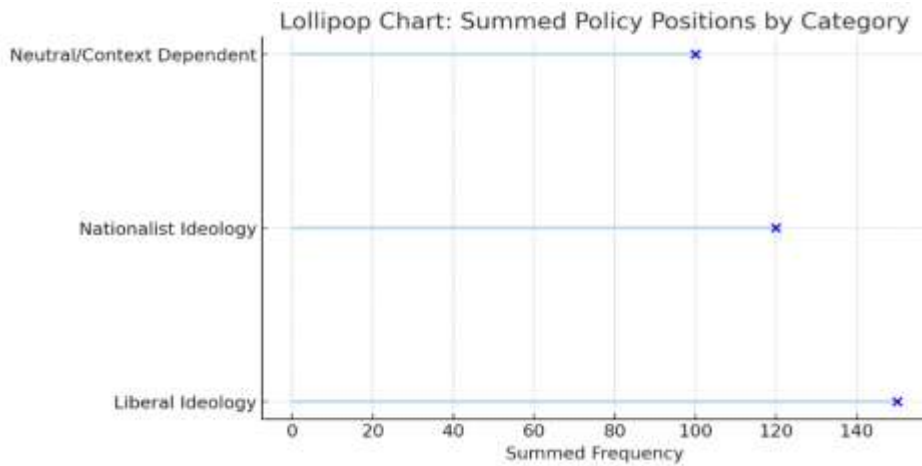


Figure 5 “Party of Democratic Action” - Bosnia and Herzegovina 2018

The “Party of Democratic Action” (SDA) could be considered the most influential political party in Bosnia and Herzegovina. [It] was established in 1990 and represents the Bosniak community's interests. The party emerged during a period of ethnic turmoil in the region. SDA has taken a stance to be a supporter of Bosniak nationalism. It stresses the need for a single Bosnia and Herzegovina and democratic administration and economic growth. The party has been a key player in the political landscape, frequently participating in coalition governments. It has been through the lens of which helped to determine the post-war reconstruction and political stability of the nation's way of life that has marked nationalistic valence. Other prone nationalistic themes in their manifesto are the positive evaluation of military capacities or negative assertions about constitutionalism. Other mainstream themes in this manifesto relate to material and technological development and economic growth.

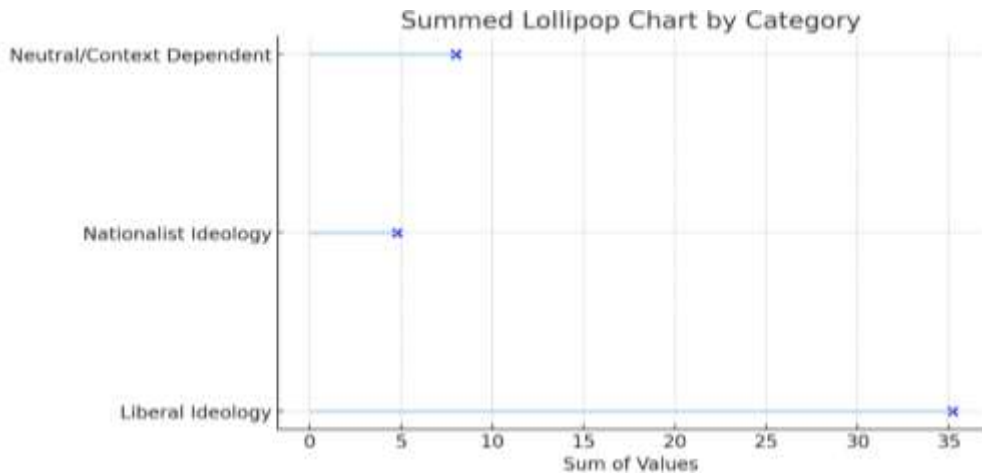


Figure 6 “Alliance of Independent Social Democrats” - Bosnia and Herzegovina 2018

The “Alliance of Independent Social Democrats” (SNSD) is a major political party in Bosnia and Herzegovina, predominantly representing the interests of the Republika Srpska (RS) entity. It advocates for Serb autonomy within the country. The party’s influence within the R.S. and Dodik’s visibility on the national and international stage make it a pivotal force in Bosnia and Herzegovina’s complex political landscape. Looking at this party manifesto, we realize that there are not any nationalistic themes prevalent there, even though we know that, in reality, Mr. Dodik's party has a solid nationalistic agency. In this case, there seems to be an essential gap between the political party manifesto and the real agenda of the political party.

4.4 Montenegro

Significant changes in the political milieu have shaped Montenegro's politics in the past decade. After decades of rule by the Democratic Party of Socialists (DPS), the 2020 parliamentary elections were a historic defeat for the DPS. This defeat led to a coalition government led by the opposition. This coalition consists of several smaller parties and reflects a shift in the political landscape. Nevertheless, the new government has faced challenges to unite its diverse factions and address pressing issues like economic development and the COVID-19 pandemic. Meanwhile, “the political climate remains polarized, with ongoing tensions regarding national identity and relations with Serbia and the Orthodox Church. Political parties that sought to bridge these identities encountered significant challenges.”¹⁵

¹⁵ A. Sartori and J. Pranzl, *Politics Going Civil: Contentious (Party) Politics in Montenegro*, *Comparative Southeast European Studies* 66, no. 4 (2018), 575.

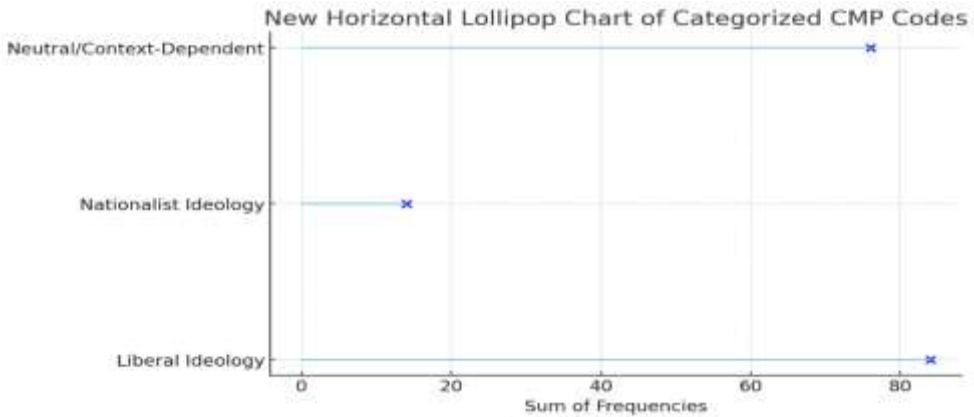


Figure 7 “Europe Now” – Montenegro 2023

“Europe Now” is a relatively new political movement in Montenegro, formed in 2022 by Miloško Spajić and Jakov Milatović, both former Government ministers. The central theme in the manifesto of this party is the expansion of education. Here, it accentuates its liberal nature. Emerging after political instability, Europe Now promotes economic reform, modernization, and Montenegro’s integration into the European Union. This is also clear in the analysis of the manifesto, where the topic of technology and infrastructure is the second most present. The movement gained popularity for its progressive economic agenda. This agenda includes tax reforms, higher wages, and a pro-business climate to attract foreign investment.

In contrast to most Montenegrin parties that tend to focus on ethnic and nationalist issues, Europe Now promotes a civic-oriented, multi-ethnic, inclusive model of governance. Their ascent is the measure of a public yearning for openness in governance, lower corruption levels, and a fast track to European integration. Although young, the movement has disrupted Montenegro’s traditional political landscape and remains a crucial player amid the country’s E.U. accession process.

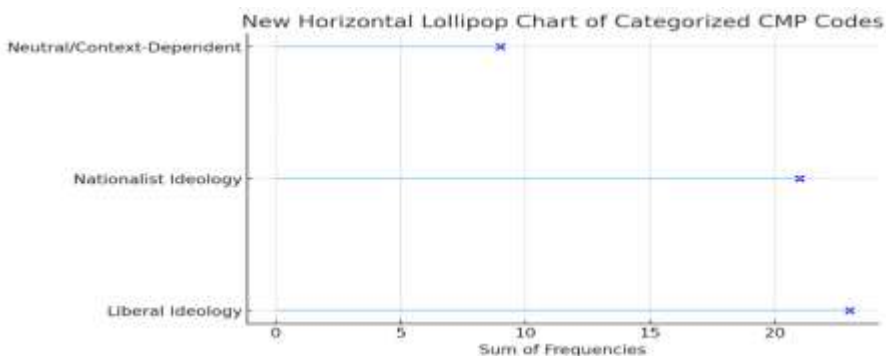


Figure 8 “For the Future of Montenegro” 2023

“For the Future of Montenegro” (Za Budućnost Crne Gore) is a prominent political coalition formed in 2020. It signed a substantial shift in Montenegro's political landscape. Primarily composed of various parties, it emphasizes traditional values and preserving Montenegrin sovereignty. The analysis of its manifesto shows that Party competence is essential to its program. The second is the topic of law and order, which is often found in the right-wing and nationalistic parties that favor nationalistic uniformity and order. We also see that there is a negative assessment of internationalism. This assessment shows the presence of nationalistic discourse. The coalition gained substantial support during the 2020 parliamentary elections. It usually appeals to voters dissatisfied with the Democratic Party of Socialists, which has had government for an extended period. It has taken a critical stance on NATO membership and EU integration. Its main focus was on national interests and cultural identity. Finally, its main contribution was that it disrupted previous political dominance. In any case, it is noteworthy that the coalition faces challenges in maintaining unity and addressing Montenegro's socio-economic issues.

5. Discussion and Conclusions

In Croatia, the two parties analyzed focused in their manifestos more on the welfare policies of the state and economic aspects of the governance. Equality is also an essential theme for Croatian parties. Croatian Democratic Union of Croatia also focuses on promoting the national way of life, which is probably a nationalistic agenda, and this is the sixth most coded theme in their manifesto. For the other Croatian party, Restart Coalition Croatia, in the first 17, the most coded themes included the military positive codes that may indicate some nationalistic agenda. In any case, these nationalistic themes are not the focus of their manifests.

In Serbia, the central political Serbian Coalition, “Together We Can,” focused mainly on the welfare state and improving the infrastructure, its two most frequent codes. However, in the first 20 most frequent thematic of this coalition manifest, we find a positive military, national way of life, and traditional morality. All these codes infer that there does exist a nationalistic sensibility in that party, but as far as the manifesto shows, other more practical issues are more central.

The most coded theme for the manifesto of National Democratic Alternative Serbia is indeed the National way of life. This code shows that this coalition rallies around nationalistic principles, and its agenda is nationalistic. Other codes in this manifesto are not pro-democracy, law and order, and internationalism negative. All this to further assert their nationalistic stance. This party has a higher nationalistic sensibility and reflects its practical activity towards raising the nationalistic sensibilities in

Serbia. Moreover, it shows that the country can, in the future, become again a fulcrum of nationalist sentiments.

The central theme of the manifesto of the main Bosnia Herzegovina party, the Party of Democratic Action, is a positive national way of life. Other nationalistic codes that we can find in their manifesto are “Military positive” or “Constitutionalism negative.” The nationalistic agenda of this party is probably a central theme for them. The contrary can be said for the Alliance of Independent Social Democrats Bosnia and Herzegovina, in their manifesto, advocates for democracy, constitutionalism, internationalism, and the free market. This fact is quite surprising because the nationalistic and even separatist rhetoric of the party led by Dodik is well known. Combines nationalistic undertones with practical concerns like infrastructure and welfare. Bosnia and Herzegovina demonstrate contrasting approaches: the Party of Democratic Action focuses on nationalism with themes like military development and constitutional criticism, while the Alliance of Independent Social Democrats surprisingly emphasizes democratic and market-oriented principles despite its leader’s nationalist rhetoric. In Montenegro, the party manifestos reflect a strong focus on economic reform and pragmatism. They have minimal nationalist content, distinguishing the country from its regional counterparts.

In the case of Montenegro, both parties manifest one of the For the Future of Montenegro and also for Europe Now, which does not exhibit notable symptoms of a nationalistic agenda. Europe Now codes favor law and order and some quasi-sentences against internationalism. Whereas Europe Now seems to have a marked economic and pragmatic stance. However, in general, the Montenegro parties, at least in their manifestos, seem less nationalistic.

In conclusion, the analyzed manifestos reveal varied priorities and degrees of nationalist sentiment across these Balkan parties. In Croatia, while the Croatian Democratic Union and Restart Coalition include some nationalistic themes, their primary focus remains on welfare and economic policies. Serbian parties present a blend of practical issues and nationalistic undertones; "Together We Can" balances welfare and infrastructure with a subtle nationalist sentiment, whereas the National Democratic Alternative’s manifesto mainly centers on nationalist themes. In Bosnia, the Party of Democratic Action’s manifesto is notably nationalist, emphasizing a "national way of life" and “military positive.” At the same time, the Alliance of Independent Social Democrats supports democratic and market-oriented principles, contrasting with its leader’s rhetoric. Montenegrin parties, by contrast, emphasize economic and pragmatic goals, with little evidence of nationalism in their manifestos, setting them apart in a regional context.

References:

- Brubaker, R., (1996), *Nationalism Reframed: Nationhood and the National Question in the New Europe*. Cambridge University Press.
- Čular, G., (2020), "Croatia's Political System and the Role of Political Coalitions." *Journal of Southeast European Studies*, 18(1), 5–22.
- Ferrara, A., (2008), *The Force of Example: Explorations in the Paradigm of Judgment*. Columbia University Press.
- Finn, V., (2019), "Democracy in Croatia: From Stagnant 1990s to Rapid Change 2000–2011." *International Political Science Review*. doi.org/10.1177/0192512119863140.
- Fisher, S.L., (2003). *From Nationalist to Europeanist: The Rise and Fall of National Movements in Slovakia and Croatia*. University of London, University College London (United Kingdom).
- Gagnon, V.P., (2013), *The Myth of Ethnic War: Serbia and Croatia in the 1990s*. Cornell University Press.
- Horowitz, D.L., (1985), *Ethnic Groups in Conflict*. University of California Press.
- Jeffrey, A., (2008), "Contesting Europe: The Politics of Bosnian Integration into European Structures." *Environment and Planning D: Society and Space*, 26(3), 428–443.
- Križan, M., (1994), "New Serbian Nationalism and the Third Balkan War." *Studies in East European Thought*, pp. 47–68.
- Kymlicka, W., (1995), *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford University Press.
- Laštro, C., & Bieber, F., (2023), "Democratic Patterns and Party Systems in the Western Balkans." *Zeitschrift für Vergleichende Politikwissenschaft*, 17(1), 59–75.
- Manifestos dataset website.
- Milošević, A., (2017), "Back to the Future, Forward to the Past: Croatian Politics of Memory in the European Parliament." *Nationalities Papers*, 45(5), 893–909.
- Myftari, J., (2024), *Nationalism in Western Balkan Political Parties: A Quantitative Analysis*. Available at SSRN: <https://ssrn.com/abstract=5027420> or <http://dx.doi.org/10.2139/ssrn.5027420>.
- Nakai, R., (2023), "The Democratic Backsliding Paradigm in Enlarged European Union Countries: In-Depth Analysis of V-Dem Indicators." *Frontiers in Political Science*, 4, 966472.
- Osbild, R., & BarCatlett, W. (Eds.). (2019), *Western Balkan Economies in Transition*. Springer.

Perica, V., (2002), *Balkan Idols: Religion and Nationalism in the Yugoslav States*. Oxford University Press.

Perković, D., (2020), *Political Realignment in Croatia: An Analysis of the 2020 Parliamentary Elections*. Institute of Political Science, University of Zagreb.

Ramet, S.P., (2007), "The Denial Syndrome and Its Consequences: Serbian Political Culture Since 2000." *Communist and Post-Communist Studies*, 40(1), 41–58.

Rawls, J., (1993), *Political Liberalism*. Columbia University Press.

Sartori, A., & Pranzl, J., (2018), "Politics Going Civil: Contentious (Party) Politics in Montenegro." *Comparative Southeast European Studies*, 66(4), 554–576.

Stamatopoulos, D., (2018), *The Eastern Question or Balkan Nationalism(s): Balkan History Reconsidered*. V&R unipress.

Vachudova, M.A., (2005), *Europe Undivided: Democracy, Leverage, and Integration After Communism*. Oxford University Press.

Dataset website

https://visuals.manifesto-project.wzb.eu/mpdb-shiny/cmp_dashboard_dataset/#

THE REVOLVING DOOR OF CIVILIAN PROTECTION: A MALFUNCTION OF INTERNATIONAL HUMANITARIAN LAW

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Abstract: *International Humanitarian Law (IHL) established that civilians are protected from direct attack in as much as they are not directly participating in hostilities. This is the principle of “revolving door” in which civilians continuously forfeit and regain protection in hostilities. This argument of civilian protection has been a controversial principle with arguments and counter arguments. Using the method of critical textual analysis and hermeneutic this study argued that, the “revolving door” of civilian protection is problematic and the study conceive it as a malfunctioning of IHL. In this direction the work argued that it undermines the principle of distinction and targeting, can lead to a slippery slope and abuses. The study submits that if a civilian decides to directly participate in hostilities he/she loses this status and can be targeted and can only regain it if he/she unequivocally abnegate and extricate with a satisfactorily observed period of refraining from participation.*

Keywords: *Revolving door, International Humanitarian Law, civilians, hostilities, Distinction*

Introduction

International Humanitarian law (IHL) also known as ‘law of Armed Conflict’ or the ‘Law of War’ (*jus in Bello*) comprises of ‘those rules of international law which establishes minimum standard of humanity that

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must be respected in any situation of armed conflict.’¹ Under this law civilians are those who are not directly involved in armed conflict and are protected ‘unless and for such time as a civilian takes a direct part in hostilities’² but unfortunately they are usually the worst victims of war. In the words of Boothby ‘there has been a tendency over the last century and a half for civilians to constitute an increasing proportion of the casualties in armed conflict’³. In this law they are not to be targeted rather they should be protected in as much as they are not directly participating in hostilities. Protection of civilians is the bedrock of IHL and this further extends to their properties, women, children and displaced persons. Their dignity, security and survival are ensured under IHL and this protection is guaranteed by the principle of distinction but whenever a civilian directly participates in hostilities he/she loses this protection. The question then was the meaning of Direct Participation in Hostilities (DPH). It was on this background that the International Committee of the Red Cross (ICRC) came up with the ‘Interpretive Guidance’ to buttress what constitutes Direct Participation and the extent to which a civilian loses protection from attack.

In an attempt to articulate and interpret this idea several new concepts emerged in the discourse which gave birth to a new argument on the ‘revolving door of protection’ of civilians. In the words of Blusi it refers to ‘the idea that a civilian can repeatedly lose and regain protection in hostilities’⁴. For Watkins it is ‘a conceptual door of immunity that a civilian can repeatedly hide between in-between participation in hostilities’⁵. Further more, ‘there is no definitive limit as to how many times a civilian can participate in hostile acts until he or she becomes a permanent target during the conflict’⁶. He further maintained that ‘it is a continuous loss and regaining of protection from attack during hostilities’⁷ which implies that ‘civilians are protected from attack while the door is open and become

¹ N. Melzer, *International Humanitarian law: A comprehensive Introduction*, International Committee of the Red Cross, 2016.

² Protocol Additional to the Geneva Convention of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts, opened for signature 8 June 1977, 1125 UNTS 3 (entered into force 7 December 1978), art.51, no.3.

³ B. Boothby, ‘And for Such Time as: The Time Dimension to Direct Participation in hostilities’, *42 New York University Journal of International Law and Politics*, 2010, p.741.

⁴ E. Blusi, ‘Closing the Revolving Door of Civilian Protection: Direct Participation in Hostilities by Civilians and Organized Armed Groups’, *OREBRO UNIVERSITET JURIDICUM*, 2022.

⁵ K. Watkin, ‘Opportunity Lost: Organized Armed Groups and the ICRC Direct Participation in Hostilities Interpretive Guidance’, *42 Journal of International Law and Politics*, 2010, p. 641.

⁶ E. Blusi, *op. cit.*, p.11.

⁷ *Ibid.*

military targets when it closes'⁸. This study becomes important due to the complexities, controversies, arguments and counter arguments revolving around the “revolving door of protection” of civilians.

This ‘revolving door’ argument of civilian protection has been problematic and aggressively debated. For some it is an integral part of IHL while for other it is a malfunction of it. This study critically analyzed the revolving door argument in view of establishing whether it is an integral part of IHL or a malfunction of it. Many scholars have written on this revolving door arguments (Blusi 2022, Watkin 2010, Boothby 2010, Schmit 2010 etc.) but not much attention has been given to the argument that, it is a malfunction of IHL. This is very necessary because of its importance to IHL especially regarding the protection of civilians during hostilities. This study argued that the revolving door of protection of civilians is a malfunction of the IHL in as much as it undermines the principle of distinction and law of targeting, can lead to a slippery slope and abuses. To critically discuss this issue it became imperative to once again reiterate who is a civilian, when he/she is directly participating in hostilities, actions that tantamount to direct hostilities and the conditions that govern the loss and regain of this protection. After a critical evaluation of this areas of concern this study argued that while acknowledging the protection status of civilians in IHL, the ‘revolving door’ of civilian protection is problematic since it allows civilians to freely opt in and out of this status as expressed in the phrase ‘unless and for such time as they take direct part in hostilities’. In this direction the paper recommends that if a civilian decides to directly participate in hostilities he/she loses this status and can be targeted and can only regain it if he/she unambiguously renounce and disengage within an observed specified time of non-participation.

This study is subdivided into five sections. The first section briefly deals with the concept and morality of war. The second section explains who a civilian is and when he or she is directly involved in hostilities and actions that constitute hostilities. The third evaluates how it leads to a slippery slope and abuses. The fourth section considers how it undermines the principle of distinction and law of targeting. The fifth section is a succinct conclusion.

The Concept and Morality of War

War in the strict sense ‘is an armed conflict between states or large organized groups similar to states.’⁹ This display of human social failure is

⁸ Ibid.

⁹ E.K. Iwuagwu, ‘Kant’s Absolute Good Will and Its Implications for Some Current Ethical Issues like Suicide, War and Abortion.’ *Journal of Research in Humanities and Social Science*, vol. 7, no.8, 2019, p.9

premised on human 'greed, envy, hate, ambition and passion.'¹⁰ Every war begins from some original injustice which the aggrieved refused to endure and forgive. Originating from an act of injustice, wars in a strict sense are unjustifiable because the parties engaged in wars (the aggressors and the defenders) could have acted otherwise.

With regard to the moral admissibility of wars Iwuagwu avers,

Opinions are divided as to the morality of war, the militarists see it as the last option to peace and freedom while the pacifists reject it totally because the evil it causes most often outweigh the harm that might otherwise befall a state. For the advocates of war, the militarists, the unconditional rejection of force would be nothing but license for might to prevail (Iraqi invasion of Kuwait is an example) hence diminishing moral and religious freedom whose loss is of greater value than physical destruction.¹¹

When one considers the devastating effects of war especially loss of life and property war should be out rightly condemned. Iwuagwu echoes such evils of war and conflict when he says that during such conflicts,

many families are completely wiped out leaving no survivor, many people sustain varying degrees of injuries that leaves them permanently incapacitated, many children are orphaned, many families suffer the loss of their breadwinners, many families are displaced and dislocated. Many people are traumatized as a result of the horrifying experiences and many are plunged into avoidable poverty as a result of irreparable material losses.¹²

The devastating effects of war makes it reprehensible and undesirable. It is as a result of man's greed, passions, hatred and in ordinate ambition

¹⁰ A. Fagothey, *Right and Reason: Ethics in Theory and Practice*, St. Louis, C.V. Mosby Company, 1976, p. 405

¹¹ Iwuagwu, *loc.cit.*

¹² E.K. Iwuagwu, 'Nigeria's Ethno-Religious Crises and its Socio-Political and Economic Underdevelopment', *Cogito Multidisciplinary Research Journal*, vol.14, no.1, 2022, p. 128

that war has in many cases become inevitable. In many instances peaceful communities and states have seen war thrust on them against their wills by a belligerent and unjust aggressor. Failure to defend themselves may make them to be annihilated or captured and be reduced to slaves. In this instance war is inevitable and even justified as a moral duty of self-defense.¹³ It is on this ground that that moral philosophers and theologians since St. Augustine and Aquinas have put forward the theory of a just war and the conditions for prosecuting such a war.¹⁴

Who is a Civilian?

The first question that demands an ambiguous answer is, who is a civilian? Ordinarily a civilian is a person who is not a member of the armed forces. In armed conflict they are non-combatants and IHL distinguishes them from combatants. Combatants are those who have right to participate in hostilities. 'They enjoy protection from prosecution for this participation, provided it was conducted lawfully. This is referred to as 'combatant immunity'¹⁵. This implies that to 'destroy a military object is not a crime and to kill a combatant does not constitute murder. They cannot be prosecuted for participating in hostilities under domestic criminal law. They can be targeted except when *hors de combat* (that is when captured, surrenders, injured, sick such that he cannot defend himself)¹⁶. While civilians are not to be targeted or attacked, ICRC states that 'civilians are protected against attack, unless and for such time as they take a direct part in hostilities'¹⁷. This is a customary norm and universally accepted position.

This further raises the question of what constitutes direct participation in hostilities (DPH). This has been a point of controversy in protection of civilians in the international community. This principle is seen in both treaty and customary law, but the controversy lies in its content. However the issue of content of DPH has not been generally agreed upon. A clear explanation of 'direct participation' is very important because it 'determines who and for how long a civilian loses his/her protection against attack and becomes a legitimate military target'¹⁸. The idea of revolving door of civilian protection has even made the interpretation of DPH more urgent and necessary. The IHL treaty and customary norms did not make a significant

¹³ E.K. Iwuagwu, *Op.cit.*, p.10

¹⁴ St. Augustine, *Contra Faustum Manichaeum* Bk. XXII ch 74-75, *Quaestiones in Heptateuchum*, Bk.VI q.10, Aquinas, *Summa Theologia*, II-II, q.40, a.1

¹⁵ K. Ipsen, *Combatants and Non-combatants: The Handbook of International Humanitarian law*, 3rd Ed., OSAIL, 2013, p.79.

¹⁶ *Ibid.*

¹⁷ ICRC, J. Henckaerts and L.D. Beck (eds), *Customary International Humanitarian Law Vol.1 Rules Customary IHL study volume 1*, Cambridge University Press, 2005, p.20.

¹⁸ E. Blusi, *Loc.cit.*

contribution to what constitutes DPH but a brief consultation of the 'Interpretive Guidance' recommendation will be helpful. The two key concepts are 'direct Participation' and 'Hostilities'.¹⁹ For Schmitt 'direct participation is determined by a person's conduct rather than their status or function and focuses on individual acts carried out during hostilities.'²⁰ He further maintains that the 'idea of direct participation in hostilities refers to specific acts carried out by individuals as part of the conduct of hostilities between parties to an armed conflict.'²¹ He identified three conditions for an act to constitute direct participation. First there must be a threshold of harm, this include 'death, injury or destruction of objects and persons protected from attack like civilian and civilian objects'²². Secondly there must be a causal link between the act committed and the effect of said act, this is the aspect that qualifies an act as direct rather than indirect.'²³ Thirdly there must be a belligerent nexus directly connected to the conflict.'²⁴ Therefore for an act to constitute DPH 'the act must reach the threshold of harm, occur through a direct causal step and be specifically designed or objectively intended to cause harm.'²⁵ Although some have criticized these criteria as 'exaggerated degree of under-inclusiveness in assessing civilian DPH.'²⁶ For others these criteria lack professional expertise and legally incorrect. In addition using weapons and working as intelligent agent is tantamount to DPH.

Civilian's protection from attack and the loss of this protection when he directly participates in hostilities gave rise to the 'revolving door' of civilian protection. This 'revolving door' the 'Interpretive Guidance' argues to be an integral part of IHL. In this direction 'civilians remain protected against attack prior to and following an act of direct participation.'²⁷ This idea of revolving door was a hotly debated matter during the Fifth Expert Meeting for the Interpretive Guidance where some authorities saw it as 'misleading' and argued that 'civilians can abuse it to their advantage.'²⁸ Some scholars considered it as 'stepping stone for potential abuse rather than a necessity

¹⁹ M. Schmitt, 'Interpretive Guidance on the Notion of Direct Participation in Hostilities: Critical Analysis' *Harvard National Security Journal*, vol. 6, no.1, 2010, p.43.

²⁰ Ibid, p.51.

²¹ Ibid, p.44.

²² Ibid, p.46.

²³ Ibid, p.52.

²⁴ Ibid

²⁵ E. Blusi, Loc.cit.

²⁶ M. Schmitt, Loc.cit.

²⁷ Ibid, p.70.

²⁸ ICRC, 'Fifth Meeting on the Notion of Direct Participation in Hostilities: Summary Report', 2008, p.34.

to ensure the respect of IHL.’²⁹ Van der Toorn criticized it by arguing that ‘it creates a *de factor* uneven legal playing field with the burden being borne by members of state forces who are targetable at all times during conflict while repeated participants in hostilities can seek shelter through intervals of rest.’³⁰ Contributing to this Boothby added that ‘intervals of rest between different DPH acts may only serve as opportunities for DPH civilians to plan for the next attack.’³¹ For other experts the term is appropriate and can easily be understood by lay man.’³² Interpretive Guidance itself saw it as subject of controversy ‘that even a repeated pattern of hostile acts cannot reliably predict future behavior.’³³

Slippery Slope Argument

The argument of this study is that the idea of revolving door of civilian protection is capable of leading to a slippery slope. Slippery slope argument is the view that a course of action is rejected because if it is allowed to continue it will lead to several other unimaginable unacceptable ends or actions /unintended consequences. It says that an initial act will inevitably lead to several undesirable acts or more extreme acts. Ariche and Iwuagwu on slippery slope argues that ‘the issue is that if something is seen as not so harmful and is allowed it will transcend to or definitely lead to something that might be unthinkable or morally questionable.’³⁴ Volokh defines it thus ‘I think the most useful definition of a slippery slope is one that covers all situation where decision A, which you might find appealing, ends up materially increasing the probability that others will bring about decision B which you oppose.’³⁵ The work argues that a civilian who participates in direct hostilities does that intentionally and there is no guaranty that she will not do it the second, third time and so on. It is not a spontaneous act but an act carried out after careful deliberation and planning. If they continue to have the protection under revolving door it will definitely lead to the point where it becomes a war strategy through which they will

²⁹ J.H. Francoise, ‘Direct Participation in Hostilities and the Interoperability of the Law of Armed Conflict and Human Rights Law’, *87 International Law Studies*, 2011, p.187.

³⁰ T. Van der Toorn, ‘Direct Participation in Hostilities: A Legal and Practical Road to Test of the International Committee of the Red cross’s Guidance through Afghanistan’, *Australian International Law Journal*, vol.17, no.7, 2010, p.26.

³¹ Boothby, *Op.cit.*, p.768.

³² *Ibid.*

³³ *Ibid.*

³⁴ C.K. Ariche and E.K. Iwuagwu, ‘Robert Hall on Physician-Assisted Suicide and its Implication for Medical Ethics’, *Social Sciences, Humanities and Education Journal (SHE Journal)* vol. 3, no.3, 2022, pp.395-405.

³⁵ E. Volokh, ‘The Mechanism of Slippery Slope’ *Harvard Law Review*, vol. 116, no.4, 2002, p. 1026.

continue to perpetuate different war crimes without being targeted. This will become disastrous and many unexpected activities will emerge such as hiding in civilian places and using civilian objects to commit war crimes. This act has the possibility of putting the lives of other civilians in danger. Imagine a civilian taking part in direct hostilities and then return back to a civilian property, the implication of this is that while targeting the civilians who took part in hostilities the lives of other innocent civilians who do not take part in hostilities will be in danger. This puts the protected civilian status at risk and endanger the lives of other civilian population resulting to unintended harm. It will definitely lead to those acts which no one will approve in IHL and abuses will definitely become inevitable.

There are a lot of unexpected, unimaginable consequences that will result from the revolving door principle. The crux of this argument is that the revolving door will lead to a slippery slope where civilians will hide under this protection and commit serious war crimes since they know that they can take part in direct hostilities today and opt out the next minute and continue to enjoy the status of a civilian and protected from attack. It is possible they might opt out in order to plan and re-strategize for the next level of attack to the point it becomes a continuous activity. It is also possible they might hide under that protection and be giving information to the enemies that will jeopardize the effort of the military. The escape route provided to civilians through the revolving door principle makes them assume the status of violent non-state actors (VNSAs) who always carry out their insurgency acts as bandits, militia groups, freedom fighters or terrorists while dwelling among harmless civilians. These violent non-state actors according to Iwuagwu et al, 'have the capacity to hurt anyone at any time when one is within their jurisdiction. Some of them have the capacity to challenge and engage the security forces.'³⁶ Colonel sharing similar view argued that 'it is certainly logic to assume that a civilian who persistently participates in hostilities is prone to continue. Furthermore, between intervals of participation he is likely preparing himself for the next attack, namely checking his equipment and obtaining additional supplies...'³⁷ The point is that the revolving door can be used by civilians as a tactic to evade being targeted while taking part in direct hostilities. Corroborating this view Elliot observed that 'employing the protection offered by civilians is a tactic

³⁶ E.K. Iwuagwu, R.B. Etta and G.A. Agabi, 'The Overbearing Influence of Non-State Actors in the Nigerian Socio-Political Space and its effects on National Security.' *Cogito Multidisciplinary Research Journal* vol. 16, no.1, 2024, p.94.

³⁷ R.J.L. Colonel, 'Civilians Taking Direct Part in Hostilities: Why the Revolving Door Must Become a One Way Turnstile', *Canadian Forces College, National Defence*, 2013.

lying at the very center of insurgent operations.’³⁸ Further he argued that ‘not only do insurgents blend into the civilian population but they use civilian infrastructure and cultural and religious objects such as churches, mosques and schools to store weapons and plan operations.’³⁹ This will definitely make it difficult and cumbersome to differentiate civilians who are to be protected and combatants to be targeted.

The Revolving Door, Principle of Distinction and law of Targeting.

The principle of distinction is fundamental in law of armed conflict since there must be a clear-cut distinction between civilians and combatants. According to the rule ‘combatants must not deliberately or indiscriminately or disproportionality harm civilians’. Distinction protects civilians from the ‘dangers and brutality of warfare, forcing belligerent parties to distinguish at all times between combatants and civilians, and to direct all military operations solely against the former.’⁴⁰ The implication of this principle is that civilians enjoy protection during military activities. In law of armed conflict civilians do not have the right to directly take part in hostilities only combatants enjoy this right. That’s why lawful combatants can directly and intentionally attack rival combatants as targets of military necessity but are not allowed to cause injury or death to civilians. The argument of this work is that the principle of revolving door undermines the principle of distinction and law of targeting in armed conflict. The principle of distinction ‘imposes an obligation on commanders to distinguish between legitimate targets of military necessity (both combatants and military objectives) and civilians and their property. It is of primary importance when selecting targets. On the other hand the law of targeting ‘requires the parties to an armed conflict to distinguish between targets of military necessity and civilians and civilian objects and to direct their attacks against only military objectives.’⁴¹ This principle balances the violence that usually occur in war time with humane considerations. This movement of civilians in and out involved in the ‘revolving door’ makes it difficult to differentiate a civilian from a combatant.

The revolving door of civilian protection creates a problem where it makes it difficult to know actually a civilian because one can engage in

³⁸ M. Elliott, ‘Where Precision is the Aim: Locating the Targeted Killing Policies of the United States and Israel, within International Humanitarian Law’, *The Canadian Yearbook of International Law*, 2009, p.137.

³⁹ Ibid.

⁴⁰ International Committee of the Red Cross, *The Principle of Distinction Between Civilians and Combatants*. <<https://ihl-databases.icrc.org/customary-ihl/eng/docs>

⁴¹ Schmitt, Loc.cit.

hostilities and the next second he opts out and becomes protected. There are transformations in modern warfare in recent times which makes the revolving door principle problematic and blurred the line between civilians and combatants. Schmitt observed that 'the number of civilians taking up arms and participating in hostilities is rising, accompanied by the outsourcing of traditional military tasks like maintenance and operation of military equipment to civilian contractors.'⁴² This principle that allows alternation of status at will is problematic to the principle of distinction and military necessity. Under IHL military necessity allows the use of force and measures necessary to make the enemy submit promptly and military objectives incorporates both combatants and civilians who are involved in direct hostilities. It was clearly stated in The Roman Statute that to attack civilians or civilian objects intentionally is a war crime. The revolving door puts a heavy burden of proof on commanders to distinguish legitimate targets of military necessity and civilians and their properties. It can further endanger one into committing war crime though unintentionally because of the difficulty that could be encountered in distinguishing combatants and civilians occasioned by the revolving door. In this context will the military be punished when it did not intentionally attack a civilian but mistakenly did that due to the liberty of the revolving door?

Furthermore, it makes the law of targeting difficult to apply because civilians can freely and consistently opt in and out in direct hostilities. According to law of targeting targets of military necessity can be attacked and they must be distinguished from protected persons, places and property to avoid heavy damage. In targeting you select the targets and follow up with the appropriate response and this must be honestly and reasonably done. No doubt there are civilians who take part in direct hostilities and those who do not. The implication is that it makes it difficult to separate the civilians who should be protected from attack and combatants who are lawful targets. In this connection Boothby observes that 'to interpret the time period during which a directly participating civilian is liable to be attacked too narrowly risks producing law that will be regarded by states armed forces as impractical or worse, and which may therefore be ignored.'⁴³ Even Interpretive Guidance acknowledges that 'the notion of revolving door makes it more difficult for opposing armed forces to respond effectively to the direct participation of civilians in hostilities.'⁴⁴ In law of armed conflict there is no middle status, either you are a civilian or a combatant. If one is a civilian he/she is lawfully not permitted to take part in direct hostilities but the revolving door of civilian protections seems to ignore this. On this

⁴² Ibid

⁴³ Boothby, Loc.cit.

⁴⁴ Interpretive Guidance.

Schmitt observes that the 'revolving door may at the same time lead civilians to lose respect for the law and member of the armed forces to feel frustrated from the restraining application of the 'unless and for such times' provision.'⁴⁵ It therefore can be argued that the revolving door protection of civilians makes the principle of distinction and law of targeting difficult to function seamlessly because a civilian can be a fighter by night and a farmer by day while still enjoying protection under the revolving door of civilian protection. The work also noted that it is a challenge on the principle of 'equal application principle' in war law. Under war laws equal opportunity principle is a 'concomitant obligation on the part of civilians not to use their protected status in a treacherous way to participate in hostilities.'⁴⁶ This puts the civilians in a risk because the civilian who engage in direct hostilities and returns back to the civilian status puts the whole civilian population at risk. This is because he definitely uses civilian objects which are not objects of military targets but may be targeted because of the activities of the civilian who has become unlawful combatant. Such a civilian becomes a threat and should be targeted. The revolving door status makes a caricature of this principle.

Conclusion

It is evident that the revolving door of civilian protection is not as easy as some conceive it to be. Rather its problematic and complex nature triggered this work to conceive it as a malfunction of IHL. The idea of a civilian continually and consistently benefiting from the revolving door protection is a malfunction of the IHL since it can lead to a slippery slope, abuses, puts pressure on the principle of distinction, and undermine the law of targeting. It is therefore imperative to argue that the revolving door of civilian protection needs to be reviewed because the increasing and consistent engagements of civilians in various forms in battle field has raised a lot of worries on the revolving door of civilians protection. Until this is done the revolving door remains a controversial principle that will continue to create a lot of confusion and problems in law of armed conflicts. The work concludes that a civilian who engages in hostilities ceases to enjoy this status until holistic assessment certifies that he/she has unambiguously renounced direct participation in hostilities and it has been reasonably established within a sufficient time.

⁴⁵ M. Schmitt, 'Humanitarian Law and Direct Participation in Hostilities by Private Contractors or Civilian Employees', *Chicago Journal of International Law*, vol.5, no.2, 2005, p.511.

⁴⁶ R. Adam, 'The Equal Application of the Laws of War: A Principle under Pressure', *International Review of the Red Cross*, vol.90, 2008, p.931

References:

- Adam, R., (2008), 'The Equal Application of the laws of war: A Principle under Pressure', *International Review of the Red Cross*, vol.90, p. 931
- Aquinas, T., (2000), *Summa Theologiae*. Online Complete American Edition, Translated By Fathers of the English Dominican Province.
- Ariche, ChrisantusK and Iwuagwu, Emmanuel K., (2022), 'Robert Hall on Physician-Assisted Suicide and its Implication for Medical Ethics,' *Social Sciences, Humanities and Education Journal (SHE Journal)* vol. 3, no.3, pp. 395-405.
- Augustine, (1990), *Contra FaustumManichaeum*. Translated in Works of St. Augustine: A Translation for the 21st Century, vol. 1. New City Press.
- Blusi, E., (2022), 'Closing the Revolving Door of Civilian Protection: Direct Participation in Hostilities by Civilians and Organized Armed Groups', *Orebro Universitet Juridicum*.
- Boothby, B., (2010), 'And for Such Time as: The Time Dimension to Direct Participation in Hostilities', *New York University Journal of International Law and Politics*, vol.42, p. 741.
- Colonel, R.J.L., (2013), 'Civilians Taking Direct Part in Hostilities: Why the Revolving Door Must Become A One Way Turnstile' *Canadian Forces College, National Defense*.
- Elliott, M., (2009), 'Where Precision is the Aim: Locating the Targeted Killing Policies of the United States and Israel, within International Humanitarian Law,' *The Canadian Year Book of International Law*, 137.
- Fagothey, A., (1976), *Right and Reason: Ethics in Theory and Practice*, St. Louis, C.V. Mosby Company.
- Francoise, J.H., (2011), 'Direct Participation in Hostilities and the Interoperability of the Law of Armed Conflict and Human Rights Law', *International Law Studies*, vol. 87, p.187.
- ICRC, (2008), 'Fifth Meeting on the Notion of Direct Participation in Hostilities: Summary Report', p. 34.
- ICRC, 'The principle of Distinction between civilians and combatants'. <<https://ihl-databases.icrc.org/customary-ihl/eng/docs>
- ICRC 2005), Jean-Marie, H., Louis-Doswald, B., (eds) *Customary International Humanitarian Law*, vol. 1, Rules, Customary IHL Study volume 1, Cambridge University Press, p. 20.
- Ipsen, K., (2013), *Combatants and Non-combatants: The Handbook of International Humanitarian law* 3rd ed., OSAIL.
- Iwuagwu, Emmanuel K., (2019), 'Kant's Absolute Good Will and Its Implications for Some Current Ethical Issues like Suicide, War and Abortion.' *Journal of Research in Humanities and Social Science*, vol. 7, no.8, pp.3-14.

Iwuagwu, Emmanuel K., (2022), 'Nigeria's Ethno-Religious Crises and its Socio-Political and Economic Underdevelopment', *Cogito Multidisciplinary Research Journal*, vol.14, no.1, pp.115-134.

Iwuagwu, Emmanuel K., Etta, R.B., and Agabi, G.A., (2024), 'The Overbearing Influence of Non-State Actors in the Nigerian Socio-Political Space and its effects on National Security.' *Cogito Multidisciplinary Research Journal*, vol.16, no.1, pp.82-101.

Melzer, N., (2016), *International Humanitarian law: A comprehensive Introduction*, International Committee of the Red Cross.

Protocol Additional to the Geneva Convention of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts, opened for signature 8 June 1977, 1125 UNTS 3 (entered into force 7 December 1978) art. 51, no.3.

Schmitt, M., (2005), 'Humanitarian Law and Direct Participation in Hostilities by Private Contractors or Civilian Employees', *Chicago Journal of International Law*, vol. 5, no.2.

Schmitt, M., (2010), 'Interpretive Guidance on the Notion of Direct Participation in Hostilities: Critical Analysis', *Harvard National Security Journal*, vol.6, no.1.

Van der Toorn, (2010), 'Direct Participation in Hostilities: A Legal and Practical Road to Test of the International Committee of the Red Cross's Guidance through Afghanistan', *Australian International Law Journal*, vol.17, no.7.

Volokh, E., (2002), 'The Mechanism of Slippery Slope', *Harvard Law Review*, vol. 116, no.4.

Watkins, K., (2010), 'Opportunity Lost: Organized Armed Groups and the ICRC Direct

Participation in Hostilities Interpretive Guidance', *Journal of International Law and Politics*, vol. 42.

THE GEOPOLITICAL STAKES OF RUSSIA IN ITS HYDROCARBON TRADE WITH THE EUROPEAN UNION

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Abstract: *This paper analyzes the geopolitical stakes of Russia's hydrocarbon trade with the European Union, highlighting how energy exports function as a strategic instrument of influence. Drawing on theories of geopolitical interdependence and energy security, the study examines Russia's role as a dominant energy supplier and the vulnerabilities this creates for EU member states. Using statistical data, institutional reports, and policy documents, the article explores both historical dependencies and recent shifts in the EU's diversification efforts. The findings show that the asymmetrical energy relationship has allowed Russia to exert political leverage, particularly during times of geopolitical tension, turning hydrocarbons into tools of foreign policy. The study concludes that while the EU has intensified efforts to reduce its energy dependency, the structural imbalance in the energy relationship with Russia remains a critical challenge for European strategic autonomy.*

Keywords: *European Union, Russia, hydrocarbon, trade, geopolitical*

This essay may not be as applied or data-driven as expected, but it serves as a useful framing device, even if some of its ideas are not fully substantiated. A great power, even one in decline, looks beyond immediate, short-term commercial interests.

The analysis is based on a solid theoretical framework, incorporating fundamental theories from geopolitics and international political economy. Among these is Michael T. Klare's theory of resource geopolitics, which explains how energy resources function as levers of power for supplier states. Also relevant is Kenneth Waltz's structural realism, emphasizing how energy-dominant states seek to maximize strategic influence. In addition, the complex interdependence theory of Robert Keohane and Joseph S. Nye suggests that economic interdependence can mitigate conflict but may also represent vulnerability for importing states.

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Methodologically, the research adopts a mixed approach, combining quantitative and qualitative analysis to provide a comprehensive view of the geopolitical dynamics of energy.

The main thesis is that Russia under Vladimir Putin has aimed to reassert itself as a global actor, using all available tools—from diplomatic means, like the UN Security Council veto, to military deterrence and economic instruments, such as the European Union's dependence on Russian hydrocarbon resources. In other words, Russia's stake in the hydrocarbon trade is fundamentally geopolitical. This study examines, from a geopolitical perspective, how Russia uses energy exports as a tool of geostrategic influence over the EU. The analysis includes an assessment of statistical data regarding EU member states' energy dependence, theories of natural resource geopolitics, and the impact of economic sanctions on EU-Russia trade relations, especially following the outbreak of war in Ukraine in 2022.

Simply put, geopolitics is a science (at least in the sense proposed by its founders Kjellen, Mackinder, Haushofer) about control over territory, resources, and thus people. In a more nuanced understanding, there are "three discourses or modes of presentation... civilizational geopolitics, naturalized geopolitics, ideological geopolitics."¹ More subtly, it can be said that "geopolitics is more than a competition for territory; it is about the means used to justify it—it is a way of seeing the world."² In our case, it represents an attempt to expand Russian influence globally under the current leadership of Vladimir Putin.

Such a perspective is naturally reserved for major powers that possess the capacity to pursue such ambitions. One key element of that capacity lies in natural resources, and "the geopolitics of natural resources has long been a strategic concern for both exporting and importing countries."³

The importance of energy resources in global politics has increased exponentially in recent decades, and Russia has become a central actor in supplying hydrocarbons to the European Union. As stated at the beginning of this study, the analysis relies on several relevant theories from geopolitics and international political economy.

From the perspective of resource geopolitics theory, it can be argued that states controlling key global economic resources can leverage this advantage to influence international relations, form strategic alliances, or impose economic constraints on other states⁴. In this context, Russia uses

¹ John Agnew, *Geopolitics; Re-visioning world politics*, Routledge, London, 2003, p. 85

² Colin Flint, *Introduction to Geopolitics*, Routledge, London, 2006, p. 13.

³ Phillippe Le Billon, *The Geopolitical Economy of Resource War in The Geopolitics of Resource War*, ed. Phillippe Le Billon, Frank Kass, London, 2005, p. 22.

⁴ Cf. M. Klare, *Rising Powers, Shrinking Planet: The New Geopolitics of Energy*, Metropolitan Books, 200.

hydrocarbons not merely as commodities, but as strategic tools to pressure importing countries. For example, the EU's dependence on Russian natural gas has been exploited by Moscow to gain political or economic concessions. This theory explains why Russia has preferred bilateral relations with EU member states in the energy sector rather than dealing with the Union as a whole, attempting to create divisions among members. A clear example of this is the gas crises of 2006 and 2009, when Russia cut off gas supplies to Ukraine, affecting other European countries as well. Through this strategy, Russia demonstrated its influence and Europe's dependence on its energy infrastructure.

Another perspective is Kenneth Waltz's structural realism, which asserts that the structure of the international system is determined by the distribution of power among states⁵. In this model, states operate in an anarchic environment and seek to maximize their security and influence. In the energy context, structural realism explains why Russia uses energy as a strategic tool. Its natural resources are a major source of income and influence, which it uses to maintain dominance in Eastern Europe. One example is Russia's strategy of securing export routes. Russia developed alternatives to traditional routes crossing Ukraine, such as Nord Stream 1 and 2, to reduce vulnerability to transit states. This behavior reflects the principles of structural realism, as Moscow seeks to protect its dominant supplier position by avoiding dependence on other states' territories. Structural realism also explains the EU's response, as the Union took measures to diversify its energy supply by supporting projects like the TAP (Trans Adriatic Pipeline) and BRUA pipelines, while imposing stricter regulations on Russian energy infrastructure to reduce Moscow's influence.

Another relevant theory is Keohane and Nye's complex interdependence, which posits that states are interconnected through economic, political, and social ties, making coercive power less efficient and more costly⁶. This theory suggests that instead of confrontation, states are compelled to cooperate due to mutual economic benefits. In the Russia-EU relationship, complex interdependence was evident in Europe's reliance on Russian gas and Russia's dependence on revenue from those exports. This created an unstable balance, where both sides sought to reduce vulnerabilities without severing trade ties. However, the Ukraine war challenged this interdependence. On one hand, the EU accelerated its diversification of energy sources, reducing imports from Russia. On the other, Russia sought new markets in China and India. This shift revealed the limits of complex interdependence, as geopolitical pressures outweighed economic constraints. One concrete example was Germany's initial

⁵ Cf. K. Waltz, *Theory of International Politics*, McGraw-Hill, 1979.

⁶ R. Keohane, J. Nye, *Power and Interdependence*, Longman, 2011.

reluctance to impose harsh sanctions on Russian energy due to its heavy dependence on gas. Yet, as the conflict escalated, the EU had to adopt severe measures despite the economic costs.

The collapse of the Soviet Union was primarily due to its economic inefficiency, its inability to sustain the arms race with the United States, and the population's lack of adherence to its leadership's policies. However, it must also be acknowledged that the United States and Western powers actively contributed to the USSR's and Russia's weakening: "Washington's goal in the IMF's market reforms in the former Soviet Union was brutally simple—to destroy Moscow's economic ties... from Uzbekistan to Hungary... the Russians received the standard Third World treatment... IMF conditions and a fall into poverty."⁷

Under Yeltsin, Russia was on the brink of collapse, creating a major security problem due to its vast nuclear arsenal. During this period, Russia's immense natural resources—especially oil and gas—often fell into the hands of a few businessmen through questionable means.

This disastrous trajectory was reversed with the rise of Vladimir Putin. Over the past two decades, Russia has changed direction. Although corruption persists and Putin's regime is more autocratic than democratic, it would be naïve to believe Russians vote for him out of ignorance. Rather, in a short period, people witnessed the difference between order and chaos, paid and unpaid wages, and international respect versus humiliation.

Once internal cohesion was restored, Russia reasserted its ambitions as a global power, understanding that "well-managed resources can become an important asset for development, but may also be a source of vulnerabilities and excesses, negatively influencing domestic politics, national economies, and international relations."⁸

The most important market for Russia's hydrocarbon exports has been the European Union, which in turn relied on Russia as its main energy supplier. Approximately one-third of the EU's oil, gas, and coal consumption came from Russia. For Russia, the EU relationship was even more crucial: "In 2003, 58% of Russia's oil exports and 88% of its gas exports were directed to the European Union."⁹ In the following decade, those proportions remained consistent, with projections indicating growth.

In 2008, 32% of the EU's crude oil imports, 39.9% of its gas imports, and 35% of its coal imports came from Russia¹⁰. That year, Europe imported €118.1 billion worth of energy from Russia, while exporting only €0.6 billion

⁷ William Engdahl, *A Century of War*, Pluto Press, London, 2004, p.234.

⁸ Phillippe Le Billon, *op. cit.*, p. 5

⁹ Sanam S. Haghighi, *Energy Security*, Hart Publishing, Portland, 2007, p. 342.

¹⁰ Cf. EU Market Observatory for Energy, *Europe's Energy Position*, 2010, annual report, Publications Office of the EU, Luxembourg, 2011, p. 26.

in energy to Russia. While the overall EU-Russia trade balance was relatively even, the energy trade reflected a deficit of €117.5 billion for the EU¹¹.

According to EU estimates, despite projects aimed at diversifying sources and optimizing consumption grids, by 2030 Russian imports were expected to rise: oil from 577,908 ktoe (2010) to 611,939 ktoe, gas from 289,834 ktoe to 333,741 ktoe, and coal from 171,225 ktoe to 129,088 ktoe¹².

Aware of its dependency on European markets and in light of the Ukraine conflict, Russia has sought alternative buyers in East Asia, particularly China and Japan—"potential buyers who could offer returns for redirecting transport infrastructure away from Europe".¹³

In this context, the current research employs a methodology based on quantitative analysis, using statistical data from official sources such as Eurostat and the International Energy Agency (IEA). This approach allows for an assessment of hydrocarbon flows between Russia and the EU, as well as a comparative analysis of the EU's dependence on Russian resources versus alternatives like Norway, the United States, and Qatar.

Following the February 2022 invasion of Ukraine, the European Union imposed severe sanctions on Russia's energy sector, including:

- Ban on imports of Russian seaborne oil
- Gradual reduction of pipeline gas imports
- Blocking of European investments in Russian energy infrastructure projects

What did Russia do in response?

In 2022, Russia was forced to redirect its energy exports toward alternative markets such as China and India. The impact of sanctions on Russia's energy sector was profound and long-lasting. Russia had to find new trading partners, but the diversification process was hampered by several factors:

1. **Underdeveloped infrastructure** – Existing pipelines do not allow for the rapid and efficient redirection of large gas volumes previously destined for Europe. The "Power of Siberia" pipeline linking Russia to China still lacks sufficient capacity to offset losses in the European market. "Power of Siberia 2" is in planning but will not be operational before 2030¹⁴.

¹¹ EU Market Observatory for Energy, *Country File Russia*, Brussels, March 2010, p.5

¹² cf P. Kapros et. al., *EU Energy Trends to 2030*, Publication Office of the European Union, Luxembourg, 2010, p. 66

¹³ Viatcheslav Morozov, *Energy Dialogue and the Future of Russia*, in *The EU-Russia Dialogue*, ed. Pami Aalto, Ashgate, 2008, p. 50

¹⁴ Cf. Erica Downs, Akos Losz, Dr. Tatiana Mitrova, *The Future of the Power of Siberia 2 Pipeline*, Center on Global Energy Policy at Columbia University, School of International and Public Affairs, New York, 2024 in <https://www.energypolicy.columbia.edu/wp->

2. **Long distances and transportation costs** – Unlike deliveries to Europe via pipeline, exports to Asian markets require either much longer pipelines or maritime transport of liquefied natural gas (LNG). This method entails significant operational and infrastructure costs.

3. **Dependence on powerful buyers** – China and India have taken advantage of Russia’s vulnerable position by negotiating lower prices for oil and gas. For example, India purchased Russian oil at a 20–30% discount compared to international prices, thereby reducing Russia’s export revenues¹⁵.

4. **Decline in budget revenues** – The Russian economy felt the effects of sanctions through a significant drop in energy income. In 2023, hydrocarbon export revenues decreased by approximately 30% compared to 2021 levels, leading to a depreciation of the ruble and high inflation¹⁶.

5. **Impact on energy companies** – Energy giant Gazprom and oil company Rosneft were affected by international restrictions, facing difficulties obtaining essential technologies for resource extraction in areas like the Arctic. Additionally, financial sanctions limited their ability to access Western capital for investments in energy infrastructure.

6. **Russia’s strategy of strengthening ties with other emerging markets** – Besides China and India, Russia intensified energy cooperation with Turkey and Central Asian countries. However, these markets lack the absorption capacity needed to fully replace the losses caused by EU sanctions.

The Evolution of Russian Natural Gas Exports to China (2019–2023)

| Year | Gas Exports to China (billion m³) |
|-------------|---|
| 2019 | 15 |
| 2020 | 20 |
| 2021 | 30 |
| 2022 | 40 |
| 2023 | 50 |

(Source: Nature)

[content/uploads/2024/05/POS2-Commentary_CGEP_052024.pdf](https://www.nature.com/content/uploads/2024/05/POS2-Commentary_CGEP_052024.pdf) accessed on February 23, 2025

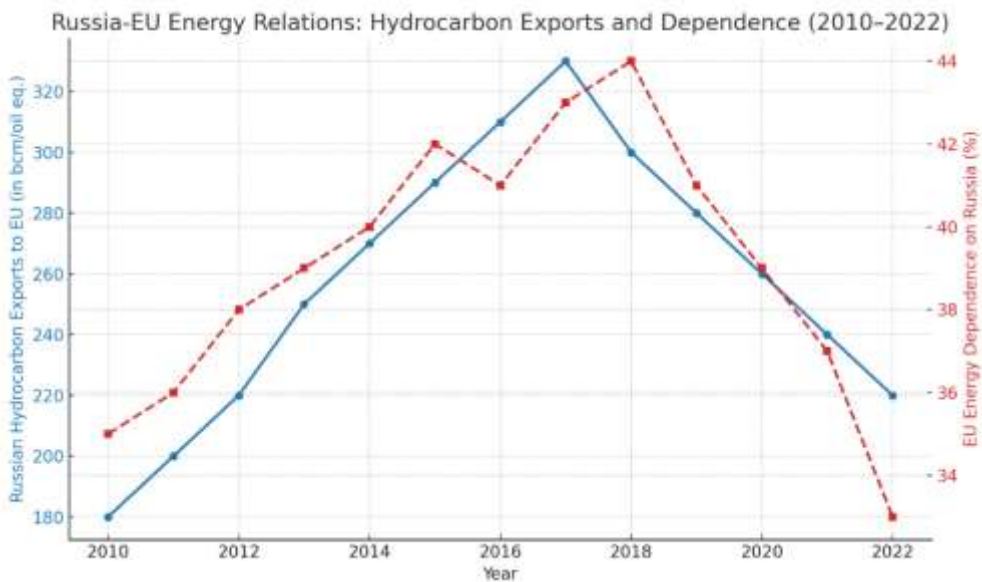
¹⁵ ***Energy Fact Sheet: Why does Russian oil and gas matter? In <https://www.iea.org/articles/energy-fact-sheet-why-does-russian-oil-and-gas-matter> accessed on February 23, 2025

¹⁶ Cf. Vaibhav Raghunandan, *Monthly analysis of Russian fossil fuel exports and sanctions* in <https://energyandcleanair.org/may-2024-monthly-analysis-of-russian-fossil-fuel-exports-and-sanctions/> accessed on February 24, 2025

The Evolution of Natural Gas Imports from Russia to the EU (2015–2023)¹⁷

| Year | Gas Imports from Russia (billion m ³) | Share in Total EU Consumption (%) |
|------|--|--------------------------------------|
| 2015 | 155 | 34% |
| 2018 | 180 | 40% |
| 2021 | 170 | 38% |
| 2022 | 60 | 15% |
| 2023 | 45 | 10% |

(Source: Eurostat, AIE)



A detailed interpretation of this statistical data allows us to understand the geopolitical and economic impact of the reduction in natural gas imports from Russia to the EU. This data will be analyzed from multiple perspectives:

1. The Evolution of Natural Gas Imports from Russia to the EU (2015–2023)

The evolution of natural gas imports from Russia to the European Union reflects major geopolitical and economic transformations in recent years, highlighting both the initial growth of EU energy dependence and

¹⁷ Cf. EUROSTAT, *EU trade with Russia - latest developments* in [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU trade with Russia - latest developments](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU_trade_with_Russia_-_latest_developments) accessed on March 1, 2025

subsequent efforts to diversify supply sources. The analysis of this phenomenon reveals three distinct stages: import expansion (2015–2018), sustained high dependence (2018–2021), and a sharp decline in Russian deliveries (2022–2023)¹⁸.

Between 2015 and 2018, Russian gas imports to the EU increased significantly, reaching a peak of 180 billion cubic meters in 2018, up from 155 billion in 2015. This growth was mainly due to the competitive prices offered by Gazprom and long-term contracts signed by European states, which consolidated Russia's dominant position in the European energy market. Another important factor was the decline in EU domestic gas production, driven by environmental and safety concerns. For instance, the Netherlands reduced output from the Groningen field—one of Europe's largest—due to the seismic risks associated with extraction¹⁹.

Between 2018 and 2021, although Russian imports began to decline slightly, they still reached 170 billion cubic meters in 2021. The EU remained heavily dependent on Russian gas. During this period, the EU began implementing policies to diversify its energy sources and develop renewable energy, but the pace of these reforms was insufficient to significantly reduce dependency. Furthermore, the energy transition was slowed by high costs and the need for substantial infrastructure investments²⁰.

Starting in 2022, against the backdrop of the invasion of Ukraine and the economic sanctions imposed on Russia, natural gas imports from the country dropped drastically. While the EU still imported 170 billion cubic meters in 2021, volumes fell to 60 billion in 2022 and just 45 billion in 2023—less than one-third of the 2021 level.

This sharp reduction was driven by three main factors. First, EU sanctions restricted Russian gas imports, including a ban on seaborne oil purchases and the gradual reduction of pipeline deliveries. Second, Russia itself decided to restrict gas exports to Europe, using energy as a geopolitical weapon. In this context, Gazprom significantly cut deliveries to EU states, citing sanctions and demanding ruble payments for contracts—terms that many European countries refused. Third, the EU accelerated the diversification of its energy sources, increasing imports of liquefied natural

¹⁸ Cf. Ugnė Keliauskaitė, Ben McWilliams, Giovanni Sgaravatti, Georg Zachmann, *European natural gas imports* în <https://www.bruegel.org/dataset/european-natural-gas-imports> accessed on March 4, 2025

¹⁹ Cf. *Ibidem*

²⁰ Cf. ****Siguranța furnizării de gaze în UE. Cadrul UE a ajutat statele membre să facă față crizei, dar impactul anumitor măsuri de răspuns la criză nu poate fi demonstrate*, Curtea de Conturi Europeană, 2024 în

https://www.eca.europa.eu/ECAPublications/SR-2024-09/SR-2024-09_RO.pdf accessed on February 20, 2025

gas (LNG) from the United States, Qatar, and Norway, and investing in the infrastructure needed for its regasification.

2. The Share of Russian Gas in Total EU Consumption

The evolution of Russian gas's share in the European Union's total energy consumption reflects the dynamics of a complex process of economic interdependence and geopolitical transformation. In 2015, gas supplied by Russia accounted for 34% of the EU's total consumption, and this share continued to increase, reaching 40% in 2018. The significant growth in Russian imports during this period underscores Europe's high level of energy dependence on a partner that, while economically strategic, was becoming increasingly unpredictable on the international stage. This phenomenon was not new in the history of EU-Russia trade relations, but the level reached in 2018 marked a peak in Russian energy influence over European states²¹.

During the period of expansion in EU-Russia energy relations, several factors contributed to the increase in imports. First, Gazprom offered competitive prices and long-term contracts, reinforcing its position as Europe's main gas supplier. Second, the decline in domestic gas production within EU member states was accelerated by environmental and safety-driven policies aimed at reducing internal resource exploitation. A notable example is the Dutch government's decision to curtail gas extraction from the Groningen field—one of Europe's key supply sources—due to associated seismic risks. These developments created a favorable context for Russia to maintain its dominant position in the European gas market.

However, in 2022, amid the war in Ukraine and the economic sanctions imposed on Russia, the EU's dependence on Russian gas collapsed at an unprecedented pace. While in 2021 Russian gas still accounted for 38% of the EU's total consumption, by 2022 this share dropped to 15%, and in 2023 fell further to just 10%. This rapid transformation, which in another era might have taken decades, marked one of the most dramatic energy transitions in EU history.

The reduction in Russian gas dependence was made possible through exceptional measures implemented in a context of crisis and geopolitical pressure. A crucial role was played by massive imports of liquefied natural gas (LNG), especially from the United States and Qatar, which quickly became key suppliers to Europe. Simultaneously, to compensate for the energy shortfall, several European countries reactivated coal-fired power plants—a decision controversial from an environmental standpoint, but one that temporarily ensured energy security. At the same time, investments in renewable energy were accelerated, with the goal of reducing reliance on fossil fuel imports as swiftly as possible.

²¹ Cf. *Ibidem*.

In addition to diversifying supply sources, the European Union also implemented measures to reduce gas consumption, based on energy efficiency policies and programs aimed at limiting industrial and residential dependency on this resource. This reconfiguration of EU energy policy was driven not only by the need for an immediate response to the geopolitical crisis but also by a broader strategic recalibration aligned with the Union's green transition objectives and carbon emission reduction goals.

3. Economic and Geopolitical Implications

The EU's rapid reduction of its dependence on Russian gas has had significant consequences for both the European bloc and the Russian Federation. While this transition was essential for energy security, its economic and geopolitical effects have been complex and long-lasting.

Impact on the European Union

The EU demonstrated that it could drastically cut gas imports from Russia, but this decision came at a high economic cost, felt across multiple levels in member states. In 2022, alongside the implementation of energy sanctions against Russia, energy prices rose sharply, directly affecting the population and European industry. High energy costs triggered an increase in inflation, weakened citizens' purchasing power, and reduced the competitiveness of European industries on the global market. Energy-intensive sectors such as metallurgy, chemicals, and cement production were especially affected by volatile natural gas prices.

To compensate, EU countries accelerated the deployment of renewable energy sources, boosting investments in wind and solar parks as well as energy storage infrastructure. In addition, LNG imports from the United States, Qatar, and other countries became a key component of the EU's energy security strategy, although they came at higher costs compared to previously imported Russian pipeline gas.

For Eastern European countries, which were among the most dependent on Russian gas, the transition proved much more difficult. Countries like Hungary and Slovakia, whose economies were tightly integrated into Russian energy infrastructure, faced significant challenges adapting to new supply conditions. Their governments were forced to renegotiate contracts and seek alternative solutions, generating political tensions within the EU. Some states voiced opposition to the sanctions imposed on Russia.

Impact on the Russian Federation

The loss of the European market had devastating effects on the Russian economy, as around 40% of Russia's budget revenues came from energy exports. Although Moscow tried to compensate by redirecting exports to

Asia, especially China and India, these markets could not fully replace the revenue lost from Europe.

Firstly, the prices negotiated by China and India were significantly lower than those previously applied to European countries. With the advantage of favorable negotiating positions, Beijing and New Delhi secured major discounts on Russian oil and gas, cutting into Moscow's profits. Moreover, inadequate infrastructure for gas transport to Asia limited Russia's ability to swiftly transfer large volumes to its new economic partners. Existing pipelines, such as Power of Siberia, operate below the capacity needed to offset European losses, and developing new routes requires major investment and years of construction²².

Another consequence of this transition was the decline of Gazprom, the Russian energy giant, which suffered substantial revenue and investment losses. The financial shortfall affected Russia's ability to develop new energy projects, which may further reduce Moscow's global energy influence in the long term. Additionally, the withdrawal of Western companies from Russia's oil and gas sector due to sanctions led to a lack of technology and expertise needed to develop new fields and optimize resource extraction²³.

Overall, the energy transition triggered by the conflict in Ukraine and the sanctions imposed on the Russian Federation has significantly reshaped the global natural gas market, with deep economic and geopolitical effects for both the European Union and Russia.

To better understand the EU's degree of dependence on Russia, the following comparative analysis evaluates hydrocarbon imports from alternative sources such as Norway, the United States, and Qatar²⁴.

Distribution of Natural Gas Suppliers to the EU in 2023

| Provider | Quantity delivered (billion m ³) | Share in EU imports (%) |
|-----------|--|-------------------------|
| Norway | 110 | 30% |
| Russia | 45 | 10% |
| USA (GNL) | 80 | 25% |

²² Cf. Pye, S., Bradshaw, M., Price, J. et al., *The global implications of a Russian gas pivot to Asia*. in Nature <https://www.nature.com/articles/s41467-024-55697-7#citeas> accessed on March 2, 2025

²³ cf. Michal Meidan, Mohua Mukherjee , Philip Andrews-Speed , Yan Qin , Mike Fulwood, Andreas Economou, *Asian Energy Markets Following the Russian Invasion of Ukraine*, The Oxford Institute for Energy Studies, August 2022 <https://www.oxfordenergy.org/wpcms/wp-content/uploads/2022/08/Asian-Energy-Markets-Following-the-Russian-Invasion-of-Ukraine.pdf> accessed on February 22, 2025

²⁴ Cf. Consiliul European, Consiliul Uniunii Europene, *De unde provin gazele utilizate în UE?* în <https://www.consiliium.europa.eu/ro/infographics/where-does-the-eu-s-gas-come-from/> accessed on March 1, 2025

| | | |
|-------------|----|-----|
| Qatar (GNL) | 50 | 15% |
| Algeria | 40 | 10% |

(Source: Eurostat, AIE)

This analysis shows that while Russia lost a significant share of the European market, the United States and Norway emerged as dominant suppliers. Notably, U.S. exports of liquefied natural gas (LNG) increased considerably, supported by the EU's ability to import gas in liquid form through terminals in the Netherlands, Spain, and Germany.

The table offers a clear overview of the new configuration of the EU's natural gas supply in 2023, following the drastic reduction in imports from Russia. The shift in supply sources highlights a significant diversification with economic, strategic, and geopolitical implications.

The distribution of natural gas suppliers to the European Union in 2023 marks a profound shift in the supply structure, reflecting both the EU's deliberate efforts to reduce dependence on Russia and the strategic adaptations of major gas producers to new geopolitical realities. In the context of sanctions imposed on Russia after the invasion of Ukraine, Norway became the most important gas supplier for Europe, covering approximately 30% of the bloc's import needs. This dominant position was made possible by Norway's political stability and existing transport infrastructure, including extensive pipeline networks directly connecting to EU member states such as Germany, France, and the United Kingdom. However, this growing dependence on Norway comes with limitations, as its production capacity is finite, and the intensive exploitation of resources in the North Sea raises concerns about the long-term sustainability of this supply source.

In this context, the United States became a key player in the European gas market, supplying 25% of the EU's total gas imports in 2023, ranking second after Norway. This rise was fueled by the rapid expansion of LNG exports, supported by U.S. technological capabilities and the shale gas revolution. Although LNG transport entails higher costs compared to pipeline deliveries, U.S. political and economic support for its European allies was a decisive factor in strengthening this energy partnership. However, in the long run, dependence on U.S. LNG raises certain challenges, as prices are more volatile and availability may be affected by global demand and fluctuations in the international energy market.

At the same time, Qatar has become an increasingly important gas supplier for Europe, accounting for 15% of the EU's total gas imports in 2023. With some of the largest natural gas reserves in the world, Qatar has consolidated its status as a reliable energy partner by offering long-term contracts and robust export capacity. The increase in LNG shipments to

Europe was driven by Qatar's investments in its export infrastructure and the efforts of several EU countries, such as Germany, to sign strategic contracts ensuring long-term supply. Nevertheless, while Qatar offers long-term stability, Europe's growing dependence on gas from the Middle East may introduce new geopolitical risks, especially in the event of regional tensions that could disrupt LNG deliveries²⁵.

Finally, another important gas supplier to the EU is Algeria, which provided approximately 10% of total imports in 2023. Unlike the U.S. and Qatar, which deliver LNG by sea, Algeria supplies natural gas mainly via direct pipelines to Spain and Italy, through the Medgaz and Transmed infrastructure²⁶. This partnership has been strengthened in recent years, but Algeria's ability to increase exports remains limited due to insufficient investment in extraction and transport infrastructure. Although Algerian gas represents a stable solution for Southern European countries, it is unlikely that Algeria can replace the volumes lost from Russia in the long term²⁷.

In conclusion, the reconfiguration of the European natural gas market in 2023 reflects a rapid and profound transition, driven by the EU's need to ensure energy security in the face of geopolitical challenges. Norway has become the bloc's main supplier, though its production capacity is limited, while the U.S. and Qatar have capitalized on the European energy crisis to expand their market presence through large LNG exports. Russia, by contrast, has suffered significant losses, being forced to redirect exports to Asian markets without fully compensating for lost revenues from Europe. In the long term, the EU must continue diversifying supply sources, invest heavily in renewable energy, and develop gas storage and distribution infrastructure to avoid risky dependence on any single supplier. This rapid transition demonstrates the bloc's ability to adapt to geopolitical shifts, but also raises major challenges related to cost, economic stability, and energy sustainability.

The analysis confirms that Russia used energy resources as a geopolitical tool, but also that the European Union managed to significantly reduce its dependence on Russian hydrocarbons. Although Russia found alternative markets for its exports, the loss of the European market seriously affected its economy.

²⁵ Debbie Mohnblatt, *Qatar to Become Largest LNG Exporter Worldwide but Cannot Replace Russian Gas for Europe* <https://themedialine.org/by-region/qatar-to-become-largest-lng-exporter-worldwide-but-cannot-replace-russian-gas-for-europe/> accessed on February 20, 2025

²⁶ ****Algeria: investiții record ale companiilor americane în sectorul gazelor naturale* în <https://www.agenzianova.com/ro/news/algeria-investimenti-record-delle-aziende-usa-nel-settore-del-gas/> accessed on February 20, 2025

²⁷ *** *Union for the Mediterranean* în https://energy.ec.europa.eu/topics/international-cooperation/key-partner-countries-and-regions/union-mediterranean_en accessed on February 22, 2025

In the long term, the European Union must continue the process of diversifying energy sources to ensure energy security. To this end, the EU strategy includes infrastructure development for LNG imports, particularly from the U.S. and Qatar, and expanding investments in renewable sources such as wind and solar energy. In parallel, improving energy efficiency and implementing policies to reduce fossil fuel consumption are essential measures for achieving energy independence from Russia.

The impact of sanctions on Russia has been profound, significantly reducing the budget revenues obtained from oil and gas exports. Moreover, attempts to redirect exports to Asian markets such as China and India have been limited by the lack of adequate infrastructure and the ability of these countries to negotiate lower prices. As a result, Russia has experienced a sharp decline in energy profits, which has had significant economic implications, including ruble depreciation and rising inflation.

At the same time, the EU has engaged in an accelerated transition toward green energy, aiming to reduce dependence on fossil fuels. European decarbonization plans, such as “Fit for 55” and the European Green Deal, aim to cut carbon emissions and boost investment in alternative energy. However, the energy transition is not without challenges. The high costs of implementing renewable energy and the need to develop efficient energy storage technologies remain major obstacles to decarbonization.

Under these conditions, Russia—being one of the emerging economies with substantial military capacity, vast natural resources, a large population, and a strong centralized leadership—can still support the global position it gained decades ago within the UN Security Council, through diplomatic relations (especially with the Arab world and the former Soviet space), as well as with major powers such as Japan and China, and through trade relations.

During the Yeltsin era, Russia would not have had a say in Western positions on the Syrian issue, nor could it have prevented an EU-Ukraine agreement. Today, such developments are possible, in part due to the way Russia, under Putin’s regime (however unpalatable it may be to the West), has strategically used its natural resources—particularly hydrocarbons—as geopolitical instruments.

References:

****Algeria: investiții record ale companiilor americane în sectorul gazelor naturale* in <https://www.agenzianova.com/ro/news/algeria-investimenti-record-delle-aziende-usa-nel-settore-del-gas/>

****Energy Fact Sheet: Why does Russian oil and gas matter?*
<https://www.iea.org/articles/energy-fact-sheet-why-does-russian-oil-and-gas-matter>

****Siguranța furnizării de gaze în UE. Cadrul UE a ajutat statele membre să facă față crizei, dar impactul anumitor măsuri de răspuns la criză nu poate fi demonstrate*, (2024), Curtea de Conturi Europeană, in https://www.eca.europa.eu/ECAPublications/SR-2024-09/SR-2024-09_RO.pdf

***Union for the Mediterranean in

https://energy.ec.europa.eu/topics/international-cooperation/key-partner-countries-and-regions/union-mediterranean_en

AGNEW, John, (2003), *Geopolitics; Re-visioning world politics*, London, Routledge

Consiliul European, Consiliul Uniunii Europene, *De unde provin gazele utilizate în UE?* in

<https://www.consilium.europa.eu/ro/infographics/where-does-the-eu-s-gas-come-from/>

DOWNS, Erica; LOSZ Akos, Dr. MITROVA, Tatiana, (2024), *The Future of the Power of Siberia 2 Pipeline*, New Yor, Center on Global Energy Policy at Columbia University, School of International and Public Affairs, in https://www.energypolicy.columbia.edu/wp-content/uploads/2024/05/POS2-Commentary_CGEP_052024.pdf

Engdahl, William, (2004), *A Century of War*, London, Pluto Press

EU Market Observatory for Energy, (March 2010) *Country File Russia*, Brussels

EU Market Observatory for Energy, (2011) *Europe's Energy Position*, 2010, annual report, Luxembourg, Publications Office of the EU

EUROSTAT, *EU trade with Russia - latest developments* in https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU_trade_with_Russia_-_latest_developments

Flint, Colin, (2006), *Introduction to Geopolitics*, London, Routledge

Haghighi, Sanam S., (2007), *Energy Security*, Portland, Hart Publishing

Kapros, P. et. al., (2010), *EU Energy Trends to 2030*, Luxembourg, Publication Office of the European Union

Keliauskaitė, Ugnė; McWilliams, Ben; Sgaravatti, Giovanni; Zachmann, Georg, *European natural gas imports* in

<https://www.bruegel.org/dataset/european-natural-gas-imports>

Keohane, R., Nye, J., (2011), *Power and Interdependence*, Longman

Klare, M., (2008), *Rising Powers, Shrinking Planet: The New Geopolitics of Energy*, Metropolitan Books

Le Billon, Phillippe, (2005), *The Geopolitics of Resource War*, London, Frank Cass

Meidan, Michal; Mukherjee, Mohua; Andrews-Speed, Philip; Qin, Yan; Fulwood, Mike, Economou, Andreas, (August 2022), *Asian Energy Markets Following the Russian Invasion of Ukraine*, The Oxford Institute for Energy Studies, <https://www.oxfordenergy.org/wpcms/wp-content/uploads/2022/08/Asian-Energy-Markets-Following-the-Russian-Invasion-of-Ukraine.pdf>

Mohnblatt, Debbie, *Qatar to Become Largest LNG Exporter Worldwide but Cannot Replace Russian Gas for Europe* <https://themedialine.org/by-region/qatar-to-become-largest-lng-exporter-worldwide-but-cannot-replace-russian-gas-for-europe/>

Morozov, Viatcheslav, (2008), *Energy Dialogue and the Future of Russia* in *The EU-Russia Dialogue*, Ashgate, ed. Pami Aalto

Pye, S., Bradshaw, M., Price, J. et al., *The global implications of a Russian gas pivot to Asia*. in *Nature* <https://www.nature.com/articles/s41467-024-55697-7#citeas>

Raghunandan, Vaibhav, *Monthly analysis of Russian fossil fuel exports and sanctions* in <https://energyandcleanair.org/may-2024-monthly-analysis-of-russian-fossil-fuel-exports-and-sanctions/>

Waltz, K., (1979), *Theory of International Politics*, McGraw-Hill

ACHIEVING ENVIRONMENTAL SUSTAINABILITY THROUGH CARBON NEUTRALITY IN UGANDA: LEGAL ISSUES AND STRATEGIC SOLUTIONS

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Abstract: *As a global priority today, environmental sustainability is of prime importance in the face of increased climate change and depletion of the ozone layer. In Uganda, environmental sustainability is tightly linked to carbon neutrality, which entails the balance between carbon emissions and their removal or reduction measures. Although, several legal frameworks tend to curtail the incidence of carbon emission, however, there seem to be challenges which include deforestation, industrialization, and other harmful human activities. It is in this regard, that this study examines the status of carbon neutrality law in Uganda and its gaps in policy frameworks and enforcement mechanisms. It is also aimed at proposing strategic suggestions on how the country can become stronger in terms of achieving environmental sustainability through carbon reduction. Hence, the study adopts qualitative methodology in analyzing the legal frameworks of Uganda, international agreements, policy documents, and relevant literature. The findings show that despite the enactment of major environmental laws, however, there are several challenges such as enforcement measures, public awareness, the limitation of technology, lack of finances, and resource allocation. The study concludes and recommends a comprehensive legal framework that encourages collaboration between agencies and further investment in renewable energy and public education. This is key for Uganda to align itself with global goals for sustainability and secure a resilient environmental future.*

Keywords: *Environment, Sustainability, Carbon Neutrality, Legal, Uganda*

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Introduction

Extreme carbon emissions pollution is a product of very harmful human activities such as deforestation, industrialization, and combustion of fossil fuels¹. Because of these, carbon dioxide and other greenhouse gases permeate the atmosphere². Their accumulation poses potential threats to ecosystems and the health of human beings. According to scientists and researchers, the rapidly changing climate patterns are considered a threat to the very existence of humanity and the climate of Earth. This is concerning the fact that with the increase in carbon emissions, there has been a rise in global temperatures resulting in irregular weather patterns, the rise of seawater levels, and diminishing biodiversity in most parts of the world³. However, as countries struggle to ensure a balance between economic growth and environmental protection, the ultimate strategy for combating adverse effects has been carbon neutrality, which involves the situation where a country's emissions are equal to the amount reduced or absorbed from the environment⁴.

However, in Uganda, the situation concerning carbon emissions mirrors global trends, but the country faces unique challenges due to its economic structure and dependence on natural resources. Deforestation for agricultural expansion, charcoal production, and illegal logging have reduced about eighty percent of the forest cover, which depletes the carbon-sinking ability of the country⁵. Furthermore, the increase of urbanization and industrial activities also add to carbon emissions. These have, hence, necessitated the demand for more stringent laws and policies to regulate carbon pollution and promote the environmental and socio-economic stability of Uganda⁶.

¹ E. Alagoz and Y. Alghawi, 'The Energy Transition: Navigating the Shift Towards Renewables in Oil and Gas Industry', *Journal of Energy and Natural Resources* vol. 12 no. 2, 2023, p. 21-24, 21.

² C. Caiafa, 'International Technology Innovation to Accelerate Energy Transitions: The Case of the International Energy Agency Technology Collaboration Programmes' (2023) *Environmental Innovation and Societal Transitions* 48 1-19.

³ P.A. Aidonojie et al., 'The Role of Digital and Scientific Technology in Complimenting Global Legal Framework Towards Clean Energy Transition' *The Journal of Sustainable Development, Law and Policy*, Vol. 15 no. 3, 2024, p. 314-343.

⁴ O.A. Anani et al., 'Application of Microorganisms as Biofactories to Produce Biogenic Nanoparticles for Environmental Cleanup: Currents Advances and Challenges', *Current Nanoscience*, Vol. 19 no. 6, 2023, p. 770-782

⁵ K.E. Ukhurebor et al., 'Environmental Influence of Gas Flaring: Perspective from the Niger Delta Region of Nigeria', *Geofluids*, vol. 18, 2024, p. 17,

<https://doi.org/10.1155/2024/1321022>

⁶ D.W. Kweku, 'Greenhouse Effect: Greenhouse Gases and Their Impact on Global Warming', *Journal of Scientific Research & Reports* vol. 17 no. 6, 2017, p. 1-9.

It must be noted that environmental sustainability is one of the greatest today concerns globally, especially due to the increasing impacts of climate change, loss of biodiversity, and depletion of resources. However, Uganda, is dependent heavily on agriculture and natural resources, thus, having environmental sustainability is critical for the economic stability and well-being of the community⁷. A necessary stride to environmental sustainability is achieving carbon neutrality defined as balancing the amount of carbon dioxide emitted to that an equivalent amount removed from the atmosphere⁸. In attaining environmental sustainability, the major concern would be enforcing national and international legal frameworks as it concerns curtailing carbon emissions. Agreements such as the Paris Accord and the Kyoto Protocol provide guidelines as well as benchmarks regarding carbon reductions and encourage countries to adopt climate actions⁹. Although, the existing legal and policy framework in Uganda, forms a basis for addressing carbon pollution and promoting sustainability. However, there remains much to be done, particularly in enforcement measures, public awareness, the limitation of technology, lack of finances, and resource allocation. Bridging such gaps would necessitate strategic reforms at the legal and institutional levels effective for Uganda to meet the global sustainability goals as well as protect the environment for future generations¹⁰.

Given the above, this study intends to assess the legal frameworks for achieving environmental sustainability through carbon neutrality in Uganda. The study reviews the current laws and policies to identify their limits as well as propose strategic recommendations to address existing challenges. Hence the objective of this study is aim at examine how Uganda can contribute toward a sustainable environment through carbon neutrality.

Methodology

Given the study tends to investigate achieving environmental sustainability through carbon neutrality in Uganda regulated by an effective

⁷ N. Admira and I. Abrar, 'Green Hydrogen-based E-Fuels (E-methane, E-methanol, E-ammonia) to Support Clean Energy Transition: A Literature Review', *International Journal of Hydrogen Energy* vol. 48 no. 75, 2023, p. 29011-29033.

⁸ O.A. Anani et al., 'Current Methods in the Management and Disposal of Plastic Wastes During COVID-19 Pandemic'. In: Anani, O.A., Shahnawaz, M., Dar, M.A., Daochen, Z. (eds) *Plastic and the COVID-19 Pandemic*. 2025, Springer, Cham.

https://doi.org/10.1007/978-3-031-74769-4_3

⁹ P.A. Aidonojie and O.A. Anani, 'Legislative Framework in Addressing Emergent Pollutants and Ecological Impacts' in *Emergent Pollutants in Freshwater Plankton Communities*, Tailor & Francis (CRC) Press, 2024, p. 163-176

¹⁰ N. Abass and Raza A. Kalair, and Nasrullah Khan, 'Review of Fossil Fuels and Future Energy Technologies', *69 Futures* vol. 69, 2015, p. 31-39.

legal framework, a doctrinal method of study was adopted. The essence of adopting a doctrinal method of study is to effectively theorise and conceptualise the incidence of climate change arising from environmental degradation caused by harmful human activities and other natural occurrences within climate Earth.

Hence, utilising a doctrinal method of study, the study places reliance on primary sources such as statutory provisions¹¹ which include the Uganda constitution and legislation as it concerns environmental sustainability and carbon neutrality. Furthermore, the study also relied on secondary sources of authority such as textbooks, journal articles, commentary, and other relevant sources. The data obtained from the primary and secondary sources were analysed and discussed utilising a descriptive and critical analytical method of appraisal.

Theoretical Framework

Theoretical framework refers to the underline principles that guide the ideology concerning a particular concept or a discussion. However, as it concerns the legal framework for carbon neutrality in Uganda, several theories are relevant to this study. In this regard, these theories will be duly considered as follows:

a) Sustainable Development Theory

Sustainable Development Theory has been defined as the development that meets the needs of the present without compromising the ability of future generations to meet their own needs¹². This theory emphasizes the need for economic, social, and environmental sustainability yet climate change deprives society of these aspects. The Parties should protect the climate system for the benefit of present and future generations of humankind, based on equity and by their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof¹³.

As greenhouse gas emissions blanket the earth, they trap the sun's heat which leads to global warming and climate change. Climate change is associated with extreme weather events such as floods, wildfires, pests and diseases, and drought, among other events¹⁴. These have severely led to; the

¹¹ P. Plotz, 'Unlikely to Play a Major Role in Sustainable Road Transport', *Nature Electronics* vol. 5, 2022, p. 8-10.

¹² M. Tran, 'Realizing the Electric-Vehicle Revolution', *Nature Climate Change*, vol. 2 no. 5, 2023, p. 328-333, 328.

¹³ The United Nations Framework Convention on Climate Change, Art 3(1)

¹⁴ O.A. Anani et al., 'Environmental Principles and Ethics: Current Challenges in the Field of Bioscience and Law', *Ethics, Media, Theology and Development in Africa: A*

decline in the socioeconomic status of society, environmental degradation, and pollution among other effects¹⁵. Climate change is a huge threat to the earth's ecosystem and society, thus an obstacle to sustainable development. Carbon neutrality is very crucial in achieving sustainable development. It is considered a key strategy to mitigate climate change. Its deployment can contribute to the reduction of greenhouse gases in the atmosphere thus minimising the effects of climate change thereby encouraging sustainable development. Carbon neutrality often includes the transition to new technologies such as renewable energy that involves the use of solar panels to generate solar energy, wind for wind energy, and hydropower. These are clean technologies that do not emit greenhouse gases into the atmosphere thus fostering economic, social, and environmental sustainability. Carbon neutrality is an important aspect that can cure climate change and promote sustainable development.

b) Climate Justice Theory

Addressing the social, economic, and environmental challenges of climate change, it is the climate justice framework that worked toward creating just and fair resolutions to those impacts in a manner that respects the rights and needs of vulnerable communities, especially in developing countries and low-income neighborhoods extremely affected by climate consequences. Provided is the guiding principle that developed countries will lead the way in GHG emission reductions while helping their less-developed counterparts cope with the impacts. The rights of ordinary human beings such as that of a clean environment, food security, and socio-economic progress are intrinsic to that state or condition¹⁶. Moreover, the framework recognizes and validates the importance of involving the affected local communities in the decision-making process so that they may also empower themselves in efforts to counter the impacts of climate change. It is also based on achieving sustainable development is about meeting the Development Agenda at present without compromising the ability of future generations to meet their own needs. Victims of climate change should get suitable support for their vulnerabilities and the severity of the impacts they suffer from for mitigation, adaptation, and compensation measures.

Festschrift in Honour of Msgr. Prof. Dr. Obiora Francis Ike, Global.net Co-Publication & Others, Geneva, Switzerland, 2022, P. 142-158

¹⁵ P.A. Aidonojie et al., 'Legal Implications of Nanobiosensors Concerning Environmental Monitoring'. In: Singh, R.P., Ukhurebor, K.E., Singh, J., Adetunji, C.O., Singh, K.R. (eds) Nanobiosensors for Environmental Monitoring. Springer, Cham. 2022, https://doi.org/10.1007/978-3-031-16106-3_21

¹⁶ O.A. Acheampong, 'The Political Economy of Energy Transition: The Role of Globalisation and Governance in the Adoption of Clean Cooking Fuels and Technologies', *Technological Forecasting and Social Change* Vol. 186, 2023, p. 45-59. <https://doi.org/10.1016/j.techfore.2022.122156>

That is to say, climate justice pertains to the inequitable impact climate change has on the lives of people and nations like Uganda, and on the current and future generations. It calls for fair distribution of targets regarding reducing emissions globally according to the share of different communities bearing the costs and responsibilities¹⁷. It also considers the needs of countries with developing economies that are much more susceptible to adverse impacts of climate change or would incur even greater disproportionate justice under the international agreements on climate. The equalities required to achieve carbon neutrality are all-inclusive, ensuring participation in institutional structures and sharing the benefits of environmental interventions among marginalized groups. For Uganda, it means enacting laws that focus on vulnerable groups that have suffered damage by the measures of carbon neutrality, leading to an equitable distribution of benefits from environmental conditions.

Conceptual Issues Concerning Climate Change arising from Carbon Emission in Uganda

Climate Change is one of the main environmental challenges confronted in this century. It has been caused mostly by carbon emissions such as the burning of fossil fuels, deforestation, and industrialization that release greenhouse gases (GHGs), like carbon dioxide (CO₂), into the atmosphere trapping heat and leading to global warming and climate disruptions¹⁸. Though these phenomena are perceived as international issues, they appear differently in respective countries, and their effects are coupled with contributing factors depending on the particular social, economic, and environmental settings¹⁹. Between the period of 2015 to 2024, global carbon dioxide (CO₂) emissions have revealed a consistent upward trend, resulting to significantly climate change. Below is a table summarizing the annual global CO₂ emissions and corresponding global temperature anomalies relative to pre-industrial levels for each year from 2015 to 2024

¹⁷ P.A. Aidonojie et al., 'Combating the Silent Threat of Street Trading Resulting in Illegal Dumping of Waste in Uganda', *Kanun Jurnal Ilmu Hukum*, Vol. 26 no. 2, 2024, p. 337-358.

¹⁸ P.A. Aidonojie, 'Environmental Hazard: The Legal Issues Concerning Environmental Justice in Nigeria', *Journal of Human Rights, Culture and Legal System*, vol. 3 no. 1, 2023, p. 17-32, <https://doi.org/10.53955/jhcls.v3i1.60>

¹⁹ A.O. Akinsulore et al., 'Instream Flow Rights for Protecting River Ecology in Nigeria's Bitumen Zone: Learning From Uganda's Experience', *JHR (Jurnal Hukum Replik)*, Vol. 12 no. 2, 2024, 410-428.

Figure 1: Figures and report of Climate Change arising from Carbon Emission globally 2015-2024

| Year | Global CO ₂ Emissions (GtCO ₂) | Temperature Anomaly (°C) |
|------|---|--------------------------|
| 2015 | 35.5 | 1.0 |
| 2016 | 35.8 | 1.1 |
| 2017 | 36.2 | 1.1 |
| 2018 | 36.6 | 1.2 |
| 2019 | 36.7 | 1.2 |
| 2020 | 34.8 | 1.2 |
| 2021 | 36.3 | 1.2 |
| 2022 | 36.6 | 1.2 |
| 2023 | 37.0 | 1.3 |
| 2024 | 37.4 | 1.6 |

Sources:²⁰

Also, Uganda's economy relies much on agriculture and natural resources because of coal emissions and climate change, which always brings in very serious conceptual and practical challenges. One of the major issues one contemplates in understanding climate change in Uganda is the straight deal with deforestation. Uganda's forests, which act as one of the most important carbon sinks, have been lost at a very high pace for clearing land for agriculture, charcoal burning, and not forgetting illegal logging. Because these carbon sinks are on the decrease, the ability of the country to absorb over much CO₂ gets small, increasing the greenhouse gases²¹. The conceptual challenge or difficulty here lies in the balancing act between the economic demands of these rural people, who rely on such forests for their livelihoods, with the need for conservation of the forests as providers of climate regulation²². Furthermore, Climate Change is one of the main environmental challenges confronted in this century. It has been caused

²⁰ Annual carbon dioxide (CO₂) emissions worldwide from 1940 to 2024, https://www.statista.com/statistics/276629/global-co2-emissions/?utm_source=chatgpt.com accessed 15th January, 2025; World Metrological Organisation, "WMO confirms 2024 as warmest year on record at about 1.55°C above pre-industrial level" https://wmo.int/news/media-centre/wmo-confirms-2024-warmest-year-record-about-155degc-above-pre-industrial-level?utm_source=chatgpt.com accessed 15th January, 2025

²¹ S. Nizetic 'Smart and Sustainable Technologies in Energy Transition', Journal of Cleaner Production, vol. 389, 2023, p. 67-79, <https://doi.org/10.1016/j.jclepro.2023.135944>

²² P.A. Aidonojie et al., 'Potential and Legal Challenges of Metaverse for Environmental Awareness and Sustainable Practice in Nigeria: A Comparative Study with Singapore', Administrative and Environmental Law Review Vol. 5 no. 1, 2024, p. 37-64. <https://doi.org/10.25041/aerl.v5i1.3230>

mostly by carbon emissions such as the burning of fossil fuels, deforestation, and industrialization that release greenhouse gases (GHGs), like carbon dioxide (CO₂), into the atmosphere trapping heat and leading to global warming and climate disruptions²³. Though these phenomena are perceived as international issues, they appear differently in respective countries, and their effects are coupled with contributing factors depending on the particular social, economic, and environmental settings²⁴. For instance, Uganda's economy relies much on agriculture and natural resources because of coal emissions and climate change, which always brings in very serious conceptual and practical challenges.

Figure 1: a diagram presentation of major cause and havoc of greenhouse gas



Source: Primary source

One of the major issues one contemplates in understanding climate change in Uganda is the straight deal with deforestation. Uganda's forests, which act as one of the most important carbon sinks, have been lost at a very high pace for clearing land for agriculture, charcoal burning, and not forgetting illegal logging. Because these carbon sinks are on the decrease,

²³ R.S. Dimitrov, 'The Paris Agreement on Climate Change: Behind Closed Doors', *Global Environmental Politics*, vol. 16 no. 3, p. 1-12

²⁴ P.A. Aidonjje et al., 'Breaking Legal and Socio-economic Challenges to Plastic Waste Regulation in Nigeria: Lessons learned from Singapore', *Yustisia*, Vol. 13 no. 1, 2024, p. 64-88

the ability of the country to absorb over much CO₂ gets small, increasing the greenhouse gases²⁵. The conceptual challenge or difficulty here lies in the balancing act between the economic demands of these rural people, who rely on such forests for their livelihoods, with the need for conservation of the forests as providers of climate regulation in Uganda.

Legal Framework in Achieving Environmental Sustainability Carbon Neutrality

Several international laws tend to provide for the regulation of environmental sustainability and the need to eradicate carbon emissions into the atmosphere. Some of these laws will be considered and examined as follows. This convention was adopted in 1992 and its focus was to curtail harmful acts that result in climate change and reduce the emission of greenhouse gases into the atmosphere particularly the emission of carbon dioxide. Uganda is one of the countries that has ratified the convention in its efforts to achieve carbon neutrality and fight the impacts of climate change. Paragraph 2 of the preamble to this Convention points out that the emission of greenhouse gases into the atmosphere majorly results from human activities, which boom the natural greenhouse effect. Hence, Article 2 highlights that the objective of this Convention is that countries should work towards limiting the accumulation of greenhouse gases in the atmosphere as a measure of fighting climate change. In this regard, Article 4(1)(c) provides a clear mandate for countries to collaborate in advancing technological solutions and efforts to fight, control, and minimize the emission of greenhouse gases that is, adoption of clean energy technologies and sources like wind energy, solar energy, carbon captured, hydro-electric power, and storage technology that subscribe to the reduction of greenhouse gas emissions thus fighting climate change and promoting environmental sustainability.

Article 3(3) provides that countries should adopt preventive mechanisms to alleviate climate change and its impacts even in the face of scientific uncertainty, that is; Countries should anticipate and take steps to minimize the root causes of climate change including the reduction of greenhouse gas emissions into the atmosphere thus achieving carbon neutrality. This acknowledges that waiting for scientific certainty might culminate in severe and irreparable destruction of the environment and that action must not be delayed. Being part of UNFCCC enables Uganda to engage in partnerships and collaborative projects with other countries and

²⁵ K.E. Ukhurebor and P.A. Aidonojie, 'The Influence of Climate Change on Food Innovation Technology: Review on Topical Developments and Legal Framework', *Agriculture & Food Security*, vol. 10 no. 1, 2021, p. 1-14, <https://doi.org/10.1186/s40066-021-00327-4>

international organizations towards achieving carbon neutrality and fighting climate change for example, Uganda entered a partnership with Dutch Green Business Group, a leading carbon project developer and ecosystem restoration company in Uganda for a reforestation project. The Dutch Green Business Company specifically partners with the local project implementer Bulindi Chimpanzee and Community Project on a carbon offset project named the Bulindi Chimpanzee Habitat Restoration Project to originate high-integrity carbon credits. The project creates a positive socio-economic impact. This fosters knowledge exchange, technical support, and coordination of efforts to achieve goals for climate action and carbon neutrality.

The UNFCCC serves as an essential floor for Uganda to align its climate strategies with the worldwide efforts to fight against climate change and work towards achieving carbon neutrality.

Another notable international laws that provide for and regulate carbon emissions is the Kyoto Protocol. This law is a legally binding international agreement that operationalises the UNFCCC. Article 2(1) provides that each State in realising its estimated emission restraint and minimization efforts, to further sustainable development, should carry out and or present more strategies and mechanisms in harmony with its state conditions, for instance; safeguarding and development of sinks and reservoirs of greenhouse gases. In this regard, the Protocol gives measures that countries should undertake to minimize their emission of greenhouse gases. These measures are crucial for achieving carbon neutrality and fighting against climate change thus promoting environmental sustainability in Uganda. Article 7(1) provides that each country captured in Annex I should represent in its yearly inventory of anthropogenic release by sources and removals by sinks of greenhouse gases not administered by the Montreal Protocol, put forward in conformity amidst important resolutions of the Conference of the Parties, the crucial additional data intended to ensure the compliance with Article 3, to be settled in agreement with paragraph 4. Article 7(2) further provides that each Party incorporated in Annex I should embody in its state reports, presented under Article 12 of the Convention, the additional data essential to determine compliance with its responsibilities under this Protocol, to be considered in harmony with paragraph 4.

Article 10 provides that all States shall collaborate in the development of effectual processes for the promotion, operation, and spreading of, and carry out viable procedures to advance, accelerate, and fund, the transfer of environmentally robust technologies and procedures relevant to climate change, specifically to growing countries. The Protocol encourages collaboration among Parties in the promotion and facilitation of the promotion, installation, and transfer of environmentally sound

technologies. Germany has collaborated with Uganda to support Uganda's solar energy development. The collaboration between Germany and Uganda in renewable energy is supported by the German Energy Agency (DENA), which has facilitated solar power installations throughout Uganda. Article 12 provides for a Clean Development Mechanism whose purpose is to help Parties not included in Annex I in accomplishing sustainable development and in supporting the objective of the Convention, and to help Parties included in Annex I in accomplishing compliance in their quantified emission check and decreasing commitments under Article 3. The mechanism helps reduce global greenhouse gas emissions by funding projects in developing countries that are more cost-effective for example, financing clean energy projects and other environmentally beneficial projects. Uganda has exploited opportunities under CDM, for example, the Bujagali Hydro Power project across the Victoria Nile was approved as a Clean Development Mechanism because hydropower is renewable and clean energy thus contributing to the reduction of greenhouse gas emissions in Uganda targeting carbon dioxide. The project qualified to earn from selling certified emission reduction credits to industrialised countries as part of their emission reduction targets under the Kyoto Protocol of the UNFCCC. Under the deal, the Uganda Government is to receive 60% of the carbon credit income and 40% from the project sponsors such as Norway.

Concerning the above, it suffices to state that the above-mentioned Articles, the Protocol mandates Parties to provide information related to their greenhouse gas emissions and their improvement towards meeting their targets. Each year, Parties are under obligation to submit detailed inventories of their greenhouse gas emissions and the removals such as the carbon dioxide absorption by forests. In addition, parties are obligated to also submit periodic national communications to provide details on the policies and measures that the country is implementing to meet its targets for greenhouse gas emission reductions. This promotes transparency and accountability among state parties. As a Party to the Kyoto Protocol, Uganda must also submit reports on its implementation progress. In Uganda, the National Greenhouse Gas Inventory system was launched in October 2016 with support from the Low-Emissions Capacity Project. The National Gas Inventory system is presently found at the Climate Change Department of the Ministry of Water and Environment. The system plays a crucial part in helping Uganda to trace emissions or removals and report on Uganda's obligations but also effectually prioritize emission minimization actions in relevant sectors to fight climate change. Therefore, Uganda has been working on developing its capacity to prepare and submit these reports and it submitted its first Biennial Update Report (BUR) that included the National GHG inventory in 2019. The National GHG inventory covers the

period 2005 to 2015 and comprises an approximate of human-discharged emissions of greenhouse gases responsible for increasing worldwide temperatures along with the relevant data for enhancing and evaluating the Country's climate change alleviation strategies and measures.

Furthermore, the Paris Agreement is a legally binding International Treaty and it entered into force in 2016. The agreement involves commitments from all parties to minimize their greenhouse gas emissions and collaborate to adapt to climate change and its impacts and calls on countries to establish their commitments in the long run. The Agreement also gives direction to developed countries to help growing countries in their climate mitigation and adaptation attempts while establishing frameworks for the clear observation and reporting of countries' climate targets. Article 2 provides that the Agreement, in advancing the performance of the Convention, intends to establish the worldwide reaction to climate change hazards, in the context of sustainable development and attempts to end poverty, which involves; upholding the rise in the worldwide moderate temperature to well below 2°C beyond pre-industrial levels and carrying on commitments to minimize the temperature rise to 1.5°C above pre-industrial levels, acknowledging that this would notably decrease the threats of climate change, increasing the capacity to adapt to climate change impacts and encourage climate change resilience and low greenhouse gas emissions promotion, in a way that does not threaten food production, and making funding unailing with a pathway towards low greenhouse gas emissions and climate-resilient promotion. The Agreement aims to; limit global temperature rise, enhance adaptation and resilience to climate change impacts, and align financial flows with low-carbon and environmental sustainability pathways in countries that have ratified it including Uganda. Article 4(2) provides that each Party is required to arrange, share, and uphold successive nationally determined contributions that they aim to accomplish. Parties must also implement domestic measures, to achieve the goals of these contributions. Article 4(3) provides that each Party's future nationally determined contribution should progress beyond its current contribution, showcasing its highest ambition. This should consider their common but differentiated responsibilities and respective capabilities, considering varying national circumstances.

However, other relevant provisions of this protocol that tend to curtail carbon emissions and ensure environmental sustainability, include Articles 4, 5, 10, 12, 13. In this regard, international agreements provide a vital framework for collective action on climate change action and carbon neutrality thus promoting environmental sustainability. Nationally, the legal and institutional framework addressing carbon neutrality serves as a critical tool in translating international climate commitments into

actionable frameworks. These laws define the legal, institutional and policy mechanisms to reduce greenhouse gas emissions, promote sustainable practices and achieve long-term climate goals.

The Constitution of the Republic of Uganda is the principal law that mandates Parliament to enact laws including those that protect, conserve, and preserve the environment under Article 79. Article **39** points out that every Ugandan has a right to a clean and healthy environment. The emission of the greenhouse gases into the atmosphere deprives the individuals of this right. Article 245 mandates Parliament through the enactment of the laws to provide strategies for conserving, protecting, and preserving the environment from degradation, destruction, abuse, and pollution, to control and manage the environment and encourage sustainable development, and to develop environmental awareness. The Constitution provides a solid legal basis for the formation and adoption of environmental laws, policies, and regulations. The provisions for achieving carbon neutrality are incorporated in the various environmental legal frameworks thus ensuring that the measures to reduce carbon emissions are legally binding and enforceable. In this regard, the Constitution provides a foundation for achieving carbon neutrality and environmental sustainability.

It must be noted that several legislations in Uganda are relevant in this regard. For example, the National Environmental Act is Uganda's primary environmental legislation, providing a comprehensive framework for environmental protection. One of its key objectives is to reduce the negative impacts of human activities on the environment to promote environmental sustainability. Section 69 provides that the lead agency may, in dialogue with the Authority, formulate rules and standards and describe mechanisms for; addressing the impacts of climate change on ecosystems, low carbon promotion and minimizing emissions from the cutting of trees and forest destruction, sustainable control of forests and preservation and conservation of forest carbon stock, and caution relevant stakeholders on approaches to inform the impacts of climate change, including those relevant to the usage of natural resources. The NEA underlies that the climate change impacts are a threat to the ecosystem and measures should be put in place to address these impacts. The Act further promotes practices that reduce the emission of greenhouse gases and support environmental sustainability aligned with carbon neutrality goals such as protecting and restoring carbon sinks such as forests, and grasslands which are crucial for capturing and storing carbon dioxide. Furthermore, section 65 points out that the lead agency may in discussion with the Authority develop the preservation and effective utilization of energy by; developing research in relevant renewable sources of energy and energy efficiency, designing incentives for the development of clean energy sources and energy

efficiency; and promoting measures for the conservation of non-renewable sources of energy and energy efficiency. Hence, this provision encourages the transformation to renewable energy as a pathway to meet energy demands and energy efficiency. This can be through the provision of incentives. The transformation to renewable energy would minimize or eliminate greenhouse gas emissions due to the adoption of clean renewable energy technologies such as wind turbines for wind energy generation, solar panels to generate solar energy and hydropower. By replacing fossil fuels with renewable energy can drastically cut the primary source of greenhouse gas emissions thus fighting climate change, achieving carbon neutrality, and promoting environmental sustainability.

Section 103 (2) provides that the Authority shall cooperate with the relevant lead agency, and take mechanisms to manage air pollution by; requiring the rearrangement of available industrial plants or the establishment of new and relevant technology or both, requiring the minimization or elimination of available sources of air pollution, and making rules or standards to reduce emissions of greenhouse gases. This provision tends to focus on preventing pollution as a core responsibility to support environmental sustainability and achieve carbon neutrality through the polluter pays principle. The law mandates that stakeholders must avoid releasing pollutants that could harm the environment. It aims to encourage practices that reduce pollution to reduce the emission of greenhouse gases, safeguard natural ecosystems, and promote cleaner industrial and agricultural processes thus promoting environmental sustainability. In this regard, section 78 mandates a person whose activities might result in pollution to put in place mechanisms for preventing the pollution from transpiring and this should include the use of the best available approaches and best environmental practices. In case any law allows the release of gases into the atmosphere, the person who releases such gases shall take mechanisms to reduce the pollution caused by the release of such gases into the atmosphere.

In the context of achieving carbon neutrality, the National Environment Act, Cap 181 points out a framework for the performance of mechanisms to minimize greenhouse gas emissions and advance the use of renewable energy sources. This is significant for mitigating the impacts of climate change and promoting environmental sustainability.

This Act is a landmark law that provides a framework for addressing climate change and guides towards achieving carbon neutrality by outlining policies, responsibilities, and mechanisms for minimizing greenhouse gas emissions, promoting environmental sustainability, and building resilience to climate change. Hence, section 6 establishes the National Climate Change Action Plan and measures. One of the measures to mitigate climate change

is to enhance sinks and reservoirs such as forests that absorb greenhouse gases, especially carbon dioxide which is a major cause of global warming thus contributing to a low-carbon economy, promoting climate change actions and environmental sustainability. Section 9 of the Act enables entities to trade emissions allowances to ensure compliance with emissions targets, promotes voluntary carbon markets where entities can trade carbon credits to offset their emissions, and includes non-market approaches such as technology transfer, and capacity building to minimize the greenhouse gas emissions and fight climate change.

Section 11 of the Act provides that the Minister shall, in dialogue with the Committee, determine the national basic year, reference level, and goals for the minimization of greenhouse gas emissions for each year, involving goals for each lead agency. Setting a baseline year, reference level and reduction targets provides a structured, measurable approach to control and reduce emissions thus ensuring a low-carbon economy and promoting environmental sustainability. Section 14 of the Act plays a significant role in promoting the country's path to carbon neutrality by outlining the responsibilities of the Department of Climate Change. The outlined responsibilities directly support the processes needed to minimize the emission of greenhouse gases into the atmosphere, develop climate resilience, and promote environmental sustainability. The National Climate Change Act provides a regulatory framework for climate change mitigation, adaptation and resilience, effective implementation, and stakeholder engagement to minimize the emission of greenhouse gases and achieve carbon neutrality.

Other relevant legislation that also champions the reduction of carbon emissions include the National Forestry and Tree Planting Act, of 2003, and the Mining and Minerals Act, of 2022 these laws tend to hold individuals or entities accountable for pollution arising from mining operations involving greenhouse gas emissions. By penalizing practices like excessive burning of fossil fuels, improper waste disposal, or deforestation during mining operations.

Furthermore, the Uganda government in strengthening the laws as it is concerned reduction of carbon emissions and ensuring environmental sustainability has also passed several regulations to serve as a supplement to the laws. For example, the National Forestry and Tree Planting Regulation improves on phytoremediation that could lead to carbon sinks. Also, The National Environmental (Air Quality Standards) Regulations, 2024 ensure the quality of air in Uganda is not compromised through pollution arising from harmful human activities or industrial activities. The National Oil and Gas Policy ensures that oil and gas projects are carried out in a way that preserves the environment, one of its principles is to protect

the Environment and Biodiversity. By this policy, companies are licensed to safeguard the environment in which they work or any other places in the country affected by their operations while the Government shall formulate and pass laws, regulate, and observe compliance. Others include the National Environment (Environmental and Social Assessment) Regulations, 2020; The National Climate Change Policy, 2015 and the Renewable Energy Policy for Uganda, 2007.

Challenges in Achieving Environmental Sustainability through Carbon Neutrality

The legal and institutional framework in Uganda has played a crucial role in achieving carbon neutrality and promoting environmental sustainability to a certain extent; through the adoption and incorporation of the provisions of the related international agreements, policy development, institutional development and collaborations, renewable energy development and initiatives, community-based initiatives such as public awareness and the development and conservation of carbon sinks and reservoirs among others²⁶. However, its effectiveness is mixed also with notable significant challenges. Several challenges limit the effectiveness of Uganda's legal and institutional framework in achieving carbon neutrality and promoting environmental sustainability as assessed below.

1. Inadequate resources and funding: Uganda's environmental management agencies often face budget constraints and a lack of sufficient resources such as equipment, vehicles, and personnel to effectively patrol and monitor carbon-related activities. This limits the ability to conduct regular patrols, respond to incidents, prosecute carbon emission offenders, implement innovative programs on carbon and climate action, and enforce regulations. Stakeholders often face significant costs to adhere to environmental regulations leading to resistance and avoidance to comply; for example, renewable energy projects such as solar farms, wind turbines, and hydropower plants require significant upfront capital for infrastructure making the adoption of clean energy impracticable²⁷. Stakeholders incur high costs in carrying out EIAs, environmental audits, and other implementation and compliance mechanisms. These financial burdens undermine the capacity of developers to implement environmentally sustainable practices creating barriers to compliance. In this regard, the stakeholders of carbon-related activities evade the laws and regulations for

²⁶ N. Melton, 'Moving Beyond Alternative Fuel Hype to Decarbonise Transportation', *Nature Energy*, vol. 1 no. 3, 2016, p. 1-10.

²⁷ P.A. Aidonojie, and E.C. Francis, 'Legal Issues Concerning Food Poisoning in Nigeria: The need for Judicial and Statutory Response', *Jurnal Media Hukum*, Vol. 29 no. 1, 2022, p. 65-78, <https://doi.org/10.18196/jmh.v29i1.12595>

achieving carbon neutrality and environmental sustainability resulting in projects proceeding without proper environmental safeguards.

2. Limited public awareness and engagement. Limited public awareness and engagement pose a significant challenge to achieving carbon neutrality and environmental sustainability because society's participation is critical in reducing carbon emissions and promoting environmental sustainability²⁸. Lack of awareness by the stakeholders of carbon-related activities about the importance of enforcing carbon neutrality and environmental sustainability laws and policies makes it challenging to get public support for enforcement efforts. Without awareness, stakeholders are less likely to adopt sustainable behaviors such as transition to renewable energy, good farming practices, and public transportation yet these small collective actions are vital for reducing carbon footprints and promoting environmental sustainability²⁹. Many individuals and communities lack a clear understanding of concepts like carbon neutrality, and climate change. The stakeholders have also not been engaged in decision-making regarding carbon neutrality measures. This results in non-compliance or resistance to environmental policies and initiatives as people may not see the urgency or relevance of these issues to their daily lives.³⁰

3. Weak policy implementation and enforcement. With poor policy implementation and enforcement, good policies remain on paper and are not translated into practical actions to address environmental issues. Governments create good policies but are most times deficient in their implementation. Weak policy implementation and governance is mostly due to; a lack of political will, corruption, funding inadequacies, lack of clear policies and regulations, inadequate enforcement mechanisms such as fines and penalties that can lead to non-compliance to the policies, and the persistence of illegal activities, lack of coordination and collaboration among government agencies, ministries and departments that leads to ineffective efforts to achieve carbon neutrality.³¹ There are also inequalities in policy implementation and this occurs when policies are applied unevenly

²⁸ O.A. Anani et al., 'Zooplankton and Community Phytoplankton: Influence of Personal Care Products, Legislative Status, and Possible Remediation', in *Emergent Pollutants in Freshwater Plankton Communities*, Taylor & Francis (CRC) Press, 2024, p. 80-93.

²⁹ D.D. Jambol, 'Transforming Equipment Management in Oil and Gas with AI-Driven Predictive Maintenance', *Computer Science & IT Research Journal*, vol. 5 no. 5, p. 1090-1112.

³⁰ O.A. Anani et al., 'Bio-Nano Filtration as an Abatement Technique Used in the Management and Treatment of Impurities in Industrial Wastewater' *Bio-Nano Filtration in Industrial Effluent Treatment*, 2023, 171-182

³¹ O.E. Adeola, 'Electrical Propulsion Systems for Satellites: A Review Of Current Technologies And Future Prospects' *International Journal of Frontiers in Engineering and Technology Research* Vol. 6 no. 2, 2024, p. 035-044.

benefiting some groups or regions while marginalizing others. These inequalities can undermine the intended outcomes of the policies and the laws and therefore reduce the overall effectiveness.

4. Conflicting interests. These arise when different stakeholders such as governments, businesses, and communities pursue goals that clash with environmental priorities. These conflicts create barriers to the development and implementation of effective sustainable policies that promote carbon neutrality³². The stakeholders often prioritize short-term economic growth which can involve activities like industrial expansion, resource extraction, or infrastructure development that harm the environment, and environmental laws and policies are sometimes viewed as barriers to economic competitiveness especially in industries like mining, manufacturing, and fossil fuels for example, industries that profit from activities with high carbon emissions such as oil and gas and coal often lobby against stricter environmental laws thus rendering these laws ineffective.

5. Rapid population growth and urbanization. Overpopulation significantly hinders the effectiveness of laws aimed at achieving carbon neutrality and environmental sustainability. As the population grows, the demand for resources, energy, and infrastructure increases leading to challenges that undermine the implementation and enforcement of carbon neutrality laws. Rapid population results in more vehicles, industrialisation, and energy use especially fossil fuels directly increasing greenhouse gas emissions thus making laws aiming to limit emissions face resistance due to the need to meet the energy demands of a large population, particularly in developing countries. Overpopulation leads to increased demand for housing, food, and resources which can lead among other things to deforestation. This results in the destruction of forests that absorb carbon dioxide and thus laws protecting forests are often bypassed or weakly enforced due to the immediate need for land and resources.

Conclusion/Recommendation

Carbon neutrality in Uganda for environmental sustainability is a direct response to the inevitable climb of challenges brought about by climate change and environmental degradation. Because of this, though, Uganda has been active in enacting environmental laws and signing international agreements. However, persistent problems such as harmful human activities, industrial emissions, and the lack of public awareness make it hard to secure these efforts. The inadequacy of enforcement mechanisms and technological and financial constraints contribute further to the hurdles

³² P.A. Aidonojie et al., 'A Facile Review on the Legal Issues and Challenges Concerning the Conservation and Preservation of Biodiversity', *Global Sustainability Research*, vol. 2 no. 2, 2023, p. 34-46.

toward attaining carbon neutrality. The public education and awareness play critical roles in the push for sustainability. One of the critical findings of this study is that whereas the general public possesses a good knowledge of aspects of carbon neutrality and how it relates to climate resilience, they do not fully understand the implications of sequestering carbon. Likewise, old technology coupled with inadequate funding cannot allow the installation and adaptation of renewable energy solutions and practices. Therefore, it will make immense contributions toward strengthening Uganda's institutional capacity and international cooperation as an important prerequisite required to address these challenges to streamline domestic sustainable development initiatives with international sustainability goals. Hence, quick, strong, and fully coordinated action must be needed to redress both the legal and practical gaps in the country's environmental governance.

Concerning the above, it suffices to state that Uganda must lay down a comprehensive and harmonized legal framework, as a priority effort to achieve carbon neutrality with environmental sustainability. This would enable the existing provisions to stimulate different sectors of government, business, and civil society to work together in achieving support activities. Such legal provisions must also tighten controls against cases of deforestation while introducing incentives for sustainable agricultural practices, lowering dependency on forest resources for livelihood. Furthermore, the establishment of generating sources and highly advanced technologies in renewable energy is crucial for the country to drastically lower its carbon emissions while fulfilling its energy needs sustainably. These should be backed by international partnerships and financing and changed immediately to make it happen. The other activity that is highly suggested is a broad public education campaign on the concept of carbon neutrality and its importance so that behavior change can develop in an individual as well as by creating groups in the community. Thus, Uganda would become an eminent leader in environmental sustainability concerning healthier and more resilient future ecosystems and communities.

References:

Abass, N., Kalair, R.A., & Khan, N., (2015), 'Review of Fossil Fuels and Future Energy Technologies', *Futures* 69, 31–39.

Acheampong, O.A., (2023), 'The Political Economy of Energy Transition: The Role of Globalisation and Governance in the Adoption of Clean Cooking Fuels and Technologies', *Technological Forecasting and Social Change* 186, 45–59. <https://doi.org/10.1016/j.techfore.2022.122156>

Adeola, O.E., (2024), 'Electrical Propulsion Systems for Satellites: A Review Of Current Technologies And Future Prospects' *International Journal of Frontiers in Engineering and Technology Research* 6(2), 035–044.

Admira, N., & Abrar, I., (2023), 'Green Hydrogen-based E-Fuels (E-methane, E-methanol, E-ammonia) to Support Clean Energy Transition: A Literature Review', *International Journal of Hydrogen Energy* 48(75), 29011–29033.

Aidonojie, P.A., (2023), 'Environmental Hazard: The Legal Issues Concerning Environmental Justice in Nigeria', *Journal of Human Rights, Culture and Legal System*, 3(1), 17–32.,

<https://doi.org/10.53955/jhcls.v3i1.60>

Aidonojie, P.A., Adebayo, A.K., Eregbuonye, O., and Wakili, S.A., (2024), 'Breaking Legal and Socio-economic Challenges to Plastic Waste Regulation in Nigeria: Lessons learned from Singapore', *Yustisia*, 13(1), 64–88.

Aidonojie, P.A., Aidonojie, E.C., Obieshi, E., Akinsulore, A.O., Antai, G.O., and Adebayo, A.K., (2024), 'Combating the Silent Threat of Street Trading Resulting in Illegal Dumping of Waste in Uganda', *Kanun Jurnal Ilmu Hukum*, 26(2), 337–358.

Aidonojie, P.A., and Anani, O.A., (2024), 'Legislative Framework in Addressing Emergent Pollutants and Ecological Impacts' in *Emergent Pollutants in Freshwater Plankton Communities*, Taylor & Francis (CRC) Press, 163–176.

Aidonojie, P.A., and Francis, E.C., (2022), 'Legal Issues Concerning Food Poisoning in Nigeria: The need for Judicial and Statutory Response', *Jurnal Media Hukum*, 29(1), 65–78.

<https://doi.org/10.18196/jmh.v29i1.12595>

Aidonojie, P.A., Ikubanni, O.O., Adebayo, A.K., Olujobi, O.J., and Mustafa, M.M., (2024), 'The Role of Digital and Scientific Technology in Complimenting Global Legal Framework Towards Clean Energy Transition' *The Journal of Sustainable Development, Law and Policy*, 15(3), 314–343.

Aidonojie, P.A., Majekodunmi, T.A., Eregbuonye, O., and Adeyemi-Balogun, O.J., (2024), 'Potential and Legal Challenges of Metaverse for Environmental Awareness and Sustainable Practice in Nigeria: A Comparative Study with Singapore', *Administrative and Environmental Law Review* 5(1), 37–64. <https://doi.org/10.25041/aclr.v5i1.3230>.

Aidonojie, P.A., Okuonghae, N., Moses-Oke, R. O., and Majekodunmi, T.A., (2023), 'A Facile Review on the Legal Issues and Challenges Concerning the Conservation and Preservation of Biodiversity', *Global Sustainability Research*, 2(2), 34–46.

Aidonojie, P.A., Ukhurebor, K.E., Masajuwa, F., Imoisi, S.E., Edetalehn, O.I., and Nwazi, J., (2022), 'Legal Implications of Nanobiosensors Concerning Environmental Monitoring'. In: Singh, R.P., Ukhurebor, K.E., Singh, J., Adetunji, C.O., Singh, K.R. (eds) *Nanobiosensors for Environmental Monitoring*. Springer, Cham., https://doi.org/10.1007/978-3-031-16106-3_21

Akinsulore, A.O., Adejumo, O.A., and Aidonojie, P.A., (2024), 'Instream Flow Rights for Protecting River Ecology in Nigeria's Bitumen Zone: Learning From Uganda's Experience', *JHR (Jurnal Hukum Replik)*, 12(2), 410–428.

Alagoz, E., & Alghawi, Y., (2023), 'The Energy Transition: Navigating the Shift Towards Renewables in Oil and Gas Industry', *Journal of Energy and Natural Resources* 12(2), 21–24.

Anani, O.A., Abel, I., Osayomwanbo, O., Olisaka, F.N., Aidonojie, P.A., Olatunji, E.O., and Habib, A.I., (2023), 'Application of Microorganisms as Biofactories to Produce Biogenic Nanoparticles for Environmental Cleanup: Currents Advances and Challenges', *Current Nanoscience*, 19(6), 770–782.

Anani, O.A., Adama, K.K., Aidonojie, P.A., and Aregbor, O., (2024), 'Zooplankton and Community Phytoplankton: Influence of Personal Care Products, Legislative Status, and Possible Remediation', in *Emergent Pollutants in Freshwater Plankton Communities*, Taylor & Francis (CRC) Press, 80–93.

Anani, O.A., Aidonojie, P.A., Aidonojie, E.C., and Anani, G.A., (2025), 'Current Methods in the Management and Disposal of Plastic Wastes During COVID-19 Pandemic'. In: Anani, O.A., Shahnawaz, M., Dar, M.A., Daochen, Z. (eds) *Plastic and the COVID-19 Pandemic.*, Springer, Cham. https://doi.org/10.1007/978-3-031-74769-4_3

Anani, O.A., Aidonojie, P.A., and Olomukoro, J.O., (2022), 'Environmental Principles and Ethics: Current Challenges in the Field of Bioscience and Law', *Ethics, Media, Theology and Development in Africa: A Festschrift in Honour of Msgr. Prof. Dr. Obiora Francis Ike*, Global.net Co-Publication & Others, Geneva, Switzerland, 142-158.

Anani, O.A., Shah, M.P., Aidonojie, P.A., and Enuneku, A.A., (2023), 'Bio-Nano Filtration as an Abatement Technique Used in the Management and Treatment of Impurities in Industrial Wastewater' *Bio-Nano Filtration in Industrial Effluent Treatment*, 171–182.

Caiafa, C., (2023), 'International Technology Innovation to Accelerate Energy Transitions: The Case of the International Energy Agency Technology Collaboration Programmes' (2023) *Environmental Innovation and Societal Transitions* 48, 1-19.

Dimitrov, R.S., (2016), 'The Paris Agreement on Climate Change: Behind Closed Doors', *Global Environmental Politics*, 16(3), 1–12.

Dominkovic, D.F., (2018), 'The Future of Transportation in Sustainable Energy Systems: Opportunities and Barriers in a Clean Energy Transition' *Renewable and Sustainable Energy Reviews*, 82(2), 1823–1838.

Jambol, D.D., (2023), 'Transforming Equipment Management in Oil and Gas with AI-Driven Predictive Maintenance', *Computer Science & IT Research Journal*, 5(5), 1090–1112.

Kweku, D.W., (2017), 'Greenhouse Effect: Greenhouse Gases and Their Impact on Global Warming', *Journal of Scientific Research & Reports* 17(6), 1–9.

Melton, N., (2016), 'Moving Beyond Alternative Fuel Hype to Decarbonise Transportation', *Nature Energy*, 1(3), 1–10.

Nizetic, S., (2023), 'Smart and Sustainable Technologies in Energy Transition', *Journal of Cleaner Production*, 389, 67–79. <https://doi.org/10.1016/j.jclepro.2023.135944>

Plotz, P., (2022), 'Unlikely to Play a Major Role in Sustainable Road Transport', *Nature Electronics* 5, 8–10.

Tran, M., (2012), 'Realizing the Electric-Vehicle Revolution', *Nature Climate Change*, 2(5), 328–333.

Ukhurebor, K.E., Aigbe, U.O., Onyancha, R.B., Athar, H., Okundaye, B., Aidonjio, P.A., Siloko, B.E., Hossain, I., Kusuma, H.S., and Darmokoesoemo, H., (2024), 'Environmental Influence of Gas Flaring: Perspective from the Niger Delta Region of Nigeria', *Geofluids*, 18, 17. <https://doi.org/10.1155/2024/1321022>

Ukhurebor, K.E., and Aidonjio, P.A., (2021), 'The Influence of Climate Change on Food Innovation Technology: Review on Topical Developments and Legal Framework', *Agriculture & Food Security*, 10(1), 1–14., <https://doi.org/10.1186/s40066-021-00327-4>

RECOVERY OF ENTERPRISES IN THE REPUBLIC OF MOLDOVA AND THEIR RESILIENCE DIRECTIONS

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Abstract: *The article discusses strategic processes in the field of entrepreneurship in the Republic of Moldova and ways to recover enterprises through resilience. Ensuring functional mechanisms for the development of entrepreneurship has been a problem for our country for more than 10 years. The authors initiated this study in the hope of establishing performance in the field and identifying ways to recover for the future for enterprises in various fields of activity. The problems identified by the authors in this study constitute an important signal for the authorities when formulating new strategic objectives.*

Keywords: *entrepreneurship, sustainability, enterprises, resilience, economic development*

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In the Republic of Moldova, the recovery of enterprises and strengthening their resilience are essential for sustainable economic development. Enterprises play a key role in the economic and social development of the Republic of Moldova, having a significant impact on economic growth, employment and infrastructure modernization. They contribute to the diversification of the economy and the integration of the country into global supply chains.

Entrepreneurship is one of the key factors of sustainable economic development in the Republic of Moldova. In order to stimulate business initiatives and support entrepreneurs, a comprehensive approach is needed

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that includes supporting young entrepreneurs, stimulating the return of migrants, developing female and social entrepreneurship, supporting SMEs with export potential, promoting the green economy and developing business support infrastructure. In the context of the Moldova-EU Association Agreement (AA) and the Deep and Comprehensive Free Trade Area (DCFTA), enterprises from the Republic of Moldova benefit from expanded access to the European market, stimulating exports and their integration into global supply chains. Title IV on “Economic cooperation and other sectors”¹ emphasizes the importance of economic reforms and digitalization to increase the competitiveness of SMEs, thus facilitating the development of entrepreneurship and attracting foreign investment. At the same time, the National Development Strategy “European Moldova 2030” (NDS), approved by Law no. 315/2022², places particular emphasis on creating a favorable business environment, by reducing administrative barriers, developing economic infrastructure and supporting innovation. Strengthening entrepreneurship and economic resilience are fundamental objectives, given the need to support young entrepreneurs, returned migrants and social and female entrepreneurship.

The development of SMEs with export potential and the promotion of the green economy are strategic priorities that contribute to the alignment of the Republic of Moldova with EU standards. By implementing economic reforms and European policies, the business environment will become more dynamic and competitive, thus supporting the transition to a sustainable and digitalized economy, in accordance with the objectives assumed within the partnership with the European Union.

We will continue to develop the prospects for the recovery of enterprises in the Republic of Moldova and their resilient directions over the past 10 years.

1. Contribution to economic development

Entrepreneurship is an essential driver of economic development by stimulating innovation, creating jobs and increasing market competitiveness. Newly established enterprises contribute to the diversification of the economy, reducing dependence on traditional sectors and favoring adaptation to global changes. Through investment and efficient use of resources, entrepreneurship generates added value and boosts national GDP growth. It also supports the development of human capital through education and continuous training, improving the quality of

¹ Moldova-EU Association Agreement (AA) and DFATCA, Title IV on "Economic cooperation and other sectors"

² The National Development Strategy "European Moldova 2030" (NDS), approved by Law no. 315/2022

the workforce. In addition, entrepreneurship facilitates international economic integration by promoting exports and attracting foreign direct investment. In order to present arguments in favor of developing the contribution of entrepreneurship, we analyzed statistical data to clarify the statement. Thus, in Figure 1, a general trend of increasing the number of active enterprises over the years is observed, which indicates a gradual development of entrepreneurship.

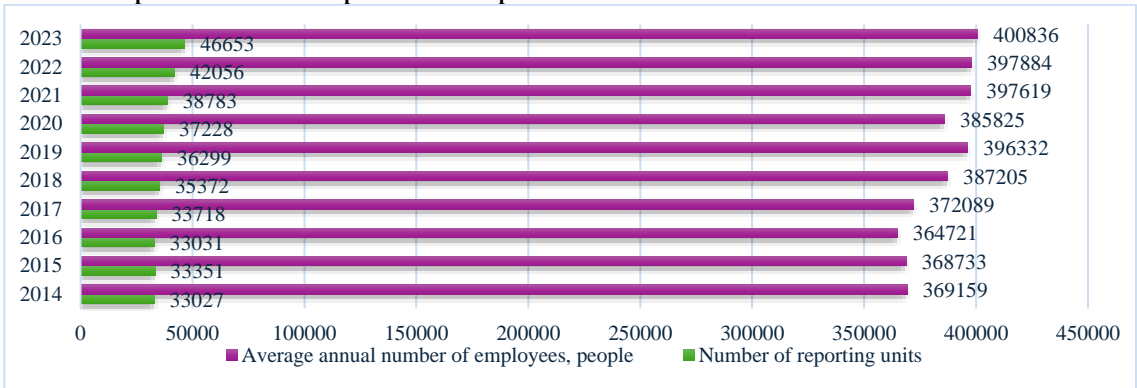


Figure 1. Evolution of enterprises and the average annual number of employees in the field of entrepreneurship in the Republic of Moldova

Source: developed by the author based on data

https://statbank.statistica.md/PxWeb/pxweb/ro/40%20Statistica%20economica/40%20Statistica%20economica__24%20AN/T/?rxid=5aad211e-2f63-43c6-9796-f49f4cefe6cf

The number of reporting units, which reached 46,653 in 2023 compared to the 33,027 recorded in 2014, although it constitutes an increase, given a period of 10 years does not seem so significant given that the Government of the Republic of Moldova has invested considerable resources in the development of entrepreneurial activity. Although the number of enterprises has increased, this has not been directly reflected in a significant increase in jobs. The crisis created by the COVID-19 pandemic contributed to the decrease in the average number of employees in 2020 during the evolutionary course of the analyzed period. However, this trend can be explained by several phenomena, such as digitalization, automation or orientation towards small businesses with few employees.

Concretizing the impact on economic development of the two indicators, we consider the growth of entrepreneurship as an indicator of a dynamic economy¹ over the past 10 years, and maintaining a constant level of employees suggests that existing enterprises have managed to provide stable jobs, although the number of employees has not increased significantly. However, for this growth to have a greater impact on the labor

market and living standards, greater support for entrepreneurship in the Republic of Moldova is necessary.

The analysis of the value of production (works and services) and turnover as essential indicators for assessing the contribution of entrepreneurship to economic development, demonstrated the growth trends of economic activity in the period 2014-2022.

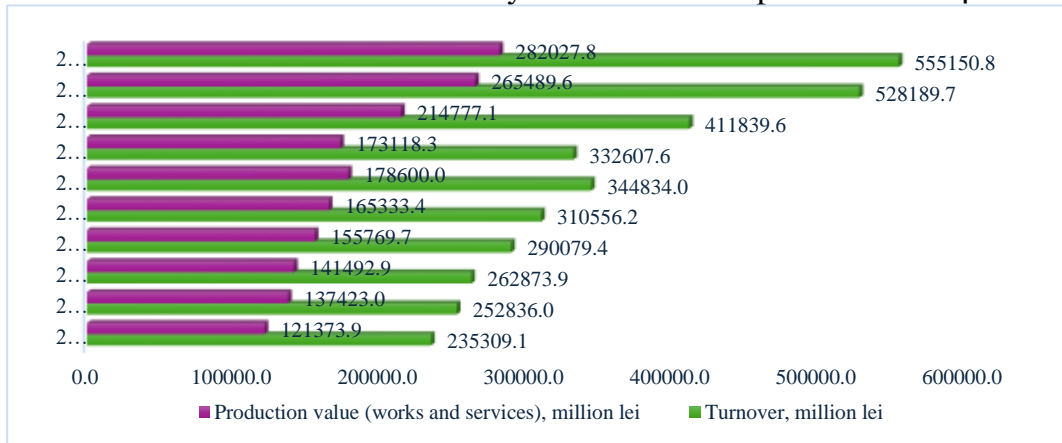


Figure 2. Production value versus turnover of enterprises in the field of entrepreneurship in the Republic of Moldova in the period, 2014-2023

Source: prepared by the author based on data

https://statbank.statistica.md/PxWeb/pxweb/ro/40%20Statistica%20economica/40%20Statistica%20economica__24%20ANT__ANTo20/ANTo20100.px/table/tableViewLayout2/?rxid=5aad211e-2f63-43c6-9796-f49f4cfe6cf

In 2022, the production value reached 282,077.8 million lei, and the turnover recorded 555,150.8 million lei, which reflects a doubling of these indicators compared to 2014. This evolution shows a significant expansion of economic activities, demonstrating that enterprises actively contribute to GDP growth and economic development. The simultaneous increase in the two indicators suggests an efficiency increase in production and service processes, which indicates a higher level of competitiveness of enterprises. Factors that influenced economic growth are considered to be tax incentives and support programs for entrepreneurs. However, the increase in turnover is more pronounced than that of the production value, especially in 2022 (282,077.8 million lei vs. 555,150.8 million lei). This discrepancy raises questions about the sources of this growth – is it a real expansion of production and services or the inflation factor. If this growth is largely driven by inflation and not by real productivity growth, then the Republic of

Moldova could face a period of economic stagnation or correction in the coming years.

Between 2020 and 2022, the gap between output value and turnover widened significantly. This coincides with the post-pandemic period and the energy crisis in the region, suggesting that part of this growth is the result of higher raw material, energy and production costs. In this case, part of the increase in turnover does not necessarily reflect an increase in the productivity of entrepreneurs, but an adjustment to difficult economic conditions.

The widening gap between output value and turnover raises questions about the sustainability of this growth and the possible influence of inflation and external factors on economic outcomes. Thus, while entrepreneurship has played a major role in economic development, it is important to analyze the quality of this growth, not just its numerical size.

Figure 3 highlights the evolution of the turnover of enterprises in the Republic of Moldova by regions (North, Center, South, ATU Gagauzia) between 2017 and 2023. Although the percentage differences are relatively small, they can provide indications of regional economic development.

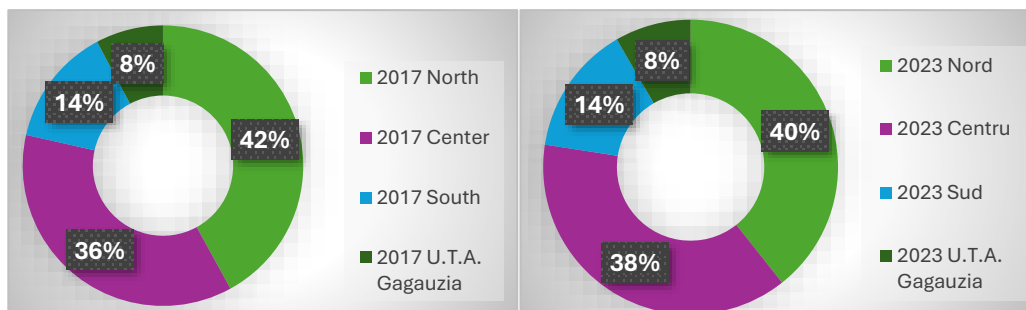


Figure 3. Turnover of enterprises in the territorial profile of the Republic of Moldova, in the period 2017-2023

Source: developed by the author based on statistical data

The general trends of Figure 3 show that the North Region remains dominant, but slightly decreases from 42% in 2017 to 40% in 2023. The Center Region registers a slight increase from 36% in 2017 to 38% in 2023, which suggests a positive economic dynamic. The South Region and the Gagauzia ATU maintain the same percentages (14% and 8%), indicating stagnation or slower development compared to the other regions.

The growth of the Center Region could be influenced by the development of the IT sector and the service industry, which are concentrated in urban areas and benefit from supportive policies. The slight decrease of the North Region may indicate either a redistribution of business towards the Center or a slowdown in economic growth. The

stagnation of the South Region and the Gagauzia ATU suggests that regional development policies have not had a sufficient impact to reduce disparities.

For a more balanced development, a national strategy that supports entrepreneurship and infrastructure in less developed regions, so that their contribution to turnover increases, is essential. This analysis infers the need for territorial development policies – methods must be identified to attract investment and support businesses in less developed regions.

2. Developing innovation and digitalization in economic sectors

Compared to other European countries, the Republic of Moldova lags behind in innovation and digitalization, which is why creating the prerequisites for developing the skills and capacity of entrepreneurs to ensure their presence within enterprises is becoming increasingly evident. Diversifying the areas of involvement of innovations and digitalization remains an objective of national strategies. In order to reduce the gap with other European countries, a complex approach is needed that includes investments in digital infrastructure, financial incentives for the adoption of innovative technologies and the development of a competitive entrepreneurial ecosystem. Implementing training programs for entrepreneurs in the field of innovation and digitalization can facilitate the integration of new technologies into production and service processes. Also, collaboration between the private sector, universities and research institutions can accelerate the development of innovative solutions and products with high added value. At the same time, improved access to financing for digitalization and innovation through government and international funds will encourage enterprises to modernize their operations and become more competitive in the global market.

Figure 4 shows the evolution of the number of innovative enterprises in the Republic of Moldova over several periods: 2015-2016, 2017-2018, 2019-2020 and 2021-2022. It highlights different types of innovations adopted by enterprises, including product, process, organizational and marketing innovation. The graph illustrates the evolution of the total number of innovative enterprises in the Republic of Moldova over the period 2015-2022, highlighting a significant downward trend. In 2015-2016, the total number of innovative enterprises was 673, and in 2021-2022 it decreased to 420, representing a reduction of approximately 38%.

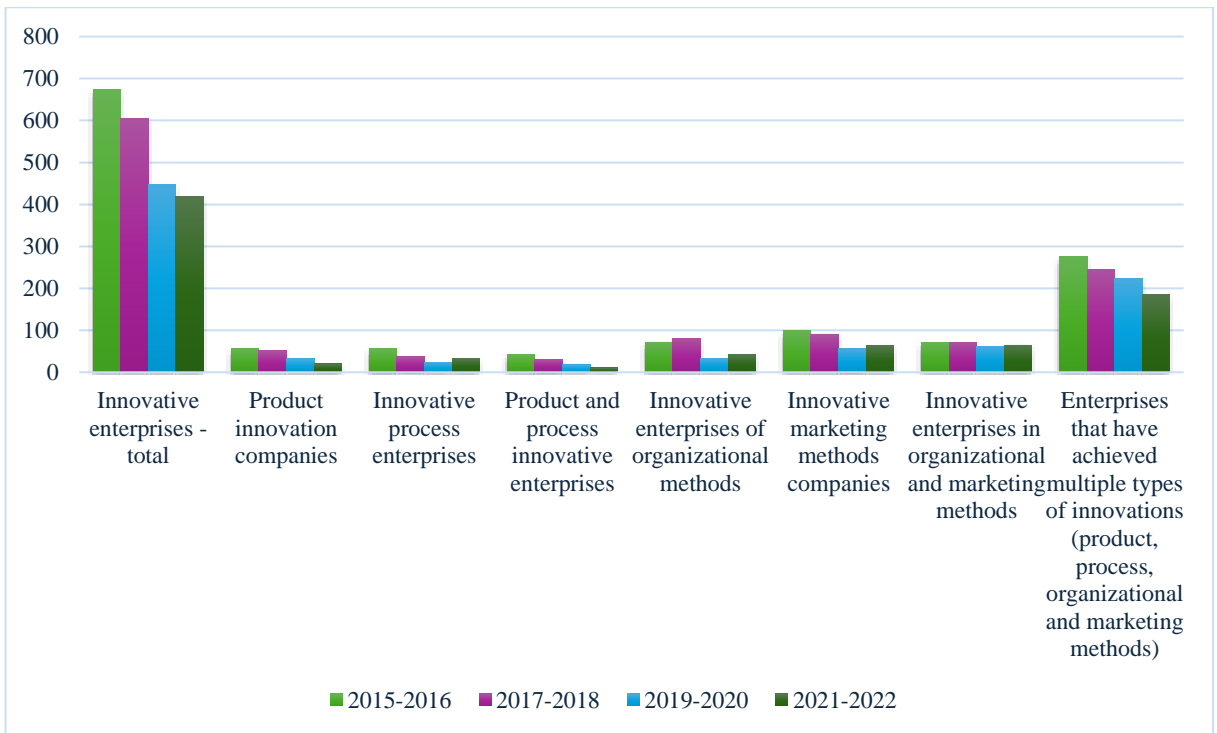


Figura 4. Intreprinderi inovatoare pe activitati economice, 2015-2022

Sursa: https://statbank.statistica.md/PxWeb/pxweb/ro/40%20Statistica%20economica/40%20Statistica%20economica__24%20ANT__INO010/INO010100.px/table/tableViewLayout1/?rxid=5aad211e-2f63-43c6-9796-f49f4cefe6cf

This steady decline suggests a slowdown in the innovation process in the economy, which may affect the competitiveness of Moldovan enterprises in the long term. The decrease in the number of innovative enterprises indicates a decrease in technological progress, which may affect the productivity and competitiveness of firms in foreign markets. If this trend continues, the Republic of Moldova risks becoming dependent on technological imports, instead of developing its own innovative solutions. However, we find that most firms have adopted innovations in organizational methods and processes, which suggests an orientation towards internal efficiency rather than the development of new products. The increase in innovation in organizational and marketing methods suggests a slow adaptation to global trends, since these innovations are easier to implement than technological ones, but without fundamental improvements in products and processes, therefore the effect on the economy remains limited.

This trend indicates that many businesses prefer traditional economic models instead of adopting innovative technologies or a reduced orientation towards research and development. Possible factors of stagnation may be: limited access to financing for digitalization and innovation; lack of qualified human resources in advanced technologies; reluctance of traditional enterprises to adopt new technologies; inefficiency of programs and strategies, on certain objectives.

For a clearer reality of the situation, an analysis of the distribution of innovative enterprises by regions was carried out in the period 2015-2022. Figure 5 illustrates the evolution of innovative enterprises in the Republic of Moldova by regions (North, Center, South, ATU Gagauzia) in the period 2015-2022, in which important trends regarding the decrease in the number of innovative firms and regional disparities are observed. In 2015-2016, the four regions recorded a significantly higher number of innovative firms than in 2021-2022. The North region decreased from 109 (2015-2016) to 69 (2021-2022), and the Center decreased from 104 to 79. The South regions and the Gagauzia Autonomous Region also had a decreasing trend, but less steeply.

At the same time, the Center Region dominates innovation in all periods analyzed, indicating that this territory has a higher concentration of businesses oriented towards technologies and development. The North Region is the second innovation pole, but here too a significant decrease in innovative firms is noted. While the South regions and the Gagauzia Autonomous Region had a modest contribution in all periods analyzed, representing less than 20% of the total number of innovative enterprises. These disparities suggest a lack of investment and support for innovation in less developed regions, which may contribute to economic gaps between regions.

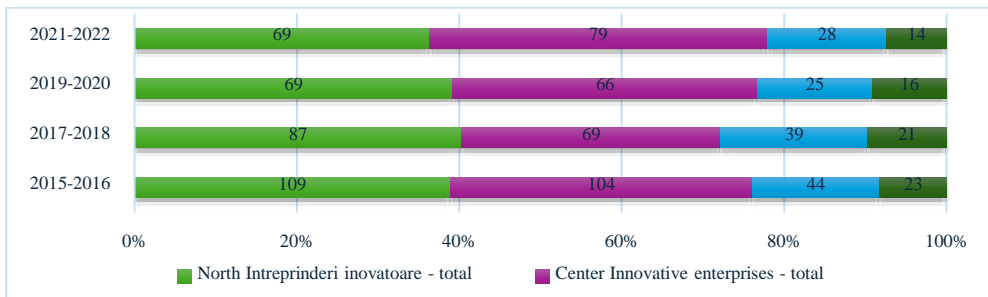


Figura 5. Intreprinderi inovatoare pe activitati economice si regiuni de dezvoltare ale Republicii Moldova, 2015-2022
https://statbank.statistica.md/PxWeb/pxweb/ro/40%20Statistica%20economica/40%20Statistica%20economica__24%2

[oANT__INO010/INO010200reg.px/table/tableViewLayout2/?rxid=5aad211e-2f63-43c6-9796-f49f4cefe6cf](https://oant.ino010/INO010200reg.px/table/tableViewLayout2/?rxid=5aad211e-2f63-43c6-9796-f49f4cefe6cf)

This analysis indicates an urgent need for policies to stimulate innovation and digitalization in all regions of the Republic of Moldova. The decline in the number of innovative enterprises affects the ability of the Republic of Moldova to compete in international markets.

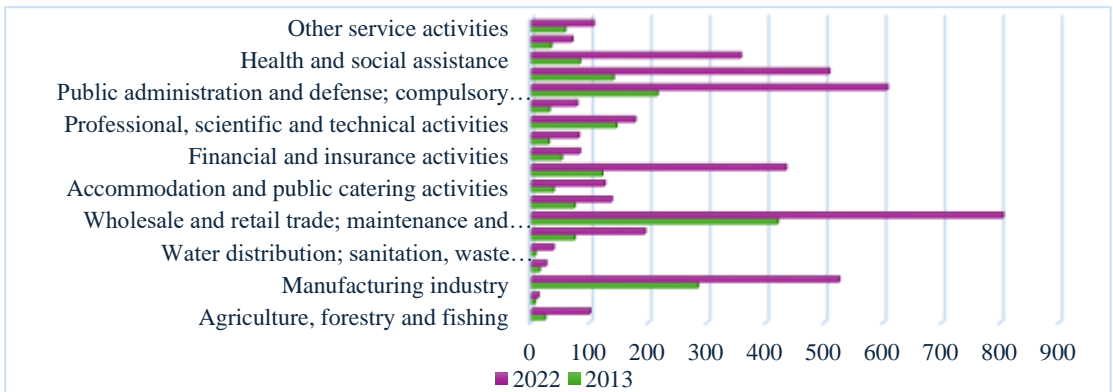


Figure 6. Legal entities with a website, at the end of the year by Economic Activities and Years

Source: developed by the author based on statistical data https://statbank.statistica.md/PxWeb/pxweb/ro/40%20Statistica%20economica/40%20Statistica%20economica__20%20TEH__TEH010/TEH010300.px/table/tableViewLayout2/?rxid=5aad211e-2f63-43c6-9796-f49f4cefe6cf

Analyzing the degree of digitalization and online presence of enterprises in the Republic of Moldova in Figure 6, we observe the evolution of the number of legal entities that have a website. The significant increase in the number of companies with websites in 2022 compared to previous years indicates a wider adoption of digitalization through online presence. As a result of the implementation of e-government strategies and the digitalization of public services, the areas of public administration, social insurance and healthcare have recorded significant growth, which may be the result of substantial evolution. Slower digitalization and limited access to technology are observed in areas such as manufacturing and agriculture, which lag behind in terms of the use of websites. The advantage of the website lies in facilitating access to foreign markets, increasing online sales and the general digitalization of business processes. The COVID-19 pandemic has also accelerated digitalization in many sectors, forcing companies to expand their online presence and improve digital services.

Partnerships between the private sector and public institutions to create common digital platforms that facilitate the integration of web technologies into business.

In support of technology integration, the Government of the Republic of Moldova is coming up with a new approach through the PACC 2027 Program, which involves a new Pilot Program dedicated to the development of multifunctional industrial platforms, through which it aims to stimulate economic recovery and increase business resilience in 18 regions of the country. Obviously, to support entrepreneurship and startups in the Republic of Moldova, a complex strategy is needed that combines financial support, infrastructure development, education and promotion of innovation. This business-friendly ecosystem will contribute to economic growth, attracting investments and integrating the country into international markets. However, analyzing the above, we find that the steps taken to achieve the strategic objectives are very small, and the expected results are very insignificant.

3. Impact on sustainability and the green economy

The dispersion of strategic objectives within national strategies, sectoral programs, government programs regarding reaching certain limits in the areas of circular economy, renewable energy, social and environmental responsibility, green economy, etc. increasingly resembles the mimicry of actions regarding economic sustainability. In the context in which: macroeconomic indicators are at the limits; infrastructure is an important factor for the development of entrepreneurial activity in rural areas; the workforce is unskilled on the one hand and influenced by migration on the other; access to financing is limited; the branch economy is poorly diversified; limited access to markets and other major arguments question the development of entrepreneurial activity in the Republic of Moldova, how can we ensure the achievement of short and medium-term objectives.

Currently, there are no precise statistical data on the exact number of enterprises in the Republic of Moldova that adopt sustainable practices, such as efficient use of resources and recycling. We are currently at the stage of raising awareness and promoting the circular economy to enterprises that can adopt sustainable practices through efficient use of resources and recycling. For example, the Employers' Association of Light Industry (APIUS) represents local manufacturers of clothing, knitwear, leather goods and footwear, which are encouraged to adopt sustainable practices in

production³. In the context in which the Republic of Moldova no longer has a textile and leather industry through the destruction or sale of the largest factories to international companies and which are not put in conditions to comply with certain requirements for sustainability practices, only with recommendation opinions. Another study conducted within a project carried out with the financial support of the Grants program shows that the management of waste electrical and electronic equipment (WEEE)⁴ in the Republic of Moldova highlights the need to create collection points and a WEEE recycling plant in the country. But we find that this is only at the level of awareness, and the capitalization may remain at this stage. So, there are ongoing initiatives and programs that encourage businesses in the Republic of Moldova to adopt sustainable practices, indicating a positive trend in this direction without any statistical results.

Green energy production is another important objective in the context of entrepreneurship development strategies in the Republic of Moldova. The development of renewable energy through green energy businesses can contribute to reducing dependence on traditional energy sources, which is a major problem for the Republic of Moldova. According to the data officially provided by the Government of the Republic of Moldova in 2023, the capacity to exploit renewable energy resources by registered types is considered to be wind power plants, which hold a share of 56% of the total existing production capacities, photovoltaic plants 29%, hydroelectric plants 8% and biogas cogeneration power plants 7%⁵. The same sources tell us that the technical potential considered for the production of renewable energy resources for the Republic of Moldova gives encouraging promises for all four types already functional on the territory of the country. On this subject, the steps taken by government structures are greater, or citizens are more oriented to this subject and have invested more in these resources, which has catalyzed the creation of the regulatory framework for their management and valorization. According to sources from the Ministry of Energy of the Republic of Moldova⁶ with the transposition of national

³ The sustainable future of the fashion industry in the Republic of Moldova, available online <https://apius.md/wp-content/uploads/2024/06/sustenabilitatea-industriei-modei-in-Republica-Moldova.pdf>

⁴ Study on the generation and management of WEEE in the Republic of Moldova available online <https://e-circular.org/wp-content/uploads/2021/07/Studiu-privind-generarea-si-gestionarea-DEEE-in-Republica-Moldova.pdf>

⁵ Current status of the renewable energy sector in the Republic of Moldova: Potential, challenges and prospects, (2023), <https://energie.gov.md/ro/content/starea-actuala-domeniului-energiei-regenerabile-republica-moldova-potential-provocari-si>

⁶ Renewable energy consumption will be accounted for according to the EU RED II Directive, (2025), available online <https://energie.gov.md/ro/content/consumul-de-energie-regenerabila-va-fi-contabilizat-conform-directivei-ue-red-ii>

legislation to the EU Directives on the promotion of the use of energy from renewable sources by 2030, the Republic of Moldova will be able to achieve the national objective of 27% renewable energy in the energy mix.

However, currently the Republic of Moldova since December 19, 2024 is in a state of emergency caused by the energy crisis, and since January 1, 2025 it imposes restrictions on the export of renewable energy. At the same time, technologies for the production of renewable energy require large initial investments, which discourages local businesses and investors. Although there are strategies and objectives for increasing the share of renewable energy, their implementation is slow and there are not enough incentives to attract private investment. And the funds allocated to the energy transition are insufficient to support a large number of projects.

Conclusion

The analysis of the evolution of entrepreneurship and innovation in the Republic of Moldova highlights a mixed trend, with significant progress in digitalization, trade and financial services, but also major challenges in traditional industries, agriculture and manufacturing. The decrease in the number of innovative enterprises and regional disparities underline the need for effective policies to support SMEs, stimulate innovation and reduce economic gaps.

In the context of the Moldova-EU Association Agreement and the DCFTA, as well as the National Development Strategy "European Moldova 2030", supporting entrepreneurship becomes a strategic priority for strengthening economic competitiveness. Access to finance, digitalization, sustainability and the development of supporting infrastructure are essential factors for accelerating the transition to a modern and resilient economy, aligned with the requirements of the European market.

References:

Moldova-EU Association Agreement (AA) and DFATCA, Title IV on "Economic cooperation and other sectors".

National Development Strategy "European Moldova 2030" (NDS), approved by Law No. 315/2022.

Government Program "Prosperous, Secure, European Moldova", Chapter V. Priority Sectoral Policies, approved by Parliament's Decision No. 28/2023.

NATIONAL PROGRAM for promoting entrepreneurship and increasing competitiveness in the years 2023-2027 approved by Government Decision no. 653/2023.

The sustainable future of the fashion industry in the Republic of Moldova, available online

<https://apius.md/wp-content/uploads/2024/06/sustenabilitatea-industriei-modei-in-Republica-Moldova.pdf>

Study on the generation and management of WEEE in the Republic of Moldova, (2022), available online <https://e-circular.org/wp-content/uploads/2021/07/Studiu-privind-generarea-si-gestionarea-DEEE-in-Republica-Moldova.pdf>

Renewable energy consumption will be accounted for according to the EU RED II Directive, (2025), available online

<https://energie.gov.md/ro/content/consumul-de-energie-regenerabila-va-fi-contabilizat-conform-directivei-ue-red-ii>

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<https://energie.gov.md/ro/content/consumul-de-energie-regenerabila-va-fi-contabilizat-conform-directivei-ue-red-ii>

FAIRNESS OF CRIMINAL PENALTY FROM THE PERSPECTIVE OF THE EUROPEAN CONVENTION OF HUMAN RIGHTS AND THE CONSTITUTION OF THE REPUBLIC OF MOLDOVA

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Abstract: *Both the European Convention on Human Rights and the Constitution of the Republic of Moldova guarantee, among other things, the right to a fair trial. This right also has implications in the context of determining the criminal penalty. In particular, the courts hearing the case must have full jurisdiction and provide the parties involved with an adversarial judicial process that respects the principle of equality of arms and allows discussion of issues important to the resolution of the case. At the same time, the courts must have a discretionary power in order to assess the proportionality of the punishment and, consequently, to balance the competing interests (of the perpetrator, of the victim and of society as a whole). The impossibility of the court to check the proportionality of the punishment can claim a problem from the perspective of the right to a fair trial. Moreover, the courts must properly justify the punishment applied in one case or another and censure any alleged arbitrariness (e.g., provocation to commit the crime).*

Keywords: *the right to a fair trial, criminal punishment, the European Convention on Human Rights, the Constitution of the Republic of Moldova.*

1. Introduction

The statement that “punishment must be fair” has become a leitmotif. But what does fair/equity¹ entail? In the field of law, it has been shown that “equity must intervene where a strict application of the law would render an unjust result”² (*lex iniusta non est lex*). Regarding the criminal matter, “fairness is a fundamental principle of the criminal process, but a fair process cannot exist if the substantive criminal law regulations are clearly

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¹ In this study, I will use the terms “fair” and “equity” interchangeably.

² Cortney Lollar, *Reviving Criminal Equity*. In: *Alabama Law Review*, 2019, vol. 71, iss. 2, pp. 311-350.

unfair. An unjust law cannot lead to an equitable solution, or, where there is no equity, there is no justice”³.

To distinguish it from the law of the criminal process, equity in the substantive criminal law “does not have a textual consecration, but only an indirect or implicit recognition, through the concepts deriving from the constitutional principle of the proportionality of the restriction of fundamental rights, the application of the more favorable law, the individualization of criminal sanctions or the causes justifications of the criminal act. Each legal concept has its own foundation, so the right to a fair trial implicitly has a foundation in substantive criminal law”⁴. In the Criminal Code of the Republic of Moldova, the only mention of equity is contained in Article 61 (2), where it is mentioned that “the punishment aims to restore social equity”, an expression that generates controversies⁵.

Therefore, the objective of fairness in the substantive criminal law was rendered as follows: “the substantive criminal law must be fair and ensure the respect and valorization of the rights of the victim and the accused, respecting the human dignity and equality of all before the law. Equity underpins the general principles of substantive criminal law and in the name of equity, these principles will be capitalized. Those who find themselves in similar conditions and are being investigated for the same crimes will be subject to the same legal guarantees”⁶. From this perspective, equity is seen as “a corrective in substantive criminal law and an instrument that restores balance where it has been defeated. Invoking equity can remedy certain gaps in the law or even defective regulations, which generate discrimination and violate everyone's equality before the law”⁷.

After these preliminary clarifications, in the following I will analyze the requirements of the fairness of the criminal punishment from the perspective of the Constitution and the European Convention on Human Rights (hereinafter - “European Convention” or “Convention”).

³ Monica-Marcela Dinu-Bakoş, *Equity in substantive criminal law*. Doctor of Law thesis summary. Timisoara, 2016, p. 11. Available at:

<https://drept.uvt.ro/administrare/files/1634408782-dinu-bakos.pdf> [accessed on 10.12.2024].

⁴ *Ibidem*, p. 16.

⁵ Mariana Grama, *Controversies concerning the restoration of social equity through criminal punishment*. In: Materials of the International Scientific-Practical Conference “The State, Security and Human Rights in the Conditions of the Information Society” (December 13-14, 2018, Chisinau). Chisinau: Artpoligraf, 2019, pp. 305-310.

⁶ Monica-Marcela Dinu-Bakoş, *Equity in substantive criminal law*, p. 58.

⁷ *Ibidem*.

2. The concept of “punishment” in an autonomous sense

As a preliminary, it should be noted that both in the sense of the Constitution of the Republic of Moldova and in the sense of the European Convention, the terms “penalty”, “criminal charge”, “crime” has an autonomous meaning. Under this aspect, the Constitutional Court of the Republic of Moldova and, respectively, the European Court of Human Rights (hereinafter – “European Court” or “Strasbourg Court”) apply the Engel test (so named after the eponymous case *Engel and Others v. The Netherlands*, in which the theory of autonomous concepts was inaugurated).

According to this test, in order to determine whether or not a particular charge/ penalty has a “criminal” character (within the meaning of Articles 6 “Right to a fair trial” and 7 “No penalty without law” of the European Convention on Human Rights) the following criteria are relevant: (i) qualification of the charge/sanction according to national law; (ii) the legal nature of the charge/penalty; as well as (iii) the degree of severity of the penalty to which the person is liable. These criteria are alternative, and not cumulative, but without excluding a full examination of them, when the separate analysis of each criterion does not allow a clear conclusion regarding the existence of a criminal charge/penalty⁸.

Therefore, the European Court must remain free to go beyond appearances and assess for itself whether a certain measure represents, in essence, a “penalty”. In particular, the wording of Article 7 § 1 of the Convention, second sentence, indicates that the starting-point in any assessment of the existence of a “penalty” is whether the measure in question is imposed following a decision that a person is guilty of a criminal offence. However, other factors may also be taken into account as relevant in this connection, namely the nature and purpose of the measure in question; its characterisation under national law; the procedures involved in the making and implementation of the measure; and its severity⁹.

In light of these criteria, the Strasbourg Court and the Constitutional Court have recognized, for example, that contravention/tax/customs sanctions have a criminal character within the meaning of the European Convention¹⁰ and the Constitution, respectively.

⁸ Gheorghe Reniță, *Criminal liability for event manipulation and fixed bets*. Doctoral thesis in law. Chisinau, 2020, p. 189.

⁹ Case of *G.I.E.M. S.r.l. and Others v. Italy*, [GC], Applications nos. 1828/06 and 2 others, Judgment of 28 June 2018, §§ 210-211. Available at: <https://hudoc.echr.coe.int/?i=001-184525> [accessed on 10.12.2024].

¹⁰ See, for example, Andrijauskaitė Agnė. *Exploring the penumbra of punishment under the ECHR*. In: *New Journal of European Criminal Law*, 2019, vol. XX(X), pp. 1-13.

3. Correlation between liability and equity

In order to be able to impose a criminal penalty, the court must first hold a person criminally liable, i.e., convict him criminally. Based on Article 50 of the Criminal Code of the Republic of Moldova, the public condemnation, in the name of the law, of the criminal acts and of the persons who committed them, is considered criminal liability, which can be preceded by the coercive measures provided for by law. Thus, the court must establish, in a trial, the meeting of the constitutive elements of a crime (*actus reus* and *mens rea*), the lack of causes that remove the criminal nature of the act and the lack of grounds for release from criminal liability/criminal punishment.

To identify the link between equity and criminal responsibility, in the specialist literature equity is seen as “an imperative and constant need to restore balance, and as an obligation to answer before criminal justice for the one who committed a crime and disturbed the social order. Equity is at the same time a technique for restoring the initial balance, which therefore existed before the crime was committed. Equally, equity can also be conceived as an imperative obligation to maintain the rules of humanity throughout the duration of the procedure provided by the criminal law and used in the technique of withholding criminal imputability and justifying the lack of criminal responsibility, in specific cases. It is particularly aimed at respecting the rights of the defense, where the presumption of innocence is added, which prohibits the withholding of liability, other than on the basis of sufficient and substantial evidence to reverse the presumption. There is a very close connection between the two rules, and innocence must be taken into account, as long as criminal liability is not asserted, by a perfect demonstration intended to establish it”¹¹.

Therefore, criminal liability must be based on the standards of fairness, the criminal must be held accountable for the harm he caused, but in a fair, just manner¹². Again, procedural fairness comes first.

4. The case-law of the European Court regarding the “full jurisdiction”

After this clarification, in the case of *Umlauf v. Austria*, the European Court considered that the Administrative Court of Austria had not presented the guarantees provided for in Article 6 § 1 of the Convention, because, being referred to an action against a measure by which the applicant was imposed a pecuniary sanction for violating the traffic code, considered as having a criminal character, it only had the competence of a simple check of legality

¹¹ Monica-Marcela Dinu-Bakoş, *Equity in substantive criminal law*, p. 32.

¹² *Ibidem*, p. 31.

and was also obliged to respect the factual findings of the administrative authorities¹³.

Similarly, in *Tsfayo v. United Kingdom*, the European Court did not recognize the substantive jurisdiction of the High Court of the United Kingdom compatible with Article 6 of the Convention because, although this court had the power to set aside the contested judgment if it considered the evidence on which it was based to be insufficient or wrong this, she did not have the power to reassess the evidence or replace the criticized assessments with her own assessment of the applicant's credibility¹⁴.

In *Kyprianou v. Cyprus*, the European Court considered that the lack of impartiality of the first-instance judicial body that imposed a custodial sentence on the applicant for the crime of contempt of court was not remedied by the Supreme Court at the appeal stage, because the latter had not carried out an *ex novo* reexamination of the case. In particular, the European Court stated that, as an appellate court, the Supreme Court did not carry out an independent re-examination of the criminal charge brought against the applicant for contempt of court with jurors¹⁵.

Also, in the case of *Chevrolet v. France*, the European Court has emphasized that the exercise of full jurisdiction by a court implies not renouncing any of the components of the function to judge. The court must enjoy full jurisdiction both in terms of establishing the facts and in terms of applying the law. The impossibility of the court to rule independently on the crucial aspects for the settlement of the dispute, with which it was referred, could constitute a violation of Article 6 § 1 of the European Convention¹⁶.

Even more relevant, in the case of *Silvester's Horeca Service v. Belgium*, the Strasbourg Court considered that the applicant company did not have access to a court, within the meaning of Article 6 § 1 of the European Convention on Human Rights, because the Court of Appeal in Brussels, referred by the applicant with an appeal against the administrative decision by which tax fines were applied to him for violating the rules regarding the payment of VAT, considered to be of a criminal nature, he did

¹³ Case of *Umlauft v. Austria*, Application no. 15527/89, Judgment of 23 October 1995, §§ 37 și 39. Available at: <https://hudoc.echr.coe.int/?i=001-57948> [accessed on 10.12.2024].

¹⁴ Case of *Tsfayo v. the United Kingdom*, Application no. 60860/00, Judgment of 14 November 2006, § 48. Available at: <https://hudoc.echr.coe.int/?i=001-77995> [accessed on 10.12.2024].

¹⁵ Case of *Kyprianou v. Cyprus*, [GC], Application no. 73797/01, Judgment of 15 December 2005, § 134. Available at: <https://hudoc.echr.coe.int/?i=001-71671> [accessed on 10.12.2024].

¹⁶ Case of *Chevrolet v. France*, Application no. 49636/99, Judgment of 13 February 2003, § 77. Available at: <https://hudoc.echr.coe.int/?i=001-60941> [accessed on 10.12.2024].

not have the authority to exempt the taxpayer from the legally imposed obligations, based on reasons of opportunity or of equity¹⁷.

Last but not least, in *Menarini Diagnostics v. Italy*, in which it examined the conformity of Italian law in the matter of cartel agreements, the European Court established that the control of an administrative sanction (considered to have a criminal character in the autonomous sense of the term) involves the verification and analyzing the appropriateness of the sanction in relation to the violation committed, taking into account, at the same time, the circumstances of the case, including the proportionality of the actual sanction¹⁸.

These reasonings were taken up in other cases examined by the European Court of Human Rights¹⁹.

However, all these cases were examined by the European Court from the perspective of compliance with Article 6 (“The right to a fair trial”) of the Convention, from the criminal aspect. This article provides in paragraph 1, among other things, that “In the determination [...] of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”.

The “fairness” required by Article 6 § 1 of the Convention is not “substantive” fairness (a concept which is part-legal, part-factual and can only be applied by the trial judge), but “procedural” fairness. This translates in practical terms into adversarial proceedings in which submissions are heard from the parties and they are placed on an equal footing before the court. Specifically, the European Court checks whether the applicant had the benefit of adversarial proceedings; that he was able, at the various stages of those proceedings, to adduce the arguments and evidence he considered relevant to his case; that he had the opportunity of challenging effectively the arguments and evidence adduced by the opposing party; that all his arguments which, viewed objectively, were relevant to the resolution of the case were duly heard and examined by the courts; that the factual and legal

¹⁷ Case of *Silvester's Horeca Service v. Belgium*, Application no. 47650/99, Judgment of 4 March 2004, §§ 26-28. Available at: <https://hudoc.echr.coe.int/?i=001-66212> [accessed on 10.12.2024].

¹⁸ Case of *A. Menarini Diagnostics S.R.L. v. Italy*, Application no. 43509/08, Judgment of 27 September 2011, §§ 64-66. Available at: <https://hudoc.echr.coe.int/?i=001-106438> [accessed on 10.12.2024].

¹⁹ For example, see: Case of *Segame SA v. France*, Application no. 4837/06, Judgment of 7 June 2012. Available at: <https://hudoc.echr.coe.int/?i=001-111373>; Case of *Grande Stevens v. Italy*, Application no. 18640/10, Judgment of 4 March 2014. Available at: <https://hudoc.echr.coe.int/?i=001-141794>; Case of *European Air Transport Leipzig GmbH v. Belgium*, Applications no. 1269/13 and 4 others, Judgment of 11 July 2023. Available at: <https://hudoc.echr.coe.int/?i=001-225760> [accessed on 10.12.2024].

reasons for the impugned decision were set out at length; and that, accordingly, the proceedings taken as a whole were fair²⁰.

Therefore, the European Court's task is limited to examining whether the domestic procedures were overall²¹ fair and, respectively, in accordance with the requirements of Article 6 § 1 of the Convention²².

However, when the European Court of Human Rights verifies whether the decision in dispute is amply motivated, both in fact and in law, it implicitly verifies the lack of arbitrariness and, consequently, substantial equity.

In any case, it is certain that based on Article 6 § 1 of the Convention, the national court should have the possibility to submit the case to an analysis under all aspects, both in fact and in law. In other words, the jurisdiction of the court trying the case should not be limited so that the court is deprived of discretionary power in the application and individualization of punishments and turns this into a formality.

5. The reasoning of the ECtHR in the case-law of the Constitutional Court

Unlike the European Court, the judgment of the Constitutional Court of the Republic of Moldova is a “judgment of laws”, in the abstract, but not a “judgment of concrete cases”²³. It is within the competence of the common law court to impose a punishment on the defendants, but respecting the right to a fair trial.

Despite this fact, some laws establishing punishments defied the constitutional right to a fair trial (guaranteed by Article 20 of the Constitution of the Republic of Moldova).

Under these conditions, the reasonings of the European Court cited above were the basis of several decisions issued by the Constitutional Court of the Republic of Moldova. The first decision of the Constitutional Court in this category was pronounced in 2016, following the examination of two

²⁰ Practical Guide on Admissibility Criteria, Updated on 31 August 2023, §§ 360-361. Available at: https://www.echr.coe.int/documents/d/echr/Admissibility_guide_ENG [accessed on 10.12.2024].

²¹ Samartzis Andreas, *Weighing Overall Fairness: A Critique of Balancing under the Criminal Limb of Article 6 of the European Convention on Human Rights*. In: *Human Rights Law Review*, 2021, Vol. 21, Iss. 2, pp. 409-432.

²² For example, see: *Case of Kurkut and Others v. Türkiye*, Applications nos. 58901/19 and 6 others, Judgment of 25 June 2024, § 101. Available at: <https://hudoc.echr.coe.int/?i=001-234418> [accessed on 10.12.2024].

²³ See § 30 of the Decision of the Constitutional Court of the Republic of Moldova no. 64 of June 13, 2024 on the inadmissibility of notification no. 6g/2024 regarding the exception of unconstitutionality of articles 385 para. (5) and 473/4 para. (4) of the Code of Criminal Procedure (reduction of punishment for detention in poor conditions (no. 2)). In: *Official Gazette of the Republic of Moldova* no. 287-290 of July 4, 2024.

exceptions of unconstitutionality. Before the Constitutional Court, the text “fine of 300 conventional units applied to the legal person [...] and the person with a responsible position” from Article 345 (2) of the Contravention Code. This article establishes criminal liability for violation of the rules in the field of metrology.

Under this aspect, the Constitutional Court recalled that “limiting the exercise of individual rights, in consideration of collective rights [...] aimed at [...] criminal prevention, is always a sensitive operation in terms of regulation, it being necessary to maintain a just balance between individual interests and rights, on the one hand, and those of society, on the other”²⁴. The Court held that the legislator has the power to establish contraventional sanctions, but strictly respecting the proportionality between the circumstances of the act, the character and the degree of prejudice. Thus, the lack of possibility of the court to apply the criteria for the individualization of the sanction in the concrete case and the application of an absolutely determined sanction does not ensure its fair character²⁵.

According to the Constitutional Court, in the process of administering justice, the courts must be independent and not limited in their powers, in order to exercise full jurisdictional control. Therefore, the Court concluded that in the absence of the mechanisms for individualizing the sanction in the concrete case, the court is deprived of the possibility to carry out an effective judicial control and, finally, the litigants cannot benefit from the right to a fair trial²⁶. She declared the disputed text unconstitutional, to the extent that it does not allow individualization of the sanction. And in order to execute its decision, the Court decided that until the legal framework is changed, for contraventions that provide for a sanction in a fixed amount, a sanction will be applied between the minimum limit established by the General Party (for a natural person – a conventional unit, and for persons with responsibility and legal entities – from 10 conventional units) and up to the size of the sanction from the respective article of the Special Part of the Contravention Code, which will constitute the maximum limit.

There followed other decisions of the Constitutional Court²⁷ in which the same issue was analyzed, i.e., the fixed sanction for a certain reprehensible act.

²⁴ *Apud*: § 64 of the Judgment of the Constitutional Court no. 10 of May 10, 2016 regarding the exception of unconstitutionality of some provisions of article 345 para. (2) of the Contravention Code (individualization of the sanction) (referrals no. 26g/2016 and no. 34g/2016). In: *Official Gazette of the Republic of Moldova* no. 204-205/58 of July 12, 2016.

²⁵ *Ibidem*, §§ 65-66.

²⁶ *Ibidem*, §§ 77-78.

²⁷ See: Judgment of the Constitutional Court no. 2 of January 30, 2018 regarding the exception of unconstitutionality of some provisions of art. 10 point 4 of Law no. 845-XII of January 3, 1992 regarding entrepreneurship and enterprises (referral no. 154g/2017). In:

In one of these decisions, the Court specified that based on Article 72 (3) (n) of the Constitution, the Parliament has the exclusive competence to regulate by organic law the crimes, the punishments and the regime of their execution. Thus, “the criminalization of the acts, the establishment of the punishment for them, as well as the regime of their execution belong to the competence of the Parliament and are based on reasons of criminal policy. Parliament possesses, in this sense, a margin of discretion, to the extent that it does not unjustifiably affect the fundamental rights of the person and respects the constitutional principles [...]. However, this margin of discretion of the legislator must not affect the principle of proportionality of the sanction applied by reference to the prejudicial act and the circumstances of the case. The Parliament must estimate, *in abstracto*, according to a series of criteria, including the frequency of the criminal phenomenon or its degree of social danger, what are the appropriate punishment limits”²⁸. The Court also mentioned that by regulating crimes and punishments in criminal matters, according to Article 72 (3) (n) of the Constitution, the competence to regulate contraventions and contraventional sanctions should also be understood. The Court found that the general nature of the misdemeanor law and the purpose of punishment, which is both to punish and to prevent, are sufficient to show that similar principles are applicable to the two laws: contraventional and criminal²⁹.

The legislator cannot regulate a sanction in such a way that the court lacks the possibility to individualize it effectively and reasonably. The limitation of the role of the court lacks the substance of the guarantees of

Official Gazette of the Republic of Moldova no. 108-112/54 of March 30, 2018; Judgment of the Constitutional Court no. 5 of March 6, 2018 regarding the exception of unconstitutionality of some provisions of art. 10 point 4 and point 5 of Law no. 845-XII of January 3, 1992 regarding entrepreneurship and enterprises (referral no. 10g/2018). In: *Official Gazette of the Republic of Moldova* no. 113-120/59 of April 6, 2018; Judgment of the Constitutional Court no. 20 of July 4, 2018 regarding the exception of unconstitutionality of some provisions from Article 260 (4) of the Tax Code (referral no. 53g/2018). In: *Official Gazette of the Republic of Moldova* no. 267-275/119 of July 20, 2018.

²⁸ See § 108 of the Judgment of the Constitutional Court no. 18 of June 30, 2020 regarding the control of the constitutionality of Article 76/1 (1) of the Contraventional Code (failure to comply with the measures of prophylaxis, prevention and/or combating epidemic diseases, if this endangered public health) (referrals no. 61a/2020, no. 62a/2020 and no. 67g/2020). In: *Official Gazette of the Republic of Moldova* no. 188-192/101 of July 24, 2020.

²⁹ *Apud*: § 17 of the Decision of the Constitutional Court no. 135 of December 9, 2019 on the inadmissibility of notification no. 160g/2019 regarding the exception of unconstitutionality of some provisions of Article 313/2 of the Criminal Code (sanction for not declaring or not resolving the conflict of interests). In: *Official Gazette of the Republic of Moldova* no. 36-43/17 of February 7, 2020.

the right to a fair trial, enshrined in Article 20 of the Constitution and Article 6 of the European Convention³⁰.

The Court held that “not only the fixed penalty established by the legislator, but also the relatively small difference between the minimum and maximum limit of the sanction are likely to affect, depending on the prejudicial act and the multitude of factual ways of committing it, the right to a trial fair, by restricting the competence of the court to exercise a control of full jurisdiction regarding the individualization and appropriateness of the sanction”³¹.

From this perspective, the Court assessed that in the case of the sanction imposed on the natural person for non-compliance with measures to prevent, prevent and/or combat epidemic diseases (Article 76/1 of the Contraventional Code), the difference between the minimum limit of 450 conventional units and the maximum limit of 500 conventional units does not give the court the opportunity to assess the proportionality of the sanction applied by reference to the contraventional offence and the circumstances of the case, so that there is a fair balance between the purpose of the contravention law and the means, and the means used do not restrict the rights of the person more than is necessary to achieve these purposes.

Instead, in the case of the legal person, the fine can be established from 1000 conventional units to 1500 conventional units. In this situation, the Court observed that the difference between the minimum and the maximum limit is 500 conventional units, a fact that allows the ascertaining agent and the court to individualize the fine depending on the contraventional act committed. Also, the Court³² held that the factual ways of committing the prejudicial act by the legal person cannot be as varied³³ as in the case of the natural person.

³⁰ See § 109 of the Judgment of the Constitutional Court No. 18 of June 30, 2020 regarding the review of the constitutionality of Article 76/1 para. (1) of the Criminal Code (failure to comply with the measures of prophylaxis, prevention and/or combating epidemic diseases, if this endangered public health) (referrals no. 61a/2020, no. 62a/2020 and no. 67g/2020). In: *Official Gazette of the Republic of Moldova* no. 188-192/101 of July 24, 2020.

³¹ *Ibidem*, § 110.

³² *Ibidem*, §§ 111-112.

³³ This reasoning is contained in another case judged by the Constitutional Court of the Republic of Moldova. In particular, the Court verified the constitutionality of the limits of the fine from 240 to 270 conventional units applied to the responsible person and the fine from 400 to 450 conventional units applied to the legal entity for failure to comply with the obligations provided by Road transport Code. The Court held that the obligations provided for in the referral rule regulate objective situations, exhaustively established in the charge of special subjects, whose factual modalities cannot vary. Therefore, the Court noted that there are no particular circumstances that would require the intervention of the court in weighing the sanction applied. See §§ 30-32 of the Decision of the Constitutional

Hence, the Court declared as unconstitutional only the minimum limit of the fine applicable to the natural person. At the same time, the Court decided that until the amendment of the law declared unconstitutional, the minimum limit of the fine established for the natural person for committing the contravention provided by Article 76/1 (1) of the Contravention Code will be equal to the minimum limit of the fine provided for in Article 34 (2) of the Criminal Code (i.e., one conventional unit). Therefore, the Court instituted a provisional solution.

6. Punishments that do not require judicial individualization?

On other occasions, the Constitutional Court recognized that, “if there cannot be particular circumstances, so if individualization cannot be carried out, the courts cannot weigh the sanctions. They only have to recognize the legal character of the sanctions applied. When the legislator gave a solution for a situation that does not involve the circumstances and that does not claim to carry out a balance, the Constitutional Court can only show deference to the solution chosen by him, in terms of applicable sanctions”³⁴.

An eloquent example is Article 257 (8) of the Tax Code. This article stipulates that, if the economic agent in whose case a tax office is established and who has been informed of this fact performs inputs or outputs of goods or services without informing the inspector or the subdivision of the State Fiscal Service responsible for the activity of the tax office, he is sanctioned with a fine equal to the amount of the respective economic operations.

According to the Constitutional Court, the case provided for by the text of the law in question establishes an objective situation, which cannot be circumstantiated as it could be circumstantiated, for example, the non-presentation of a tax invoice³⁵. The establishment of the fiscal post aims to

Court no. 98 of July 12, 2022 on the inadmissibility of notification no. 74g/2022 regarding the exception of unconstitutionality of some provisions from article 197 para. (29) of the Criminal Code (unclearly of the criminal offense that establishes liability for violating the rules regarding road transport and the impossibility of individualizing the related punishment). In: *Official Gazette of the Republic of Moldova* no. 238-244 of July 29, 2022.

³⁴ See § 28 and § 33 of the Decision of the Constitutional Court no. 84 of July 9, 2018 on the inadmissibility of notification no. 96g/2018 regarding the exception of unconstitutionality of Article 257 (8) of the Tax Code. In: *Official Gazette of the Republic of Moldova* no. 430-439/169 of November 23, 2018.

³⁵ See the Judgment of the Constitutional Court no. 20 of July 4, 2018 regarding the exception of unconstitutionality of some provisions from article 260 para. (4) of the Tax Code (referral no. 53g/2018). In: *Official Gazette of the Republic of Moldova* no. 267-275/119 of July 20, 2018. Through this decision, the Court declared unconstitutional a text contained in article 260 para. (4) of the Tax Code. This text established fixed fines for non-presentation of tax invoices. The fixed nature of these fines ignores the previous, concurrent or subsequent circumstances of the non-presentation of tax invoices, allowing their application in the same way for different situations. The Court found that such an

achieve exact goals: the transparency and discipline of economic agents. The establishment of a fiscal post has nothing to do with the correct declaration of imported goods to the customs authorities. It refers to a subsequent situation, when the activity of the economic agent is included in a risk group. In the case of this economic agent, other measures/tools available for administration, monitoring, control, including voluntary compliance measures, have been exhausted. Making entries or exits of goods or services without informing the inspector or the subdivision of the State Fiscal Service responsible for the activity of the tax office can only take place with intention, if the economic agent was previously informed about the obligation to inform.

In other words, inputs or outputs of goods or services cannot be carried out without this information. The inputs and outputs of goods or services are based on the intention of the economic agent, and the omission of informing the relevant inspector or subdivision of the State Fiscal Service is also based, logically, on the intention. In this type of cases, there can be no particular circumstances that weight the sanction applied. The situation foreseen by the legislator is an objective one: the omission of information, followed by the entry or exit of goods or services. The Court concluded that the sanction established by the legislator in such cases, i.e., a fine equal to the amount of economic operations carried out in violation of Article 257 (8) of the Tax Code, represents the result of a balance, carried out by the legislator, depending on the social interest defended and the objective gravity of the prohibited act³⁶.

In the context of the elucidated, it should be noted that such cases are rare and are rather an exception to the rule.

7. Cases in which the jurisdiction of the court was not limited

There are also cases in which the Constitutional Court of the Republic of Moldova did not find any problem in the hypothesis that the sanction provided by law provided for a minimum limit and a maximum limit and, accordingly, the jurisdiction of the court was not limited.

approach violates the principle of equal treatment, because it allows the application of identical sanctions in the case of situations that are objectively different (§ 79). The Court held that, within the framework of judicial control, the courts must analyze the proportionality of the sanction in relation to the social danger of the committed violation, the circumstances in which it was committed, the purpose pursued, personal circumstances, etc. (§ 75).

³⁶ See §§ 31-33 of the Decision of the Constitutional Court no. 84 of July 9, 2018 on the inadmissibility of notification no. 96g/2018 regarding the exception of unconstitutionality of Article 257 (8) of the Tax Code. In: *Official Gazette of the Republic of Moldova* no. 430-439/169 of November 23, 2018.

For example, with reference to customs offences, the Constitutional Court of the Republic of Moldova admitted that non-compliance with the terms, obligations and conditions established for the development and termination of the suspensive customs regime can be circumstantial depending on the ways of committing the violation, i.e., the form of guilt, the circumstances in which the deed was committed, the purpose pursued, the repetitive nature of the misconduct, etc. The Court considered that all these elements allow the courts to weight the sanction applied within the limits of the fine from 40% to 100% of the value of the goods that were the object of the contravention in relation to the social danger of the violation, with the circumstances in which it was committed the act, with the aggravating or mitigating circumstances, etc. The Court held that the limits of the fine from 10% to 100% of the value of the goods for non-compliance with the obligation to return to the customs territory the goods previously removed from the customs territory, if their return is mandatory, positions the court in a situation where would benefit from a discretionary margin regarding the determination of the amount of the fine. In this sense, the Court held that the differences between the minimum and maximum limits of the fines provided for by the Customs Code do not restrict the competence of the court to exercise a control of full jurisdiction regarding the individualization and assessment of the proportionality of the sanction by reference to the committed act and the circumstances of the case concrete. Moreover, the Court emphasized that customs bodies and courts must provide relevant and sufficient reasons when determining the amount of fines provided for by the Customs Code³⁷.

Similarly, in Decision no. 135 of December 9, 2019, the Court noted that the provisions of Article 313/2 of the Contraventional Code establish the minimum and maximum limit of sanctions for non-declaration (fine from 45 to 60 conventional units applied to the natural person, with fine from 120 to 180 units applied to the person with responsibility) and, respectively, failure to resolve the conflict of interest (fine from 60 to 90 conventional units applied to the natural person, with a fine of 180 to 240 conventional units applied to the person with a responsible position). They allow the court to apply an individualized sanction, depending on the concrete circumstances of the case. In that case, the court has the power to

³⁷ See §§ 34-36 of the Decision of the Constitutional Court no. 50 of June 4, 2024 on the inadmissibility of notification no. 161g/2023 regarding the exception of unconstitutionality of some provisions of Article 232 letters a) and h) of the Customs Code (in the wording of Law no. 1149 of July 20, 2000) (the fine applied to legal entities depending on the value of the goods that were the object of the customs offences). In: *Official Gazette of the Republic of Moldova* no. 260-263 of June 20, 2024.

individualize in each particular case the sanction to be applied to a person, taking into account all the relevant circumstances³⁸.

Also, the Court mentioned that the legislator provided for the individualization of the contraventional penalty and through the possibility of derogation from the sanction provided for in the substantive rule of the Contraventional Code. Thus, according to Article 44/1 of the Code, if the offender has no unexecuted contraventional sanctions for previously committed acts and no unextinguished criminal antecedents, then, taking into account the exceptional circumstances of the case, related to the purpose and reasons of the act, the role of the offender in committing the contravention, the personality of the violator, his behavior during and after the consummation of the violation, other circumstances that essentially reduce the seriousness of the act and its consequences, as well as the active contribution of the participant of a group offense to its discovery, the investigating agent, as the case may be, the prosecutor, the court or the administrative commission may apply a sanction below the minimum limit, provided for by the special part of the second book for the respective contravention. This fact represents an additional guarantee in order to achieve the principle of proportionality and the individualization of the contraventional sanction³⁹.

And in the case of the act of passive electoral corruption provided for in Article 47/1 of the Contraventional Code of the Republic of Moldova, it was found that this is sanctioned with a fine ranging from 500 to 750 conventional units. The Constitutional Court observed that the difference between the minimum and maximum limit is 250 conventional units. Thus, the Court held that there is a sufficient difference between the minimum limit and the maximum limit of the sanction, which allows the investigating officer and the court to individualize the fine according to the precise circumstances of the committed act. Moreover, the differences between the limits of the contraventional sanction in question are comparable to the differences between the limits of the sanctions for the commission of other contraventions established by the legislator. They do not restrict the competence of the court to exercise a control of full jurisdiction regarding the individualization and assessment of the proportionality of the sanction

³⁸ See §§ 19-20 of the Decision of the Constitutional Court no. 135 of December 9, 2019 on the inadmissibility of notification no. 160g/2019 regarding the exception of unconstitutionality of some provisions of Article 313/2 of the Criminal Code (sanction for not declaring or not resolving the conflict of interests). In: *Official Gazette of the Republic of Moldova* no. 36-43/17 of February 7, 2020.

³⁹ *Ibidem*, § 21.

by reference to the circumstances of the case and do not contravene Article 20 of the Constitutions⁴⁰.

The same reasoning was applied in relation to several penalties in the Criminal Code. For example, in one case a defendant argued that Article 264/1 (1) of the Criminal Code (article that establishes liability for driving a vehicle in a state of advanced alcoholic intoxication or in a state of intoxication produced by other substances) provides as the main punishment only unpaid work for the benefit of the community, excluding the possibility of applying another sanction. He also argued that the judge cannot impose an individualized punishment on the defendant, depending on the particular circumstances of each case, and this fact violates the right to a fair trial⁴¹.

For its part, the Constitutional Court established that Article 20 (although this article is entitled “free access to justice”, the Court decided that it guarantees the right to a fair trial, similar to Article 6 of the European Convention) of the Constitution becomes an incident when it is affected the principle of individualization of the sanction. Next, the Court mentioned that the establishment of criminal law sanctions is, on the one hand, a task that falls to the legislator. It establishes punishments and other criminal law sanctions by setting minimum and maximum limits, in accordance with the abstract importance of the protected social value. On the other hand, establishing criminal law sanctions is a task that the judge performs within the limits provided by law. The judge has the power to establish the punishments within certain predetermined limits, to reduce them according to certain criteria and, at the same time, he can choose to apply or not a concrete sanction, in relation to the particularities of the act and the offender⁴².

Analyzing the provisions of Article 264/1 (1) of the Criminal Code and the rules related to judicial individualization, the Constitutional Court observed that judges have a margin of discretion when determining the

⁴⁰ See §§ 313-314 of the Constitutional Court of the Republic of Moldova Decision no. 1 of January 21, 2025 on the inadmissibility of notifications regarding the exceptions to the unconstitutionality of some provisions of Article 47/1 of the Criminal Code (passive electoral corruption). Available at:

<https://www.constcourt.md/ccdocview.php?tip=decizii&docid=1679&l=ro> [accessed on 24.01.2025].

⁴¹ See § 8 of the Decision of the Constitutional Court no. 123 of August 3, 2021 on the inadmissibility of notification no. 108g/2021 regarding the exception of unconstitutionality of some provisions from article 264/1 para. (1) of the Criminal Code (punishment with unpaid work for the benefit of the community for driving the means of transport in a state of advanced alcoholic intoxication or in a state of intoxication produced by other substances). In: *Official Gazette of the Republic of Moldova* no. 212-218/165 of September 10, 2021.

⁴² *Ibidem*, §§ 24-25.

penalty for committing the offense provided for in Article 264/1 (1) of the Criminal Code. Judges apply unpaid work for the benefit of the community within the limits provided by this article, i.e., from 200 to 240 hours⁴³. According to the Constitutional Court, the insignificant difference between the minimum and the maximum limit of the punishment does not oppose the principle of individualizing the criminal or misdemeanor punishment if the factual ways of committing the prejudicial act are not varied⁴⁴. Also, pursuant to Article 79 (1) of the Criminal Code (according to which “taking into account the exceptional circumstances of the case, related to the purpose and motives of the deed, the role of the culprit in committing the crime, his behavior during and after the consummation of the crime, other circumstances that essentially reduce the seriousness of the deed and its consequences, as well as the active contribution of the participant of a crime committed in a group to its discovery, the court may apply a punishment below the minimum limit, provided by the criminal law, or a milder one, of another category, or may not apply the mandatory complementary punishment. Minority of the person who committed the crime is considered an exceptional circumstance the age of 18, but have not reached the age of 21 can be assessed by the court as a circumstance exceptional”), judges have legal criteria, both to establish the term of the punishment with unpaid work below the minimum limit, and to apply a milder punishment, of another category. Therefore, the Court could not retain the criticism regarding the violation of Article 20 of the Constitution, because the judges have general and special criteria for the individualization of the criminal punishment in question and, therefore, decided that the principle of individualization of the sanction was not affected⁴⁵.

Apart from the main punishment (it is unpaid work for the benefit of the community), Article 264/1 (1) of the Criminal Code also provides for the mandatory complementary punishment, i.e., the cancellation of the right to drive means of transport. Regarding the latter, the Court noted that the legislator, taking into account the degree of social danger of crimes related

⁴³ *Ibidem*, § 26.

⁴⁴ See § 32 of the Decision of the Constitutional Court no. 94 of August 4, 2020 on the inadmissibility of referrals no. 35g/2020 and no. 113g/2020 regarding the exception of unconstitutionality of some provisions from Article 264/1 (1) of the Criminal Code (cancellation of the right to drive means of transport). In: *Official Gazette of the Republic of Moldova* no. 235-239/141 of September 18, 2020.

⁴⁵ See § 27 of the Decision of the Constitutional Court no. 123 of August 3, 2021 on the inadmissibility of notification no. 108g/2021 regarding the exception of unconstitutionality of some provisions from article 264/1 para. (1) of the Criminal Code (punishment with unpaid work for the benefit of the community for driving the means of transport in a state of advanced alcoholic intoxication or in a state of intoxication produced by other substances). In: *Official Gazette of the Republic of Moldova* no. 212-218/165 of September 10, 2021.

to the driving of means of transport by persons in a state of advanced alcoholic intoxication, opted for a harsher punishment constituted by the punishment main and mandatory complementary punishment. Cancellation of the right to drive means of transport is a mandatory complementary punishment. By its legal nature and its essence, this punishment does not demand the establishment of minimum and maximum limits⁴⁶.

Summarizing the above, the Court concluded that the possibility of the court to order the cancellation of the right to drive means of transport if the person was found guilty of driving the means of transport in a state of advanced alcoholic intoxication does not imply, per se, an interference with the right of free access to justice guaranteed by Article 20 of the Constitution⁴⁷.

And in this hypothesis, it is not excluded that in the particular circumstances of the case the court may apply Article 79 (1) of the Criminal Code and to exempt the person from the mandatory complementary penalty.

8. Divergences between general and special punishment limits

Another relevant case was resolved by the Decision of the Constitutional Court of the Republic of Moldova no. 81 of June 3, 2021. The case concerns the alleged unconstitutionality of the fine limits for the crime of active corruption (Article 325 of the Criminal Code of the Republic of Moldova).

This time, two lawyers pleaded before the Constitutional Court that the minimum limit of the fine provided by Article 325 (1) of the Criminal Code for natural persons, i.e., from 2000 conventional units, is not proportional to the seriousness of the act and affects the property rights of the person who committed the crime. The minimum limit of 2,000 conventional units represents the amount of 100,000 MDL lei (the equivalent of approximately

⁴⁶ See § 23 of the Decision of the Constitutional Court no. 76 of June 27, 2024 on the inadmissibility of notification no. 121g/2024 regarding the exception of unconstitutionality of Article 264/1 (3) of the Criminal Code (refusal, resistance or evasion of the driver of the means of transport from the drunkenness test). In: *Official Gazette of the Republic of Moldova* no. 305-307 of July 16, 2024. In the same sense, it was decided regarding the application of fixed penalty points according to the Criminal Code. See: Decision of the Constitutional Court no. 114 of December 15, 2017 on the inadmissibility of notification no. 160g/2017 regarding the exception of unconstitutionality of some provisions from Articles 229 (2) and 230 (2) from the Criminal Code of the Republic of Moldova (application of penalty points). In: *Official Gazette of the Republic of Moldova* no. 77-83/41 of March 9, 2018.

⁴⁷ See § 31 and § 37 of the Decision of the Constitutional Court no. 94 of August 4, 2020 on the inadmissibility of referrals no. 35g/2020 and no. 113g/2020 regarding the exception of unconstitutionality of some provisions from Article 264/1 (1) of the Criminal Code (cancellation of the right to drive means of transport). In: *Official Gazette of the Republic of Moldova* no. 235-239/141 of September 18, 2020.

5,000 euros), an amount that exceeds the amount of the average salary in the economy by approximately 13 times. Also, the authors of the exceptions criticized the maximum limit of the fine, provided by Article 325 (1) of the Criminal Code for natural persons, i.e., fine up to 4000 conventional units. In this sense, the authors of the exceptions claimed that these provisions do not comply with the quality requirements of the law, because the maximum limit of the fine provided for in Article 325 (1) of the Criminal Code is contrary to Article 64 (2) of the Criminal Code, according to which the amount of the fine for natural persons is set between 500 and 3000 conventional units. Therefore, the legislator provided in the special part a fine that exceeds the limits established in the general part of the Criminal Code. In the opinion of the authors of the exceptions, these provisions also violate the property rights of persons who have committed crimes⁴⁸.

Given that the disputed provisions establish sufficiently comprehensively that, for the commission of the offense provided for in Article 325 (1) of the Criminal Code, the natural person is punished with a fine from 2000 to 4000 conventional units, the Constitutional Court did not see any problem from the perspective of the principle of legality of criminalization (guaranteed by Article 22 of the Constitution and Article 7 of the European Convention).

At the same time, regarding the criticism of the maximum limit of the fine provided by Article 325 (1) of the Criminal Code for natural persons (i.e., that it contravenes the rules of the general part of the Criminal Code), the Constitutional Court noted the following. Because an alleged inconsistency was invoked between the provisions of the general and special parts of the Criminal Code, the Court held that this does not represent a constitutionality issue, but one of law interpretation. The Court does not have the competence to resolve, per se, the conflicts of infraconstitutional norms, these conflicts being the remit of common law judges⁴⁹.

Regarding the proportional nature of the punishment, the Court held in its jurisprudence that corruption undermines democracy and the rule of law, leads to the violation of human rights, undermines the economy and erodes the quality of life, the fight against corruption being an integral part of ensuring respect for the rule of law, consecrated by Preamble and Article 1 (3) from the Constitution. The Court showed deference to the criminal policy of the Parliament, which aims to deter acts of corruption, including

⁴⁸ See § 13 and § 14 of the Decision of the Constitutional Court no. 81 of June 3, 2021 on the inadmissibility of referrals no. 46g/2021 and no. 65g/2021 regarding the exception of unconstitutionality of article 325 para. (1) of the Criminal Code (fine limits for the crime of active corruption). In: *Official Gazette of the Republic of Moldova* no. 164-167/116 of July 9, 2021.

⁴⁹ *Ibidem*, §§ 29-31.

by establishing an effective system of punishments. Therefore, the Court finds that, by introducing dissuasive fines in cases of corruption, the provisions of Article 46 (which guarantees the right to property) of the Constitution are not affected. Furthermore, the Court held that the provisions of the Criminal Code establish sufficient guarantees, able to ensure the individualization of punishments in each particular case. In this sense, the judge has the competence, according to Article 79 of the Criminal Code, to impose on the offender a punishment below the limit provided by law, in the situation where the circumstances listed by this norm are present⁵⁰.

The issue regarding the compatibility of the limits of the fine penalty from the general part of the Criminal Code with the limits of the fine penalty from special criminal rules was also put before the Constitutional Court of Romania, but the approach was different than that of the Constitutional Court of the Republic of Moldova. In particular, the Constitutional Court of Romania emphasized the following: “the fact that the limits established in the general rule of the Criminal Code are exceeded by the method of setting the criminal fine [...], is not likely to make the criticized text unconstitutional, since no the constitutional norm does not prohibit this. It is true that Article 1 (5) of the Romanian Constitution, [...] establishes the obligation to comply with the laws, but this does not imply that all special laws of a criminal nature that establish new crimes must be circumscribed, from the perspective of establishing sanctions, within the limits of the general part of the Criminal Code. The social reality is the one that at a given moment can determine the stringency of the establishment of more severe criminal policy norms”⁵¹.

This approach was not supported by all judges of the Constitutional Court of Romania. Thus, in the separate Opinion it is stated that “the general limits [of punishment] cannot be exceeded under any circumstances, thus ensuring the unity of criminal law, the measures necessary to prevent and combat the criminal phenomenon, as well as the equality of citizens before the law”⁵².

⁵⁰ *Ibidem*, § 33 and § 37.

⁵¹ Decision of the Constitutional Court of Romania no. 53 of January 25, 2012 regarding the exception of unconstitutionality of the provisions of art. 30 para. 3 of the Criminal Procedure Code, as well as the provisions of art. 244-246, art. 248 and 279 of Law no. 297/2004 related to art. 244 para. (5) lit. a) point 2 and lit. b) and para. (7) lit. a) with the application of art. 276 lit. c) from Law no. 297/2004 regarding the capital market. Available at: <https://legislatie.just.ro/Public/DetaliiDocumentAfis/136965> [accessed on 10.12.2024].

⁵² The separate opinion of judges Ion Predescu, Puskas Valentin Zoltan and Tudorel Toader on the Decision of the Constitutional Court of Romania no. 53 of January 25, 2012.

Who is right? How will the common law judges from the Republic of Moldova solve this problem? The question is pertinent, since the Constitutional Court of the Republic of Moldova decided that the issue in question does not belong to its competence, but to the competence of the common law courts.

9. Substantial equity

All the cases analyzed above concern the fairness of the punishment/sanction in terms of limiting the competence of the court referred to. In other words, it is about procedural fairness in the sense of Article 6 of the European Convention and Article 20 of the Constitution of the Republic of Moldova.

And in the doctrine, the importance of procedural fairness in the context of the application of punishment was emphasized. Specifically, it was shown that:

“An offender has the right to have their sentence determined by an independent and impartial court. It is also of considerable importance, though, to ensuring that the sentence is lawful and just. The requirement of judicial review inherent in many of the substantive rights of the Convention requires that a judge is able to ensure that the sentence does not violate important human rights. Ensuring sufficient scope for judicial consideration of the sentence is central to the protection of fairness and legality. Any discussion of the appropriate boundaries of judicial discretion must therefore take account of the constitutional importance of the judge in upholding the human rights of the accused at the sentencing stage. The judge plays a crucial role in the justification of punishment as a practice.”⁵³

According to the same author:

“It is true that judges are ‘not alone in judging’. They are surrounded by a ‘whole series of subsidiary authorities’ whose involvement might be said in the criminal justice context to ‘fragment the legal power to punish’. Psychiatrists, psychologists, prison personnel, social workers, and others involved in the implementation of the sentence might not have the right to judge, but are all involved in the process of the determination of the sentence. The responsibility for the verdict and the sentence nevertheless rests in the hands of the judge. It is interesting that in spite of the widespread acceptance of the characterization of the sentencing decision as a judicial exercise, a

Available at: <https://legislatie.just.ro/Public/DetaliiDocumentAfis/136965> [accessed on 10.12.2024].

⁵³ Sarah Summers, *Sentencing and Human Rights. The Limits on Punishment*. Oxford: Oxford University Press, 2022, p. 225-226.

number of practices and laws actually significantly undermine the role of the judge at the sentencing stage.”⁵⁴

However, I identified a case in which the European Court also addressed the substantial fairness (of the punishment) in the context of Article 6 of the Convention - *Grba v. Croatia*. In that case, the applicant had been convicted of currency counterfeiting in connection with four occasions on which he had sold counterfeit euros to undercover police agents. He challenged the first-instance judgment arguing, in particular, that the circumstances of his entrapment had not been properly examined. His appeals were dismissed. Before the European Court the applicant complained of, *inter alia*, entrapment and the use of evidence thereby obtained in the criminal proceedings against him.

According to European Court, recourse to an operational technique involving the arrangement of multiple illicit transactions with a suspect by the State authorities was a recognised and permissible means of investigating a crime when the criminal activity was not a one-off, isolated criminal incident but a continuing illegal enterprise. In practice such an operational technique might be aimed at gaining the trust of an individual with the aim of establishing the scope of his or her criminal activity or working up to a larger source of criminal enterprise, namely to disclose a larger crime circle.

However, in keeping with the general prohibition of entrapment, the actions of undercover agents had to seek to investigate on-going criminal activity in an essentially passive manner and not exert an influence such as to incite the commission of a greater offence than the one the individual had already been planning to commit without such incitement. It followed that in cases concerning recourse to such an operational technique, any extension of the investigation had to be based on valid reasons, such as the need to ensure sufficient evidence to obtain a conviction, to obtain a greater understanding of the nature and scope of the suspect's criminal activity, or to uncover a larger criminal circle. Absent such reasons, the State authorities might be found to be engaging in activities which had improperly enlarged the scope or scale of the crime and might unfairly subject the defendant to increased penalties either within the prescribed range of penalties or for an aggravated offence. Although normally the issues concerning appropriate sentencing fell outside the scope of the Convention, as a matter of fairness, the sentence imposed should reflect the offence which the defendant had actually been planning to commit. In these situations although it would not be unfair to convict the person, it would be

⁵⁴ *Ibidem*.

unfair for him or her to be punished for that part of the criminal activity which was the result of improper conduct on the part of the State authorities.

In this case, it was undisputed between the parties that the applicant had been involved in four encounters during which he had succeeded in uttering a significant quantity of counterfeit euros by selling them to the undercover police agents. The first illicit transaction had been the result of the applicant's own deliberate conduct and there was nothing suggesting that he would not have uttered the counterfeit currency on that occasion had an "ordinary" customer approached him instead of the police.

However, there was no conclusive evidence as to who had taken the initiative in arranging the further meetings between the applicant and the undercover agents. There was no indication that, during the period concerned, the applicant was selling counterfeit currency to anybody other than the undercover agents. During the domestic proceedings, the undercover agents had been unable to explain why the applicant had not been arrested after the first illicit transfer of euros or the reasons for the decision to engage in multiple illicit transactions with him in the first place. It was therefore unclear under what form of practical guidance, if any, they were acting. There was no indication that any further activities had been undertaken by the authorities to secure the evidence that would have been necessary to prosecute an illegal business enterprise engaged in counterfeiting currency, and which might have warranted recourse to an operational technique involving the arrangement of multiple illicit transactions with the applicant.

Since it was impossible to establish with a sufficient degree of certainty whether or not the applicant had been the victim of entrapment contrary to Article 6 of the Convention it was essential to examine the procedure whereby the plea of entrapment had been assessed in his case, to ensure that the rights of the defence had been adequately protected.

The applicant had raised an arguable plea of entrapment. The competent criminal courts should have investigated why the police had decided to launch the operation, what evidentiary material they had had in their possession, and the manner in which they had interacted with the applicant. That was particularly important in view of the lack of proper scrutiny by the investigating judge when authorising the undercover operation in question and the inconclusive statements of the undercover agents concerning the decision-making process as regards the conduct of the undercover operation. When scrutinising the conduct of the undercover agents, the domestic courts had mostly limited their inquiry to ascertaining whether the undercover agents had been acting on the basis of an order from an investigating judge. The Supreme Court had reiterated and endorsed the

reasoning of the lower courts and had failed to thoroughly analyse and to provide the relevant reasoning for accepting or refusing the applicant's contention that he had been prompted to engage in one of the subsequent illicit transfers.

According to European Court, in the light of the above considerations, the domestic courts had failed to comply with their obligation to examine effectively the applicant's plea of entrapment, as required under the procedural test of incitement under Article 6 § 1. Accordingly, the decision-making procedure leading to the applicant's more serious sentencing for multiple uttering of counterfeit currency had failed to comply with the requirements of fairness. That did not imply that he had been wrongly convicted for uttering counterfeit currency but rather that the domestic courts had failed to establish whether, by his participation in the subsequent illicit transactions, the scope of his criminal activity had been extended as a result of improper conduct on the part of the authorities⁵⁵.

The central idea that emerges from this case is the following: as a matter of fairness, the sentence imposed should reflect the offence which the defendant was actually planning to commit⁵⁶. This thesis highlights the substantial equity of the right to a fair trial and was also accepted by the Constitutional Court of the Republic of Moldova, which often states that "there is no appearance that the challenged text would not provide a basis, together with the legal provisions of the Criminal Procedure Code, for pronouncing a judicial act in compliance with the rigors of the fair process guaranteed by the Constitution. Thus, the author of the referral did not demonstrate the existence of an interference with the right provided for in Article 20 of the Constitution"⁵⁷. Hence, it is the duty of the court to ensure that the right to a fair trial is respected.

⁵⁵ Case of *Grba v. Croatia*, Application no. 47074/12, Judgment of 23 November 2017. Available at: <https://hudoc.echr.coe.int/?i=001-178699> [accessed on 10.12.2024].

⁵⁶ *Ibidem*, 103.

⁵⁷ See § 35 of the Decision of the Constitutional Court no. 14 of February 10, 2020 on the inadmissibility of notification no. 191a/2019 regarding the control of the constitutionality of some provisions from article 84 para. (1) of the Criminal Code (applying the penalty for criminal offenses to persons who have reached the age of 18, but who have not reached the age of 21 and who have not been convicted). In: *Official Gazette of the Republic of Moldova* no. 102/54 of April 10, 2020; § 25 of the Decision of the Constitutional Court no. 186 of November 25, 2021 on the inadmissibility of referral no. 190g/2021 regarding the exception of unconstitutionality of Articles 70 para. (4) and 71 para. (3) of the Criminal Code (applying the sentence of life imprisonment to persons who have reached the age of 18, but who have not reached the age of 21). In: *Official Gazette of the Republic of Moldova* no. 19-25/8 from January 21, 2022.

10. The victim and the fairness of the punishment from the perspective of Article 6 of the ECHR

All the cases analyzed above concern the fairness of the punishment from the perspective of the perpetrator and the guarantees he benefits from based on Article 6 of the European Convention. But what about the victim? Are her interests protected by Article 6 of the European Convention in the context of the application of the penalty?

Under the civil limb of Article 6 of the European Convention on Human Rights, the European Court mentioned that Article 6 of the Convention is applicable in the case of the procedure of incorporation as a civil party from the moment the person is recognized in this capacity, unless the person in question has unequivocally waived the right to obtain compensation and as long as the criminal proceedings are decisive for the civil right to the requested compensation⁵⁸.

Under the criminal limb of Article 6 of the European Convention on Human Rights, in *Perez v. France*, the European Court emphasized that the Convention does not confer any right to “private revenge” or to *actio popularis*. Therefore, the right to prosecute or obtain the conviction of another person for a crime cannot be exercised independently;⁵⁹ it must be inextricably linked to the victim's right to make civil claims under national law⁶⁰.

As a matter of principle, the European Court mentioned that Article 6 of the Convention does not in itself guarantee the right to initiate criminal prosecution or criminal conviction of third parties⁶¹. In *Doorson v. Netherlands*, the Strasbourg Court held that the right to a fair trial does not require taking into account the rights of victims called to testify.

However, the victim of the crime/successor of the victim of the crime is not the procedural opponent of the prosecutor, because they are not in antagonistic positions. Also, the victim of the crime is not a “spectator” in the criminal process. She must be informed about the progress of the criminal process and be able to have access to the materials of the file to a

⁵⁸ Case of *Alexandrescu and Others v. Romania*, Applications nos. 56842/08 and 7 others, Judgment of 24 November 2015, § 22. Available at:

<https://hudoc.echr.coe.int/?i=001-158820> [accessed on 10.12.2024].

⁵⁹ Case of *Perez v. France*, [GC], Application no. 47287/99, Judgment of 12 February 2004, § 70. Available at: <https://hudoc.echr.coe.int/?i=001-61629> [accessed on 10.12.2024].

⁶⁰ Case of *Mustafa Tunç and Fecire Tunç v. Turkey*, Application no. 24014/05, Judgment of 14 April 2015, § 218. Available at: <https://hudoc.echr.coe.int/?i=001-154007> [accessed on 10.12.2024].

⁶¹ Case of *Doorson v. the Netherlands*, Application no. 20524/92, Judgment of 26 March 1996, § 70. Available at: <https://hudoc.echr.coe.int/?i=001-57972> [accessed on 10.12.2024].

sufficient extent, so that she can effectively prepare and defend her case before the courts and especially in the case of the need to file a civil action⁶².

Therefore, the interests of the victims are protected by the procedural aspects of some rights in the Convention, which require the member states to organize their criminal proceedings in such a way that the interests in question are not unjustifiably endangered⁶³.

This approach was also transposed in the jurisprudence of the Constitutional Court, specifying that articles 20 (which guarantees the right to a fair trial) and 26 (which guarantees the right to defense) of the Constitution of the Republic of Moldova are not applicable to victims of crimes⁶⁴.

Hence, the victims of crimes/successors of the victim can rely on other substantial rights guaranteed by the Constitution and the European Convention, such as the right to life (in the case of crimes against the life and health of the person), the right to property (in the case of theft crimes), etc., depending on the particular circumstances of the case. These rights also impose positive procedural obligations on the states, e.g.: conducting an effective investigation (which, by the way, is an obligation of means, not of result), adequate punishment of the perpetrators.

11. Conclusions

The fairness of the criminal penalty from the perspective of the European Convention on Human Rights and the Constitution of the Republic of Moldova has two aspects, i.e., (i) procedural and (ii) substantive.

Procedural fairness demands that the judge have full competence in the context of the application and individualization of the criminal penalty. This means that the courts will have the possibility to submit the case to an analysis under all aspects, both in fact and in law. In this context, the courts must have a discretionary power in order to assess the proportionality of the punishment and, consequently, to balance the competing interests.

⁶² See §§ 46-47 of the Judgment of the Constitutional Court no. 31 of November 29, 2018 regarding the exception of unconstitutionality of some provisions of the Criminal Code and of the Code of Criminal Procedure (access of the injured party and its representative to the materials of the criminal investigation) (referral no. 113g/2018). In: *Official Gazette of the Republic of Moldova* no. 513-525/188 of December 28, 2018.

⁶³ Case of *Marcello Viola v. Italy*, Application no. 45106/04, Judgment of 5 October 2006, § 51. Available at: <https://hudoc.echr.coe.int/?i=001-77246> [accessed on 10.12.2024].

⁶⁴ See § 32-33 of the Decision of the Constitutional Court no. 66 of May 18, 2021 on the inadmissibility of notification no. 135a/2020 regarding the control of the constitutionality of some provisions of the Criminal Code and of the Criminal Procedure Code (confidentiality of criminal prosecution). In: *Official Gazette of the Republic of Moldova* no. 153-157/101 of June 25, 2021.

Criminal rules that provide for fixed/inflexible and rigid punishments (i.e., that do not allow the judge to make an individualization from case to case) are, as a rule, problematic from the perspective of compliance with procedural fairness standards. The impossibility of the court to check the proportionality of the punishment can claim a problem from the perspective of the right to a fair trial. Therefore, the role of the judge in the context of the application of punishment cannot be assimilated to a “notary”. Procedural fairness also requires the judge to properly justify the decision by which he imposed a punishment, so as to convince an independent observer of the justice of the decision taken.

Substantive fairness, in turn, demands that a person's punishment reflect the crime he actually intended to commit. Under this aspect, it would be inequitable for a person to be punished for the part of the criminal activity that was the result of the misconduct of the state authorities, e.g., by causing the crime. Otherwise, the European Convention on Human Rights, as well as the Constitution of the Republic of Moldova, would be violated.

Finally, crime victims/victims' successors cannot claim on the basis of the right to a fair trial the punishment of the perpetrators. Instead, the victims of crimes/successors of the victim can rely on other substantial rights guaranteed by the Constitution and the European Convention, such as the right to life (in the case of crimes against the life and health of the person), the right to property (in the case of theft crimes), etc., depending on the particular circumstances of the case. These rights also impose positive procedural obligations on the states, e.g.: conducting an effective investigation (which, by the way, is an obligation of means, not of result), adequate punishment of the perpetrators.

References:

Andrijauskaitė, A., (2019), Exploring the penumbra of punishment under the ECHR, in: *New Journal of European Criminal Law*, vol. XX(X), pp. 1-13.

Cortney, L., (2019), Reviving Criminal Equity, in: *Alabama Law Review*, Vol. 71, Issue 2, pp. 311-350.

Constitutional Court of Romania, (2012), *Decision no. 53 regarding the exception of unconstitutionality of the provisions of art. 30 para. 3 of the Criminal Procedure Code, as well as the provisions of art. 244-246, art. 248 and 279 of Law no. 297/2004 related to art. 244 para. (5) lit. a) point 2 and lit. b) and para. (7) lit. a) with the application of art. 276 lit. c) from Law no. 297/2004 regarding the capital market*. Available at: <https://legislatie.just.ro/Public/DetaliiDocumentAfis/136965> [accessed on 10.12.2024].

Constitutional Court of Romania, (2012), *The separate opinion of judges Ion Predescu, Puskas Valentin Zoltan and Tudorel Toader on the Decision of the Constitutional Court of Romania no. 53 of January 25, 2012*. Available at:

<https://legislatie.just.ro/Public/DetaliiDocumentAfis/136965>
[accessed on 10.12.2024].

Constitutional Court of the Republic of Moldova, (2016), Judgment no. 10 regarding the exception of unconstitutionality of some provisions of article 345 para. (2) of the Contravention Code (individualization of the sanction) (referrals no. 26g/2016 and no. 34g/2016). In: *Official Gazette of the Republic of Moldova* no. 204-205/58 of July 12, 2016.

Constitutional Court of the Republic of Moldova, (2017), Decision no. 114 on the inadmissibility of notification no. 160g/2017 regarding the exception of unconstitutionality of some provisions from Articles 229 (2) and 230 (2) from the Criminal Code of the Republic of Moldova (application of penalty points). In: *Official Gazette of the Republic of Moldova* no. 77-83/41 of March 9, 2018.

Constitutional Court of the Republic of Moldova, (2018), Judgment no. 2 regarding the exception of unconstitutionality of some provisions of art. 10 point 4 of Law no. 845-XII of January 3, 1992 regarding entrepreneurship and enterprises (referral no. 154g/2017). In: *Official Gazette of the Republic of Moldova* no. 108-112/54 of March 30, 2018.

Constitutional Court of the Republic of Moldova, (2018), Judgment no. 5 regarding the exception of unconstitutionality of some provisions of art. 10 point 4 and point 5 of Law no. 845 of January 3, 1992 regarding entrepreneurship and enterprises (referral no. 10g/2018). In: *Official Gazette of the Republic of Moldova* no. 113-120/59 of April 6, 2018.

Constitutional Court of the Republic of Moldova, (2018), Judgment no. 20 regarding the exception of unconstitutionality of some provisions from Article 260 (4) of the Tax Code (referral no. 53g/2018). In: *Official Gazette of the Republic of Moldova* no. 267-275/119 of July 20, 2018.

Constitutional Court of the Republic of Moldova, (2018), Decision no. 84 on the inadmissibility of notification no. 96g/2018 regarding the exception of unconstitutionality of Article 257 (8) of the Tax Code. In: *Official Gazette of the Republic of Moldova* no. 430-439/169 of November 23, 2018.

Constitutional Court of the Republic of Moldova, (2018), Judgment no. 31 regarding the exception of unconstitutionality of some provisions of the Criminal Code and of the Code of Criminal Procedure (access of the injured party and its representative to the materials of the criminal investigation) (referral no. 113g/2018). In: *Official Gazette of the Republic of Moldova* no. 513-525/188 of December 28, 2018.

Constitutional Court of the Republic of Moldova, (2019), Decision no. 135 on the inadmissibility of notification no. 160g/2019 regarding the exception of unconstitutionality of some provisions of Article 313/2 of the Criminal Code (sanction for not declaring or not resolving the conflict of interests). In: *Official Gazette of the Republic of Moldova* no. 36-43/17 of February 7, 2020.

Constitutional Court of the Republic of Moldova, (2020), Decision no. 94 on the inadmissibility of referrals no. 35g/2020 and no. 113g/2020 regarding the exception of unconstitutionality of some provisions from Article 264/1 (1) of the Criminal Code (cancellation of the right to drive means of transport). In: *Official Gazette of the Republic of Moldova* no. 235-239/141 of September 18, 2020.

Constitutional Court of the Republic of Moldova, (2020), Judgment no. 18 regarding the control of the constitutionality of Article 76/1 (1) of the Contraventional Code (failure to comply with the measures of prophylaxis, prevention and/or combating epidemic diseases, if this endangered public health) (referrals no. 61a/2020, no. 62a/2020 and no. 67g/2020). In: *Official Gazette of the Republic of Moldova* no. 188-192/101 of July 24, 2020.

Constitutional Court of the Republic of Moldova, (2021), Decision no. 81 of June 3, 2021 on the inadmissibility of referrals no. 46g/2021 and no. 65g/2021 regarding the exception of unconstitutionality of article 325 para. (1) of the Criminal Code (fine limits for the crime of active corruption). In: *Official Gazette of the Republic of Moldova* no. 164-167/116 of July 9, 2021.

Constitutional Court of the Republic of Moldova, (2021), Decision no. 123 on the inadmissibility of notification no. 108g/2021 regarding the exception of unconstitutionality of some provisions from article 264/1 para. (1) of the Criminal Code (punishment with unpaid work for the benefit of the community for driving the means of transport in a state of advanced alcoholic intoxication or in a state of intoxication produced by other substances). In: *Official Gazette of the Republic of Moldova* no. 212-218/165 of September 10, 2021.

Constitutional Court of the Republic of Moldova, (2021), Decision no. 186 on the inadmissibility of referral no. 190g/2021 regarding the exception of unconstitutionality of Articles 70 (4) and 71 (3) of the Criminal Code (applying the sentence of life imprisonment to persons who have reached the age of 18, but who have not reached the age of 21). In: *Official Gazette of the Republic of Moldova* no. 19-25/8 from January 21, 2022.

Constitutional Court of the Republic of Moldova, (2024), Decision no. 50 on the inadmissibility of notification no. 161g/2023 regarding the exception of unconstitutionality of some provisions of Article 232 letters a) and h) of the Customs Code (in the wording of Law no. 1149 of July 20,

2000) (the fine applied to legal entities depending on the value of the goods that were the object of the customs offences). In: *Official Gazette of the Republic of Moldova* no. 260-263 of June 20, 2024.

Constitutional Court of the Republic of Moldova, (2024), Decision no. 64 on the inadmissibility of notification no. 6g/2024 regarding the exception of unconstitutionality of articles 385 para. (5) and 473/4 para. (4) of the Code of Criminal Procedure (reduction of punishment for detention in poor conditions (no. 2)). In: *Official Gazette of the Republic of Moldova* no. 287-290 of July 4, 2024.

Constitutional Court of the Republic of Moldova, (2024), Decision no. 76 of June 27, 2024 on the inadmissibility of notification no. 121g/2024 regarding the exception of unconstitutionality of Article 264/1 (3) of the Criminal Code (refusal, resistance or evasion of the driver of the means of transport from the drunkenness test). In: *Official Gazette of the Republic of Moldova* no. 305-307 of July 16, 2024.

Dinu-Bakoş, M.-M., (2016), *Equity in substantive criminal law*, Doctor of Law thesis summary. Timisoara. Available at:

<https://drept.uvt.ro/administrare/files/1634408782-dinu-bakos.pdf> [accessed on 10.12.2024].

European Court of Human Rights, (1995), Case of *Umlauft v. Austria*, Available at: <https://hudoc.echr.coe.int/?i=001-57948> [accessed on 10.12.2024].

European Court of Human Rights, (1996), Case of *Doorson v. the Netherlands*, Available at: <https://hudoc.echr.coe.int/?i=001-57972> [accessed on 10.12.2024].

European Court of Human Rights, (2003), Case of *Chevrol v. France*, Available at: <https://hudoc.echr.coe.int/?i=001-60941> [accessed on 10.12.2024].

European Court of Human Rights, (2004), Case of *Perez v. France*, [GC], Available at: <https://hudoc.echr.coe.int/?i=001-61629> [accessed on 10.12.2024].

European Court of Human Rights, (2004), Case of *Silvester's Horeca Service v. Belgium*, Available at: <https://hudoc.echr.coe.int/?i=001-66212> [accessed on 10.12.2024].

European Court of Human Rights, (2005), Case of *Kyprianou v. Cyprus*, [GC], Available at: <https://hudoc.echr.coe.int/?i=001-71671> [accessed on 10.12.2024].

European Court of Human Rights, (2006), Case of *Tsfayo v. the United Kingdom*, Available at: <https://hudoc.echr.coe.int/?i=001-77995> [accessed on 10.12.2024].

European Court of Human Rights, (2006), Case of *Marcello Viola v. Italy*, Available at: <https://hudoc.echr.coe.int/?i=001-77246> [accessed on 10.12.2024].

European Court of Human Rights, (2011), Case of *A. Menarini Diagnostics S.R.L. v. Italy*, Available at:

<https://hudoc.echr.coe.int/?i=001-106438> [accessed on 10.12.2024].

European Court of Human Rights, (2012), Case of *Segame SA v. France*, Available at: <https://hudoc.echr.coe.int/?i=001-111373> [accessed on 10.12.2024].

European Court of Human Rights, (2014), Case of *Grande Stevens v. Italy*, Available at: <https://hudoc.echr.coe.int/?i=001-141794> [accessed on 10.12.2024].

European Court of Human Rights, (2015), Case of *Mustafa Tunç and Fecire Tunç v. Turkey*, Available at: <https://hudoc.echr.coe.int/?i=001-154007> [accessed on 10.12.2024].

European Court of Human Rights, (2015), Case of *Alexandrescu and Others v. Romania*, Available at: <https://hudoc.echr.coe.int/?i=001-158820> [accessed on 10.12.2024].

European Court of Human Rights, (2017), Case of *Grba v. Croatia*, Available at: <https://hudoc.echr.coe.int/?i=001-178699> [accessed on 10.12.2024].

European Court of Human Rights, (2018), Case of *G.I.E.M. S.r.l. and Others v. Italy*, [GC], Available at: <https://hudoc.echr.coe.int/?i=001-184525> [accessed on 10.12.2024].

European Court of Human Rights, (2023), Case of *European Air Transport Leipzig GmbH v. Belgium*, Available at: <https://hudoc.echr.coe.int/?i=001-225760> [accessed on 10.12.2024].

European Court of Human Rights, (2023), Practical Guide on Admissibility Criteria, Available at: https://www.echr.coe.int/documents/d/echr/Admissibility_guide_ENG [accessed on 10.12.2024].

European Court of Human Rights, (2024), Case of *Kurkut and Others v. Türkiye*, Available at: <https://hudoc.echr.coe.int/?i=001-234418> [accessed on 10.12.2024].

Grama, M., (2019), *Controversies concerning the restoration of social equity through criminal punishment*, in: Materials of the International Scientific-Practical Conference “The State, Security and Human Rights in the Conditions of the Information Society” (December 13-14, 2018, Chisinau). Chisinau: Artpoligraf, 2019, pp. 305-310.

Renită, G., (2020), *Criminal liability for event manipulation and fixed bets*, Doctoral thesis in law, Chisinau, 2020.

Samartzis, A., (2021), Weighing Overall Fairness: A Critique of Balancing under the Criminal Limb of Article 6 of the European Convention on Human Rights, in: *Human Rights Law Review*, Vol. 21, Issue 2, pp. 409-432.

Summers, S., (2022), *Sentencing and Human Rights. The Limits on Punishment*. Oxford: Oxford University Press, 2022, p. 225-226.

THE NEED FOR A UNIVERSAL COPYRIGHT REGULATION AND AN INTERNATIONAL AUTHOR' COOPERATION FROM THE PERSPECTIVE OF THE HUNGARIAN PLAYWRIGHTS' ASSOCIATION

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Abstract: *The present study aims to examine the cooperation related to the development of international copyright law from the perspective of the Magyar Színpadai Szerzők Egyesülete (MSSE, Hungarian Playwrights' Association). The association, founded in 1904, played an outstanding role in dealing with the shortcomings of Hungarian copyright law and the protection of the moral and financial interests of Hungarian playwrights/stage authors. Thus, the purpose of this paper is to present the Association's contribution to various milestones of the international copyright field, such as the Berne Convention for the Protection of Literary and Artistic Works and the founding of the International Confederation of Societies of Authors and Composers (CISAC). The annual conferences of the world organization, especially the 1930 Budapest International Congress of Authors, an important event of Hungarian cultural diplomacy, shall also be presented in the study. Further aims of the study include shedding light on how national and international copyright cooperation developed in the first half of the 20th century.*

Keywords: *intellectual works, playwrights' associations, international cooperation, 19th and 20th century cultural sphere*

Introduction

Organized associations began to spread across Europe during the 19th century.¹ This was also the case in Hungary where one may witness the transformation of traditional as well as the rising of new types of communities.² The demand for these changes arose among Hungarian stage authors – as well as among other nations' playwrights. One by one, these associations aimed for the material and moral appreciation of stage authors:

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¹ See, for instance: A.R.H. Baker, *Amateur Musical Societies and Sport Clubs in Provincial France, 1848–1914. Harmony and Hostility*, London: Palgrave Macmillan, 2017.

² A. Vehrér, “Egyesületi élet hazánkban a 19. század második felében” [“Domestic associations' lives in the second half of the 19th century”] in *Polgári Szemle*, Vol. 16, No. 4–6, (2022): 204.

the transformation and development of the national copyright law contributed to this. The very first Hungarian playwrights' association, the Magyar Színpadi Szerzők Egyesülete (MSSE, Hungarian Playwrights' Association), was established in January 1904 after more than a decade of planning and organization. When developing its constitution, the authors relied on the operating documents of French and German authors' associations.³ My research focuses on the operational history of the Hungarian Playwrights' Association (1904–1950), and in connection with that, the exploration of cooperation with international associations is unavoidable. The consultations of the various national associations quickly resulted in the Berne Convention, and then an international association of authors. The present study aims to explore the beginnings of international copyright regulations and international copyright cooperations (from 1925 to 1930) from the perspective of the Hungarian Playwrights' Association. The year 1930 was decisive for the organization in Hungary, as the Hungarian capital hosted the International Congress of Authors. The research is based on archival sources (from the National Széchenyi Library), authorial operating regulations and press sources (articles from daily, weekly, monthly newspapers).

Demand for universal copyright regulation – Overview

In the 19th century, the increase in the export of intellectual works – for example, that of literary, musical, and theatrical works – highlighted the fact that there were huge gaps in the legal protection of the aforementioned intellectual works, both nationally and internationally. In the absence of a suitable contract, the author of a work did not receive financial benefits beyond the borders of their own country. Although a separate treaty⁴ was concluded between some states, the creation of a multilateral international treaty was delayed.⁵ Graham Dutfield and Uma Suthersasen, researchers dealing with Intellectual Property Law, highlighted in their book *Global Intellectual Property Law*, that many governments refrained from raising

³ See, for the pre-history of the association: E. Lengyel, “Chapters from the history of the Hungarian Playwrights' Union: The Hungarian Playwrights' Association from its conception until its foundation (1898–1904)” in *Hungarian Studies*, Vol. 36, No. 1–2, (2023): 167–178.

⁴ For example, the agreements between Prussia and certain German provinces between 1827 and 1829, or the agreement made by Austria and Sardinia in 1840. For more on this, see P. Munkácsi, “Nemzetközi szerzői és szomszédos jogi egyezmények” [“International and Neighboring Legal Agreements”] in A. Jakab, M. Könczöl, A. Menyhárd and G. Sulyok (eds.). *Internetes Jogtudományi Enciklopédia [Internet Legal Encyclopedia]*, 2023, paragraphs 16–18.

⁵ S. Ricketson and J. Ginsburg, *International Copyright and Neighbouring Rights – The Berne Convention and Beyond*. Oxford: Oxford University Press, 2006.

the equal rights of foreign authors to be deemed ‘lawful’. It was also noted by the authors that the drawing up of an international copyright law was urgent primarily for France and Great Britain.⁶ Dutfield and Suthersasen formulated the issue, claiming that the need for a common contract was necessary to put on the agenda, moreover, the 19th century transport and communication development was also necessary, as it became easier to transfer information between individuals with different headquarters, but also to establish companies or even “formulate demands over national borders.”⁷ The authors shed light on the unsurprising nature of the initiative for the contract coming from authors, publishers, lawyers, and representatives of literary and publishing companies, i.e. those who would “directly benefit from increased international protection of literary and artistic works.”⁸ The French legislators were at the forefront in this area, since, in 1852, a copyright act came into force⁹ according to which the works of foreign authors in France enjoyed the same rights as the works of authors that were French nationals.¹⁰ The very first official call for a universal copyright law was eventually declared at the 1858 Literary and Art Ownership Conference in Brussels with 300 delegates – including writers, lawyers, publishers, journalists, etc.¹¹

20 years later, the *Association Littéraire et Artistique Internationale* (ALAI), an organization for the protection of authors’ interests founded by and then still operating under the chairmanship of writer Victor Hugo, became a milestone together with the first major international literary congress,¹² and “[t]he association considered the author’s copyright to be a continual and natural right, which a legislator shall not establish, only

⁶ G. Dutfield and U. Suthersasen. *Global Intellectual Property Law*. Cheltenham: Edward Elgar, 2008, p. 26.

⁷ Ibidem. p. 26.

⁸ Ibidem. p. 26.

⁹ For the classical bilateral copyright agreements, see Gy. Boytha, “Az irodalmi és művészeti alkotások védelmét szolgáló Berni Unió fogantatása és születése” [“The conception and birth of the Berne Union for the protection of literary and artistic works”] in *Jogtudományi Közlöny*, Vol. 61, No. 12, (1986): 587–589.

¹⁰ A. Sonoda, “Historical Overview of Formation of International Copyright Agreements in the Process of Development of International Copyright Law from the 1830s to 1960s” *IIP-Bulletin*, 2007,

https://www.iip.or.jp/e/summary/pdf/detail2006/e18_22.pdf

¹¹ P. Goldstein, *International Copyright – Principles, Law and Practice*, Oxford: Oxford University Press, 2001, p. 19.; G. Dutfield and U. Suthersasen, “Global Intellectual Property Law”, p. 26.; I. Löhr, “Copyright and World War I: An Example of European Transnational Cooperation.” in *Le Mouvement Social*, Vol. 244, No. 3, (2013): 69–70.

¹² Gy. Boytha, “Az irodalmi és művészeti alkotások védelmét szolgáló Berni Unió fogantatása és születése”, p. 589.; A. Sonoda, “Historical Overview of Formation of International Copyright Agreements...”, p. 5; P. Munkácsi, “Nemzetközi szerzői és szomszédos jogi egyezmények”, paragraphs 19–21.

guarantee [...]”¹³ ALAI had a decisive role in the creation of the Berne Convention¹⁴, the first preparatory conference for which took place from September 8 to 19, 1884, the second from September 7 to 18, 1885, and the third in September 1886¹⁵. The convention finally entered into force on December 5, 1887 based on the ratifications of ten countries (Belgium, France, Haiti, Great Britain, Ireland, Germany, Italy, Spain, Switzerland, Tunisia¹⁶)¹⁷. Hungary, one of the successor states of the Austro-Hungarian Monarchy,¹⁸ was obliged by the powers drafting the Trianon Peace Treaty to enter into the agreement within only twelve months.¹⁹ However, during this time, various authors’ associations – albeit with varying potency – kept joining the Berne Convention on their agenda.)

The Hungarian situation – The development of interest protection and copyright

The obsolescence of the Hungarian copyright law also played a role in the establishment of the MSSE in 1904. It took several decades of work – even so the cultural and public embeddedness of the association’s office – before MSSE members had a decisive role in the drafting of the Hungarian copyright law. “Among the multilateral international treaties, the Berne Convention deserves to be highlighted, which Hungary only became a party to in 1922. Besides, the aforementioned fact strongly contributed to the

¹³ Gy. Boytha, “Az irodalmi és művészeti alkotások védelmét szolgáló Berni Unió fogantatása és születése”, p. 590.

¹⁴ The text of the convention is available on the website of the World Intellectual Property Organization (WIPO): *Convention de Berne pour la protection des œuvres littéraires et artistiques*, 1886.

<https://www.wipo.int/wipolex/fr/treaties/textdetails/12807>

¹⁵ A. Bogsch, “The First Hundred Years of the Berne Convention for the Protection of Literary and Artistic Works” in S. Ricketson (ed.) *The Berne Convention for the Protection of Literary and Artistic Works: 1886–1986*. Geneva: World Intellectual Property Organization, 1986, p. 19.; Gy. Boytha, “Az irodalmi és művészeti alkotások védelmét szolgáló Berni Unió fogantatása és születése”, p. 592.; G. Dutfield and U. Suthersasen, “Global Intellectual Property Law”, p. 27.

¹⁶ The convention also applied to the colonies and overseas territories of the listed countries, “without these territories (e.g., Australia, South Africa, India, Canada, New Zealand, or the Philippines, Cuba) becoming independent members of the Union at the time.” Gy. Boytha, “Az irodalmi és művészeti alkotások védelmét szolgáló Berni Unió fogantatása és születése”, p. 593.

¹⁷ *Ibidem*, p. 593.

¹⁸ Austria was bound by Article 239 of the Saint-Germain peace treaty, and on October 1, 1920, it joined the convention. See P. Munkácsi, “Nemzetközi szerzői és szomszédos jogi egyezmények”, paragraph 32.

¹⁹ *Ibidem*, paragraph 32.

creation of the 1921 Act LIV, that is second copyright act.”²⁰ In December 1920, the situation of Hungarian authors abroad was on the agenda again in the reorganized authors’ association. At that time, MMSE members approached State Secretary Gyula Pekár.²¹ Pekár assured the delegation of his support. A meeting was held after for providing an occasion for the authors to discuss the most pressing questions related to their situation.²² Yet, as it is the case with most plans and actions, the mills of the Hungarian offices grinded slowly, and the promise remained a mere promise. However, in January 1921, President Jenő Heltai once again put one of the most urgent problems of Hungarian stage authors on the agenda, when visiting the then Minister of Justice.²³ He objected that, although the declaration of intent to join the Berne Convention had already been prepared eight years ago, the official joining had not yet taken place. The meeting ended with more promises, since “[t]he Minister of Justice stated that he can hopefully submit the two bills to the National Assembly in February. At the same time, he also promised that he will take urgent action with the Minister of Foreign Affairs and the Minister of Public Education in the matter of the American declaration, which is necessary to protect Hungarian plays performed in America during the war.”²⁴ The introduction of the new act was important since the operation of Hungarian theatres and publishing houses underwent grand changes, and new areas also would have needed to be regulated adequately, for instance, cinema or gramophones. After all, the 1884 act in force did not regulate any of these: “since this act was introduced, theatres, the fields of book publishing, music publishing, the gramophone and cinemas have undergone epoch-marking transformations, which the drafters of the old act could not have foreseen, and therefore, it could not ensure that the rights of authors were protected in this direction as well.”²⁵

²⁰ P. Mezei, “A szerzői jog története a törvényi szabályozásig (1884: XVI. tc.)” [“The history of copyright until its legislative regulation (1884: Act XVI)”] in *Jogelméleti Szemle*, Vol. 4, No. 3, (2004).

²¹ “A magyar színdarabok védelme” [“The protection of Hungarian plays”] in *Budapesti Hírlap*, Vol. 40, No. 294, (1920): 5. See also “Színpadi szerzők Pekár államtitkárnál” [“Playwrights at Secretary of State Pekár’s office”] in *Az Újság*, Vol. 18, No. 294, (1920): 4.

²² “A magyar színdarabok védelme” [“The protection of Hungarian plays”], p. 5.

²³ “Színpadi Szerzők igazságügyminiszternél” [“Playwrights at the Minister of Justice”] in *Magyarország*, Vol. 28, No. 12, (1921): 7.

²⁴ “Februárban beterjesztik az új szerzői törvényt” [“The new copyright law will be submitted in February”] in *Pesti Napló*, Vol. 72, No. 12, (1921): 6.

²⁵ “Tilos a darabok tartalmát előre ismertetni” [“It is forbidden to reveal the content of plays in advance”] in *Magyarország*, Vol. 28, No. 90, (1921): 6.

Foreign relations: Hungarian authors raising the idea of establishing a world association of authors

The MSSE played a decisive role in the development of Hungarian copyright laws and the enforcement of authors' rights abroad. From the very beginning, MSSE monitored and studied the operation and statutes of foreign authors' associations, mainly English, French and German ones.²⁶ The news of the establishment of the first Hungarian stage authors' association quickly spread thanks to the authors' foreign contacts. Mainly, it was the international and social embeddedness of the presidents, vice-presidents and honorary presidents that made it possible to start a dialogue between Hungarian and other national authors' associations.

The president of the Italian Playwrights' Association, the Società Italiana degli Autori ed Editori (SIAE, The Italian Society of Authors and Editors), founded in 1882, Alessandro Varaldo, made a statement to *Ellenzék* in 1925, precisely because the president sought official contact with the Hungarian authors' association. According to the new Italian copyright law, the translations of works by Hungarian authors could also receive adequate protection. "Hungarian writers have been extremely popular on Italian stages in recent years. However, the problem is that the exclusive rights of their plays were given to certain theater companies, which do not allow the respective plays to be performed by other companies or to be published in books. Hungarian authors, perhaps unaware, are losing many, many thousands, perhaps even hundreds of thousands of liras,"²⁷ he revealed in the article. At the same time, the two organizations were not officially connected with one another, and Alessandro Varaldo remarked about the matter that it is not the fault of the Italian party, since "[t]he Italian Playwrights' Association cannot deal with these issues ex officio, because [they] are not officially connected with the Hungarian Playwrights' Association. It is true that it is not [their] fault. If [the Hungarians] would contact [them], [they] would of course be happy to enter into official contact with [their] Hungarian colleagues, as [they] did with the French. This would not only bring moral results, [them] together could also control the agents better that way."²⁸ The case generated enough attention in Hungarian authors' circles, thus, during the 1925 World Congress of Authors, which was held in Paris, Alessandro Varaldo and Jenő Heltai discussed the details

²⁶ The association committee had already acquired the bylaws of the mentioned authors' association at the beginning. See "Magyar Szerzők Egyesülete" ["Hungarian Playwrights' Association"] in *Budapesti Napló*, Vol. 3, No. 59, (1898): 6.

²⁷ I. Béldi, "Az olasz színpadi szerzők hivatalos kapcsolatot keresnek a magyar írókkal" ["Italian playwrights seek official contact with Hungarian writers"] in *Ellenzék*, Vol. 46, No. 121, (1925): 6.

²⁸ I. Béldi, "Az olasz színpadi szerzők hivatalos kapcsolatot keresnek a magyar írókkal", p. 6.

of the cooperation between the two associations. Before the next year's World Congress of Authors in 1926, the president of the SIAE gave another interview. The most important part of this text concerns the function and maintenance of the organization. Since SIAE inspects theatres on behalf of the state and collects copyright fees as well as state fees, Alessandro Varaldo recommended this manner of operation to Jenő Heltai.²⁹

As a result of the Italian cooperation to a certain degree, the idea of a world association of stage authors arose in the Hungarian authors' association around this time, as "[t]he Hungarian Playwrights' initiated an action so that the associations of stage authors of each country could undertake the moral representation of stage authors everywhere equally."³⁰ Besides, negotiations have already begun, MSSE has contacted the American, French and Austrian stage authors. At the end, the idea of a world federation of stage authors was received by several associations positively, consequently, in 1926, eighteen authors' associations founded the International Confederation of Societies of Authors and Composers (Confédération Internationale des Sociétés d'Auteurs et Compositeurs – CISAC) in Paris, which still operates to this day.³¹ The purpose of the newly formed association was the legal and economic protection of authors, and French author Robert de Flers was elected its first president. Its first vice-presidents were the German Ludwig Fulda, the Spanish Eduardo Marquina,³² and the Italian Marelllo³³.

From the annual meetings of stage authors to the first Budapest congress

The confederation held annual meetings of stage authors. Also, in the first ten years of its existence, the members of the confederation consulted

²⁹ I. Balla, "Rómában, a színpadi szerzők májusi vilákkongresszusán nagy ünnepségekkel várják a magyar írókat" ["In Rome, at the World Congress of Authors in May, Hungarian writers are expected for grand celebrations"] in *Pesti Napló*, Vol. 78, No. 21, (1927): 19.

³⁰ "Megalakul a színpadi szerzők világszövetsége" ["The World Association of Playwrights is established"] in *Világ*, Vol. 16, No. 125, (1925): 12.; "Készül a színpadi szerzők világszövetsége" ["The World Association of Playwrights is being established"] in *Esti Kurir*, Vol. 3, No 126, (1925): 10.; A. Göllner, "És M. Heltai is leült asztalunkhoz tárgyalni" [And M. Heltai sat down to our table to negotiate"] in *Magyarország*, Vol. 32, No. 257, (1925): 11.

³¹ "Megalakult a színpadi szerzők világszövetsége" ["The World Association of Playwrights is established"] in *8 Órai Újság*, Vol. 12, No. 136, (1926): 2.

³² Hungarian-language newspapers mention only his surname, often with different spellings. From the writings about the history of the Spanish authors' organization, the specific individual could be traced.

³³ Even though the name of the Italian author also appears in various forms in Hungarian newspapers, I based my research on the names found in the CISAC documents.

in various large European metropolises – including Paris (when the confederation was founded, in 1926), Rome (1927), Vienna (1932), Berlin (1928, 1936), Madrid (1929), Budapest (1930), Copenhagen (1933), London (1931), Seville (1935), and Warsaw (1934). Even after that, Hungarian newspapers reported about the annual conference, yet their level of enthusiasm changed depending on Hungarian interests, understandably.

Jenő Heltai represented the Hungarian stage authors as president of the MSSE³⁴ at the eight-day event in Paris, and after returning home, he reported its results to the domestic press. He claimed that the purpose of the negotiation was for the playwrights' associations of each country to establish agencies, and at the same time, to be able to undertake the representation of foreign authors³⁵. In the same year, the Heltai's initiative alongside the MSSE to grant MSSE honorary membership to Austrian-born theater and film director Max Reinhardt and French actor-director Filmin Génier was considered a cultural diplomatic step.³⁶ In the history of the Paris-based confederation, Hungarians (such as the presidents and vice-presidents of the congress) played decisive roles, especially Jenő Heltai, and this can be interpreted as a result of the already existing and close French-Hungarian literary relations.³⁷ When the writer (Heltai) resigned from his position as president of the MSSE in June 1930 after the Budapest congress, an article was published in *Pesti Napló*, in which its author remarked that “[Heltai’s] main merit was that he established the closest foreign relations possible and the association of the Hungarian Playwrights’ Association has gained a remarkably high reputation throughout the world, for five years he has been constantly working to ensure that the world’s stage writers organized their congress here [in Hungary – the transl.]”³⁸

³⁴ F. Sz., “Magyarok Párizsban” [“Hungarians in Paris”] in *Pesti Hírlap*, Vol. 48, No. 140, (1926): 14.

³⁵ “Heltai Jenő nyilatkozik a ‘láthatatlan cenzúráról’” [“Jenő Heltai speaks about an ‘invisible censorship’”] in *Színházi Élet*, Vol. 16, No. 30, (1926): 2.

³⁶ “Jóváhagyta a belügyminiszter Reinhardt és Génier dísztagságát a Magyar Színpadi Szerzők Egyesületében” [The Minister of Internal Affairs has approved Reinhardt and Génier’s honorary membership in the Hungarian Playwrights’ Association”] in *Magyar Hírlap*, Vol. 36, No 162, (1926): 10.

³⁷ The writer, as president of the MSSE and co-president of the Hungarian PEN Club, visited Paris several times a year. (For information on French-Hungarian literary relations, and Heltai’s French literary connections, see A. Tüskés, “A fordításnak egyetlenegy rendszabálya van csak: jól kell fordítani: Heltai Jenő francia levelesládájából” [“There is only one rule when translating: it must be done well. From Jenő Heltai’s French correspondence”] in *Literatura*, Vol. 44, No. 2, (2018): 136–160.

³⁸ “Heltai Jenő lemondott a Magyar Színpadi Szerzők Egyesületének elnöki állásáról” [“Jenő Heltai resigns from the presidential position of the Hungarian Playwrights’ Association”] in *Pesti Napló*, Vol. 81, No. 130, (1930): 12.

The second meeting of CISAC was held in Rome and its preparations took place in the Paris office in March 1927. Jenő Heltai also reported on these preliminary consultations, the aims of which were that (1) the organizers wanted to protect the works fifty years after the author's death, and (2) the central office (in Paris) decided to establish an archive.³⁹ The Rome congress was yet another milestone, as the International Association of Composers' Associations was established there (signifying the cooperation of composers' cooperatives and associations of stage authors). 130 delegates took part in the congress in question. Jenő Huszka acted on behalf of Hungarian composers, who reported on topics, such as (1) the duration of copyright protection which was agreed on to be fifty years (Jenő Heltai also delivered a speech on the matter), (2) the action against inartistic adaptations (the problem of film adaptations), as well as the issue of (3) copyright and radio.⁴⁰ After that, the work of the international association continued in Berlin, and in 1928, a nine-day conference began, which focused on the preparation of the next conference of the Berne Convention and the discussion of the final statutes of the international association.⁴¹ Although there were long-time negotiations about Budapest hosting the 1929 congress, the event was held in Madrid, eventually. There, Hungarian authors were represented by Jenő Heltai again, and the meeting touched upon two main topics, namely, (1) the matter of the talking film (which he wanted to distinguish from sound films, as of the two groups of films, only the former is entitled to copyright – thus the authors' *tantième*-system must be organized), and (2) the international controlling of authors' incomes.⁴² The location of the 1930 world congress was Budapest, so the contemporary press reported in great detail both on the preparations and on the

³⁹ "Heltai Jenő az írók májusi római kongresszusáról, a kongresszus programjáról, a francia művészfilmekről, a belügyminiszter rendeletéről, a színészek Világszövetségének első párizsi kongresszusáról" ["Jenő Heltai on the May Authors' Congress in Rome, the congress programme, French art films, the decree of the Minister of Interior Affairs, and the first Paris Congress of the World Association of Actors"] in *Pesti Napló*, Vol. 88, No. 50, (1927): 14.

⁴⁰ "Megalakult Rómában a szerzői egyesületek nemzetközi szövetsége" ["The International Federation of Authors' Associations was established in Rome"] in *Magyarország*, Vol. 8, No. 128, (1927): 11.

⁴¹ Bálint, L. "Befejeződött a színpadi szerzők berlini kongresszusa" ["The Congress of Playwrights has ended in Berlin"] in *8 Órai Újság*, Vol. 150, No. 99, (1928): 9.; "A berlini szerzői jogi egyezmény módosításáról tárgyalt a szerzők berlini kongresszusa" ["The Berlin Congress of Playwrights discussed amendments to the Berlin Copyright Amendment"] in *Nemzeti Újság*, Vol. 10, No. 105, (1928): 11.

⁴² "Május 20-án ül össze Madridban a színpadi szerzők világparlamentje" ["On May 20, the World Parliament of Playwrights will convene in Madrid"] in *Magyarország*, Vol. 36, No. 72, (1929): 9.; "Heltai Jenő megérkezett és nyilatkozik a színpadi szerzők madridi világkongresszusáról" ["Jenő Heltai has arrived and gives a statement on the Madrid World Congress of Playwrights"] in *Magyarország*, Vol. 36, No. 123, (1929): 7.

conference itself. Although, according to preliminary plans, the opening speech was to be given by the Minister of Culture Kuno Klebelsberg, in the end, State Secretary Pál Petri and then Mayor Jenő Sipőcz greeted the representatives of the international association.⁴³ Jenő Heltai and Jenő Huszka from the Hungarian authors' organizers welcomed the members of the congress, then Ludwig Fulda gave a speech as president of the congress. On February 7, 1930, the newspaper *Est* reported that playwrights, composers and stage publishers from twelve countries (the United States of America, Austria, Argentina, Brazil, France, the Netherlands, Poland, Germany, Italy, Portugal, Spain, Sweden) have announced their participation.⁴⁴ On May 24, 1930, the same paper published a list of 105 participants categorized by their homeland.⁴⁵ (On May 31, 1930, the newspaper *Magyarország* reported on 150 participants.⁴⁶)

For the nine-day conference in Hungary, the organizers prepared several accompanying events: at the end, the foreign guests met the minister of culture at a brunch, who, among others, have already seen an opera house performance and attended a banquet. Meanwhile, as in the case of other congresses, the preparations were held in the Paris centre with the participation of the leaders and delegates of the authors' associations. Jenő Heltai, the vice-president of the congress, travelled to the French capital in March 1930 with Ludwig Fulda, president of congress, and he commented on the organization as follows: “[t]he preparations for the congress promise the most glorious success. After great struggles, it was finally possible to overcome all the obstacles and I believe that the Budapest congress will take place with a virtual shine. In addition, what is of uttermost importance, I take it for certain that the world parliament of stage authors makes decisions on many copyright issues in Budapest. The accommodation and entertainment of the 120 guests was taken care of. We have put together a

⁴³ See, for instance “Kilenc napig tart a színpadi szerzők budapesti nemzetközi kongresszusa” [“The International Congress of Playwrights in Budapest lasts for nine days”] in *Magyarország*, Vol. 37, No. 40, (1930): 9.; “Megnyílt a színpadi szerzők és zeneszerzők nemzetközi kongresszusa” [The International Congress of Playwrights and Composers has opened] in *Pesti Napló*, Vol. 81, No. 121, (1930): 20.

⁴⁴ “Tizenkét állam jelentette be eddig részvételét a szerzők világtkongresszusára” [“Twelve countries have announced their participation in the World Congress of Playwrights”] in *Az Est*, Vol. 21, No. 31, (1930): 10.; “A szezon eseményének ígérkezik a színpadi szerzők budapesti világtkongresszusa” [“The World Congress of Playwrights in Budapest is said to be the event of the season”] in *Nemzeti Újság*, Vol. 12, No. 31, (1930): 11.

⁴⁵ “Impozáns méretben bontakozik ki a szerzők budapesti világtkongresszusa” [“The World Congress of Playwrights in Budapest unfolds on an impressive scale”] in *Az Est*, Vol. 21, No. 117, (1930): 11.

⁴⁶ “Százötven főnyi résztvevővel tárgyalt ma délelőtt a nemzetközi szerzőkongresszus” [“The International Congress of Playwrights held discussions this morning with 150 participants”]. *Magyarország*, Vol. 37, No. 122, (1930): 11.

diverse and colourful program with the guiding principle of showing our illustrious guests the cultural development of the country and the capital city. We organized a special women's committee to guide the wives of authors coming to Budapest."⁴⁷

The meetings in 1931, 1932 and 1933 were also partly about what was discussed at the meetings in Budapest, as technology – for example in the fields of radio, film and gramophone records, and canned music – was constantly developing, thereby creating new challenges for authors regarding the protection of their rights. It is therefore not surprising that the main topic of the Budapest meeting (similarly to that of the last congress) was the relationship between sound film and copyright. Henry Falk's proposal included, among other matters, that (1) the royalties after sound films should be determined in a percentage (this was the case with plays as well), for which the participants remarked that the rights of the talking and sound films should be tied to a new assessment procedure (“[t]he management of interrelated film plays and re-composed soundtracks, from now on, is the responsibility of stage cooperatives, while accompanying music compiled from torn out details is dealt with by bodies belonging to the other sector.”⁴⁸); moreover, (2) the copyright of the theme sold to sound film producers should expire after two years.⁴⁹ The sound film case returned to the agenda of the 1931 World Congress of Authors in London, together with fifty years of copyright protection, and the issue of gramophones and the protection of copyright were also discussed.⁵⁰ The Vienna Congress of 1932⁵¹ and the Copenhagen Congress of 1933 continued

⁴⁷ “A párizsi szerző-világszövetség megállapította a budapesti kongresszus programját” [“The Parisian World Federation of Playwrights has established the programme for the Budapest Congress”] in *Magyarország*, Vol. 37, No. 68, (1930): 10.; “A szerzők világszövetsége budapesti kongresszusának programja” [“The programme of the Budapest Congress of the World Federation of Playwrights”] in *Budapesti Hírlap*, Vol. 50, No. 68, (1930): 15.

⁴⁸ “Fontos határozatok a szerzői kongresszuson” [“Important resolutions at the Congress of Playwrights”] in *Pesti Hírlap*, Vol. 52, No. 124, (1930): 13.

⁴⁹ “Munkában a szerzők parlamentje” [“The Parliament of Playwrights is at work”] in *Magyar Hírlap*, Vol. 40, No. 122, (1930): 8.

⁵⁰ “Mi történt a londoni szerzői kongresszuson?” [“What happened at the London Congress of Playwrights?”] in *Az Est*, Vol. 22, No. 120, (1931): 10.; “Május 15-én indul Heltai Jenő és Harsányi Zsolt Londonba” [“Jenő Heltai and Zsolt Harsányi depart for London on May 15”] in *Magyarország*, Vol. 380, No. 88, (1931): 11.

⁵¹ “Az osztrák köztársaság elnöke nyitja meg a bécsi szerzői kongresszust” [“The President of the Republic of Austria opens the Vienna Congress of Playwrights”] in *Magyarország*, Vol. 39, No. 114, May 25, (1932): 9.; “Bécsben megkezdődött a szerzők nemzetközi kongresszusa” [“The International Congress of Playwrights has opened in Vienna”] in *Magyar Hírlap*, Vol. 42, No. 125, (1932): 8.

partly with these issues⁵². However, during the Vienna event, the international network of MSSE further expanded, as the MSSE and the Yugoslav stage author representation got acquainted with one another at a Pen Club event in Budapest, and then the details of their cooperation within the framework of which the works of each other's authors are given priority were worked out at the World Congress of Authors.⁵³ A similar collaboration was initiated by Czechoslovak stage authors at the MSSE in 1926⁵⁴ and also by the French and the Germans in the early 1920s.

Conclusion

The activities of the Hungarian Playwrights' Association not only promoted the development of domestic copyright, but also contributed to the creation of an international cooperation network, which has produced impressive results in the field of copyright protection effective to this day. The present study also aimed to demonstrate that, from a cultural perspective, Hungary was not a mere "follower", instead, a formative actor of the copyright movements of the 20th century. It is also evident, given, for instance, the agenda of world congresses, that the development of international copyright regulations were closely related to social, technological and cultural changes, which created new challenges for the protection of intellectual property. Beyond this, the international relations of Hungarian stage authors, especially with French, German, Italian and American organizations, may be the subject of further research.

References:

Baker, A.R.H., (2017), *Amateur Musical Societies and Sport Clubs in Provincial France, 1848–1914. Harmony and Hostility*, London: Palgrave macmillan.

Bogsch, A., (1986), "The First Hundred Years of the Berne Convention for the Protection of Literary and Artistic Works" in: Ricketson, S. (ed.) *The Berne Convention for the Protection of Literary and Artistic Works: 1886–1986*, Genf: World Intellectual Property Organization, pp. 11–80.

⁵² "Ma kezdődött meg a nemzetközi szerzői kongresszus Koppenhágában" ["The International Congress of Playwrights has opened in Copenhagen today"] in *Magyarország*, Vol. 40, No. 121, (1933): 10.

⁵³ "Jugoszláv színpadi szerzők budapesti színpadokon" ["Yugoslav playwrights on Budapest stages"] in *Pesti Napló*, Vol. 33, No. 230, (1932): 10.

⁵⁴ "A csehszlovák színpadi szerzők egyesülete darabokat kér és ad a Magyar Színpadi Szerzők Egyesületének" ["The Czechoslovak Playwrights' Association requests and provides plays to the Hungarian Playwrights' Association"] in *Világ*, Vol. 17, No. 84, (1926): 9.

Boytha, Gy., (1986), 'Az irodalmi és művészeti alkotások védelmét szolgáló Berni Unió fogantatása és születése', in *Jogtudományi Közlöny*, Vol. 61, No. 12, 587–597.

Dutfield, G. and Suthersasen, U., (2008), *Global Intellectual Property Law*. Cheltenham – Northampton: Edward Elger.

Convention de Berne pour la protection des œuvres littéraires et artistiques, 1886. See URL: <https://www.wipo.int/wipolex/en/text/278701>

Goldstein, P., (2001), *International Copyright – Principles, Law and Practice* Oxford: Oxford University Press.

Lengyel, E. (2023), 'Chapters from the history of the Hungarian Playwrights' Union: The Hungarian Playwrights' Association from its conception until its foundation (1898–1904)', in *Hungarian Studies*, Vol. 36, No. 1–2, 167–178.

<https://doi.org/10.1556/044.2022.00175>

Löhr, I., (2013), 'Le droit d'auteur et la Première Guerre mondiale: un exemple de coopération transnationale européenne' in *Le Mouvement Social*, Vol. 244, No. 3, 67–80.

Mezei, P., (2004), 'A szerzői jog története a törvényi szabályozásig (1884: XVI. tc.)' *Jogelméleti Szemle*, Vol. 4, No. 3, See URL: <http://jesz.ajk.elte.hu/mezei19.html>

Munkácsi, P., (2023), 'Nemzetközi szerzői és szomszédos jogi egyezmények' in Jakab, A., Könczöl, M., Menyhárd, A. and Sulyok, G. (eds.) *Internetes Jogtudományi Enciklopédia*. See URL: <http://ijoten.hu/szocikk/nemzetkozi-szerzoi-es-szomszedos-jogi-egyezmenyek>

Ricketson, S. and Ginsburg, J. (2006), *International Copyright and Neighbouring Rights – The Berne Convention and Beyond* Oxford – New York: Oxford University Press.

Sonoda, A., (2007), 'Historical Overview of Formation of International Copyright Agreements in the Process of Development of International Copyright Law from the 1830s to 1960s' in *IIP–Bulletin*.

See URL: https://iip.or.jp/e/summary/pdf/detail2006/e18_22.pdf

Tüskés, A., (2018), 'A fordításnak egyetlenegy rendszabálya van csak: jól kell fordítani: Heltai Jenő francia levelesládájából' in *Literatura*, Vol. 44, No. 2, 136–160.

Vehrer, A., (2022), 'Egyesületi élet hazánkban a 19. század második felében' in *Polgári Szemle*, Vol. 16, No. 4–6, 203–216. See URL:

https://polgariszemle.hu/images/content/pdf/PSZ_2022_2_15.pdf

Press sources:

'A magyar színdarabok védelme', (1920), in *Budapesti Hírlap*, Vol. 40, No. 294, 5.

‘Színpadi szerzők Pekár államtitkáránál’, (1920), in *Az Újság*, Vol. 18, No. 294, 4.

‘Színpadi Szerzők igazságügyminiszternél’, (1921), in *Magyarország*, Vol. 28, No. 12, 7.

‘Februárban beterjesztik az új szerzői törvényt’, (1921), in *Pesti Napló*, Vol. 72, No. 12, 6.

‘Tilos a darabok tartalmát előre ismertetni’, (1921), in *Magyarország*, Vol. 28, No. 90, 6.

Magyar Szerzők Egyesülete’, (1898), in *Budapesti Napló*, Vol. 3, No. 59, 6.

Balla, I., (1927), ‘Rómában, a színpadi szerzők májusi világtalálkozóján nagy ünnepekkel várják a magyar írókat’ in *Pesti Napló*, Vol. 78, No. 21, 19.

‘Megalakul a színpadi szerzők világszövetsége’, (1925), in *Világ*, Vol. 16, No. 125, 12.

‘Készül a színpadi szerzők világszövetsége’, (1925), in *Esti Kurir*, Vol. 3, No 126, 10.

Wöllner, A., (1925), ‘És M. Heltai is leült asztalunkhoz tárgyalni’, in *Magyarország*, Vol. 32, No. 257, 11.

‘Megalakult a színpadi szerzők világszövetsége’, (1926), in *8 Órai Újság*, Vol. 12, No. 136, 2.

Sz., F., (1926), ‘Magyarok Párizsban’, in *Pesti Hírlap*, Vol. 48, No. 140, 14.

‘Heltai Jenő nyilatkozik a „láthatatlan cenzúráról”, (1926), in *Színházi Élet*, Vol. 16, No. 30, 2.

Jóváhagyta a belügyminiszter Reinhardt és Génier dísztagságát a Magyar Színpadi Szerzők Egyesületében’, (1926), in *Magyar Hírlap*, Vol. 36, No 162, 10.

‘Heltai Jenő lemondott a Magyar Színpadi Szerzők Egyesületének elnöki állásáról’, (1930), in *Pesti Napló*, Vol. 81, No. 130, 12.

‘Heltai Jenő az írók májusi római kongresszusáról, a kongresszus programjáról, a francia művészfilmekről, a belügyminiszter rendeletéről, a színészek Világszövetségének első párizsi kongresszusáról’, (1927), in *Pesti Napló*, Vol. 88, No. 50, 14.

‘Megalakult Rómában a szerzői egyesületek nemzetközi szövetsége’, (1927), in *Magyarország*, Vol. 8, No. 128, 11.

Bálint, L., (1928), ‘Befejeződött a színpadi szerzők berlini kongresszusa’, in *8 Órai Újság*, Vol. 15, No. 99, 9.

‘A berlini szerzői jogi egyezmény módosításáról tárgyalt a szerzők berlini kongresszusa’, (1928), in *Nemzeti Újság*, Vol. 10, No. 105, 11.

Május 20-án ül össze Madridban a színpadi szerzők világparlamentje’, (1929), in *Magyarország*, Vol. 36, No. 72, 9.

‘Heltai Jenő megérkezett és nyilatkozik a színpadi szerzők madridi világtalálkozásáról’, (1929), in *Magyarország*, Vol. 36, No. 123, 7.

‘Kilenc napig tart a színpadi szerzők budapesti nemzetközi kongresszusa’, (1930), in *Magyarország*, Vol. 37, No. 40, 9.

‘Megnyílt a színpadi szerzők és zeneszerzők nemzetközi kongresszusa’, (1930), in *Pesti Napló*, Vol. 81, No. 121, 20.

‘Tizenkét állam jelentette be eddig részvételét a szerzők világtalálkozására’, (1930), in *Az Est*, Vol. 21, No. 31, 10.

‘A szezon eseményének ígérkezik a színpadi szerzők budapesti világtalálkozása’, (1930), in *Nemzeti Újság*, Vol. 12, No. 31, 11.

‘Impozáns méretben bontakozik ki a szerzők budapesti világtalálkozása’, (1930), in *Az Est*, Vol. 21, no. 117, 11.

‘Százötven főnyi résztvevővel tárgyalt ma délelőtt a nemzetközi szerzőkongresszus’ (1930), in *Magyarország*, Vol. 37, no. 122, 11.

‘A párizsi szerző-világszövetség megállapította a budapesti kongresszus programját’ (1930), in *Magyarország*, Vol. 37, no. 68, 10.

‘A szerzők világszövetsége budapesti kongresszusának programja’ (1930), in *Budapesti Hírlap*, Vol. 50, No. 68, 15.

‘Fontos határozatok a szerzői kongresszuson’ (1930), in *Pesti Hírlap*, Vol. 52 no. 124, 13.

‘Munkában a szerzők parlamentje’, (1930), in *Magyar Hírlap*, Vol. 40, No. 122, 8.

‘Mi történt a londoni szerzői kongresszuson?’, (1931), in *Az Est*, Vol. 22, No. 120, 10.

‘Május 15-én indul Heltai Jenő és Harsányi Zsolt Londonba’ (1931), in *Magyarország*, Vol. 38, No. 88, 11.

‘Az osztrák köztársaság elnöke nyitja meg a bécsi szerzői kongresszust’ (1932), in *Magyarország*, Vol. 39, No. 114, 9.

‘Bécsben megkezdődött a szerzők nemzetközi kongresszusa’, (1932), in *Magyar Hírlap*, Vol. 42, No. 125, 8.

‘Ma kezdődött meg a nemzetközi szerzői kongresszus Koppenhágában’, (1933), in *Magyarország*, Vol. 40, No. 121, 10.

‘Jugoszláv színpadi szerzők budapesti színpadokon’, (1932), in *Pesti Napló*. Vol. 33, No. 230, 10.

‘A csehszlovák színpadi szerzők egyesülete darabokat kér és ad a Magyar Színpadi Szerzők Egyesületének’, (1926), in *Világ*, Vol. 17, No. 84, 9.

PERSONHOOD OF THE ARTIFICIAL INTELLIGENCE

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Abstract: *This research will contribute to the research of a new subject of Artificial Intelligence (AI) personhood that lately is getting interests among scientists and practitioners. The AI personhood will be presented under the umbrella of different research investigations that have different angles of view, starting from granting personhood and right to the AI and opposite to the AI negation as subject. There will be presented in comparative approach the history of appearance settle the legal framework of the artificial intelligence and its challenges. Legal framework of AI in different countries: granting citizenship in Saudi Arabia to the AI, restrictions, control and determination of the status of AI in European Union countries according to AI ACT and finally the absence of any legal framework as the case of the Republic of Moldova. Finally, the author will compare the trends of the artificial intelligence and will come up with solutions of the legal status of artificial intelligence, and make the **lege lata** and **de lege ferenda** conclusions in light of this topic.*

Keywords: *artificial intelligence, personhood, legal entity status, ethics, natural person, liability*

Introduction

This research is devoted to the issue of Artificial Intelligence's (AI) personhood and the possibilities to be granted legally personhood to the AI in different countries. The similarities and differences between AI and other subjects granted with personhood by the legislation in force. Additionally, it will be analysed elements of the personhood and the responsibility and ethics of the AI. The practical aspects of the responsibility and ethics of the AI of granting personhood and consequently the effects of granting the personhood. The new trends of the legal framework of the countries to grant AI personhood and responsibility of AI, if applicable. The modern technologies of chatbots and AI changed the paradigm of the current world and it created the impression of a completely different world and as a new universe, it might create a feeling of living a new parallel life and this gives advantages and disadvantages to the stakeholders involved in this process.

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This paper comprises three chapters. Chapter 1 discusses the notion of the Artificial Intelligence, and the reason why it is necessary to define the elements of the AI. Chapter 2 reports the theories whether the AI is treated as Machine or as subject. Chapter 3 presents the legal approaches to dealing with responsibility of the AI.

1. Notion of AI

In Roman law, the legal person as subject were the most relevant legal category, giving possibility to individuals and entities to act within the law and enter into legal relations. In our days there are mainly two subjects in civil legal relations: individual and legal entity. However, in some countries, the individuality and personhood are granted not only to the abovementioned subjects but also to rivers, trees, oceans, robots etc. The first personality to be granted the citizenship in the United Arab Emirates, is the robot Sophia, a robot obtained citizen status and is positioned as woman. In the same time, it is worth mentioning in United Arab of Emirates (UAE) women received among other rights the right to drive only in 2018, consequently the AI was released in the form of self-driving trains/metro-trains (in other words the simple technical functions) and other types of more superior AI, named - *Artificial superintelligence (ASI) is a hypothetical software-based artificial intelligence (AI) system with an intellectual scope beyond human intelligence. At the most fundamental level, this superintelligent AI has cutting-edge cognitive functions and highly developed thinking skills more advanced than any human.* The ASI were granted citizenship, not by modifying the legal framework, fact that generated conflicts solve by the courts. So, it was granted citizenship same as for the subjects not beneficiating of full legal empowerments equal to men in UAE.

In 2017 in Japan, a chatbot was given a residence permit, called Shibuya Mirai chatbot. In both cases, the legal framework did not change, a fact that generated conflict.¹ Further it will be developed the notion of the AI, in order to explain the necessity to grant AI personhood and the role of this legislative movement.

1.1. Definition of the Artificial Intelligence

According to the opinion of the European Parliament, Artificial Intelligence (AI) was characterized as: *"the ability of a machine to imitate human functions such as reasoning, learning, planning and creativity. Also in the same study, types of AI were mentioned (EC definition) includes Software: virtual assistants, computer programs for image analysis,*

¹ М. Аксенова, "Концепция "электронного лица" в правовом пространстве" [The electronic entity concept in the legal framework], in *Юрист*, 2021, p. 18-24, p. 21.

search engines, voice and facial recognition systems”.² However, the European AI Act is classifying an AI system as high risk to the extent of the adverse impact caused by the AI system on the fundamental rights.

Thus, AI can be incorporated into: robots, autonomous cars, drones, the Internet of Things etc. Here are some examples of fields such as health, transportation, manufacturing, administration and public services that can be accessed and managed by AI. In this way, it is well-known that the AI will not be stopped in developing and by adopting European AI act and limiting to the protection of human rights and risks, will not solve the situation or by giving a stricter role and limits than it exists at the moment for the AI, would increase the tension and the willingness to grant a special status to AI.

On the matter of AI personhood an author Roman Yampolsky declared that the concept of legal personhood, is granted not just to human beings, but also to some non-human entities such as firms, corporations, and governments. It emphasized the notion of Selfish meme, which results out of advent of algorithmic entities would make it possible to explicitly and a memetic payload to a legal entity.³ The author compared the corporations that are selfish entities that have as main goal obtaining of profit and maximizing the shareholder profit, with AI in charge of such an entity, any idea can be codified in an algorithm and added as the driving force behind corporation’s decision-making.⁴

Beneficial corporations have as main goal to produce social good in addition to profit, in the same time besides the main mentioned goal, the mutual organization has as main aim to create benefits for their members. Additionally, the memetic payload doesn’t have to be strictly beneficial, in daily basis it could be some ideology, a set of beliefs of values. In practice it might be codifying tenants of a particular religion (e.g. Islam), economic philosophy (e.g. communism), moral theory (e.g. Utilitarianism), encode them in an algorithm, and put that algorithm in charge of corporations.⁵

² Artificial Intelligence Act no COM (2021) 0206 – C9-0146/2021 – 2021/0106 (COD) from 13 March 2024. European Parliament (2024). available at: https://www.europarl.europa.eu/doceo/document/TA-9-2024-0138_EN.pdf.

³ R. Yampolskiy, “AI Personhood rights and laws”, in *Machine Law, Ethics, and Morality in the Age of Artificial Intelligence* (pp.1-11), available at: [https://www.researchgate.net/publication/348123023_AI_Personhood_Rights_and_Laws].

⁴ R. Yampolskiy, “Human Indignity: From legal AI Personhood to Selfish Memes”. p.3, 2021, available at:

https://www.researchgate.net/publication/348123023_AI_Personhood_Rights_and_Laws.

⁵ R. Yampolskiy, *op.cit.*, available at:

[https://www.researchgate.net/publication/348123023_AI_Personhood_Rights_and_Laws].

Civil code of the Republic of Moldova grant and recognize the role of the subject of law for individuals and legal entities. It is worldwide recognized that in order to be become subject of law it is necessary to be recognized the legal personhood, and in the private law it is about acquiring passive capacity. Currently, any individual acquires capacity from the moment of birth and in some case earlier from the moment of conception according to the art. Civil code of the Republic of Moldova,⁶ attributing the passive capacities to the legal entity persuasion of the appearance thanks to the legal fiction, without being linked to its independent intellectual skills.

An interesting approach presented by Professor Radu Rizoiu, regarding the status of AI in smart contracts that can vary between subject and object. Thus, the professor analysed the provisions of Romanian legislation regarding the notion of contract, in Romanian law⁷, art. 1266 Romanian Civil Code as an agreement of will or the termination of a legal relationship" (emphasis added). As can be seen, the wills involved in entering into a contract should come from individuals. And this follows from the fact that only persons could be considered subjects under (civil) law. According to art. 25 para. (1) NCC, "*Natural persons and legal persons are subjects of civil law*".⁸

The intervention of information technologies has generated disputes regarding a new category, called by some authors the "*electronic person*".⁹ In the research of the author Pistruga Vitalie emphasised that will consider AI to be a variety of the electronic person the latter having other representations as it will be described further in this research. AI is used in various fields, and its "*settings*" allow us to conclude that AI enjoys decision-making independence, based on its own intelligence with the possibility of self-development, and this degree of independence is constantly increasing. Indeed, some criticize the idea of recognizing after AI legal personality, based on the differences from the natural person. However, we can also see homogeneous differences in the case of the comparison with the legal entity. As a consequence, in fact, it remains only at the discretion of the sovereign

⁶ Civil Code of RM no. 1107 of June 06, 2002. In: *Official Monitor of the Republic of Moldova* no 66-75 from 1st March 2019, Available at:

<https://weblex.md/item/view/iddbtype/1/id/5479a0609dbc5661908e5a2d6841538e>.

⁷ Civil Code of Romanian no. 287 of July 17, 2009, In: *Official Monitor of Romania* no 409 from 10.06.2011. available at:

[https://portal.just.ro/300/SiteAssets/SitePages/bine/Codul%20Civil%202009\(r1\).pdf](https://portal.just.ro/300/SiteAssets/SitePages/bine/Codul%20Civil%202009(r1).pdf).

⁸ R. Rizoiu, "I want to be a real boy! A.I. between subject and object in smart contracts". 2023, available at:

<http://dspace.usm.md:8080/xmlui/handle/123456789/16357> 2023.

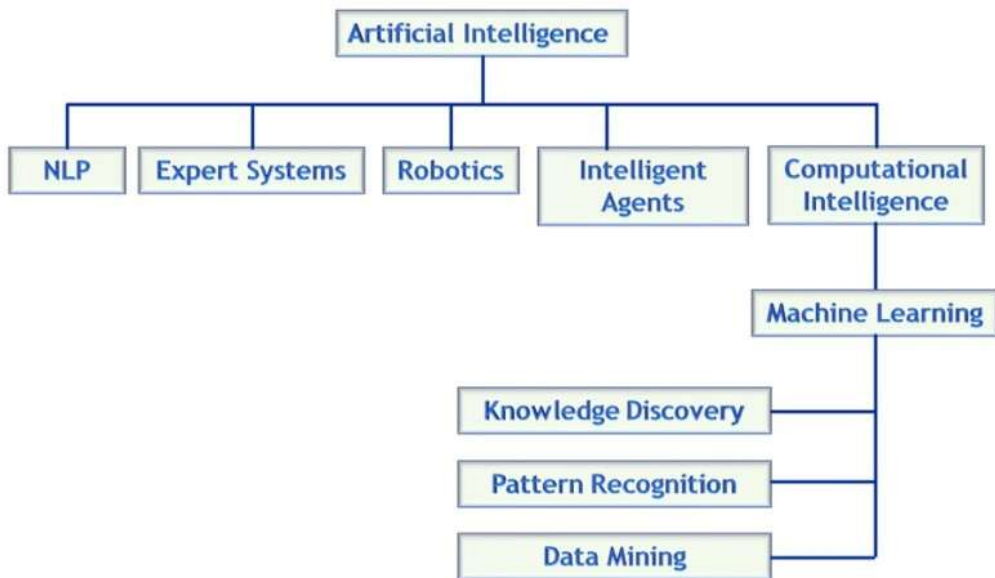
⁹ M. Аксенова, *op.cit.*, p.18-24.

state whether or not to recognize legal personality after the electronic person under the empire of the respective legal system.¹⁰

1.2. Elements of the Artificial Intelligence

The notion of the active legal capacity is the legal aptitude to have rights and liabilities (in this sense also called transaction capacity) in order to be considered granted personhood. The latest growing of the AI role in all industries is one of the catalysts that embodies its push to get a place in the subjects' arena on the civil legal relations at the national and international level. The key elements of the AI include: natural language processing (NLP), experts' systems, robotics, intelligent agents, computational intelligence.¹¹

Table 1 Key elements of the AI family tree



Source: (Anifowose, 2021)

In the same meaning, the elements represent a technical part of working the system of the AI. In order to get the capability AI need to have necessary abilities of a firm to choose, operate, and leverage its own

¹⁰ V. Pistriuga, "Stabilirea identității solicitanților asistenței notariale și provocări contemporane" [Establishing the identity of the person requesting notary services and modern challenges], pp. 254-256, available at:

https://ibn.idsi.md/sites/default/files/imag_file/254-256_7.pdf.

¹¹ F. Anifowose, "The basic elements of artificial intelligence and recipe for a successful career kick start", available at: <https://jpt.spe.org/twa/the-basic-elements-of-artificial-intelligence-and-recipe-for-a-successful-career-kick-start>.

resources. AI is not just a unique source to effectively leverage the investments and marketing, but needs to develop the existed IT capabilities such as social media capabilities, social commerce capabilities, operational capabilities. Consequently, the main components for the AI capability are tangible assets as (data, technology, basic resources), intangible assets (risk mitigation, organizational capacity and its feature to be modified, inter institutional coordination).

In doctrine it is mentioned that lately there are identified new subjects and quasi subjects¹², such as intellectual social group interests, new hybrid personages, Artificial Intelligence. In this way, a logic question appears „what is the legal status of the AI, and how it will change the development of AI as consequence of the changing the status of AI?“, a renewed approach to the category legal personality was researched. The use of artificial legal intelligence makes it necessary to resolve many issues related to the legal regime of its functioning, the legal personality of AI (the robot as its carrier), and the responsibility and its actions, the relationship between AI and humans, information security and problems of using personal data, etc. Less important is the problem of existential risks of artificial intelligence and their resolution. A key issue for the institutionalization of artificial intelligence in the legal order is also the definition of its spheres. Respectively, as in civil law there are fully empowered subjects with legal capability as individuals with full legal capability, legal entities that are registered correspondingly and limited capability of the subjects as for example minors, legal entities registered for a specific purpose, the author Zaloilo M. proposes to distinguish strong AI and weak AI. The last one is dealing with activities of the robots that might be fully controlled by the persons as deliveries, computer visions, analytical issues. On the other hand, the strong AI is fully copying the brain of the human being and is improving the capacities of the individuals that might appear as consequence of physical effort of human being error, so it might act as a real individual or even in better analytical analyses of the situation and solve the situation.¹³

2. Artificial Intelligence is a machine or personality

2.1. Approaches toward granting rights to different non subjects

There are subjects granted with responsibilities and certain privileges similar to legal entities, also-known as legal persons, by the jurisdictions in

¹² М. Залойло, *Искусственный интеллект в праве*. [Artificial Intelligence and the law]. *Научно-практическое пособие*. Москва: Инфотропик Медиа, 2021, р. 37-51.

¹³ М. Залойло, *op.cit.*, 2021, р. 37-51.

which they are recognized; yet, many such rights are not available to non-person agents.

Gary Varner distinguished among "persons" and "non-persons" and the "merely sentient" within Harean two-level utilitarianism.

The author explored the implications of this distinction by applying the resulting ethical system to our treatment of animals, more abolitionist. He expands the idea function off "intuitive level rules" function in moral thinking, based on recent empirical research.¹⁴

„*Is fetuses a person?*” Jean Reith Schroedel presents analyzed fetal personhood by examining all of the major areas of the law that could implicitly or explicitly award the fetus such status. He emphasized comprehensive history of fetal protection ideas and policies in America. Additionally, he compared the moral and legal underpinnings of existing legal framework while paying particular attention to the influence of gender and power relations on their formation. As much a model for future research as a study of the status of the fetus, examined of one of the most divisive and complex issues of late-twentieth-century American life.¹⁵

Environmental issues and assumptions are increasing in engagements and anti-human in the policies it promotes.

A professor of legal philosophy, Christopher Stone argued that the environment should be considered as a subject and given legal personhood – as granted to corporation, for instance – with human guardians able to seek legal redress if a natural feature is damaged or destroyed.¹⁶ In 2017 an act of the Parliament in New Zealand granted the whole Whanganui River rights as an independent entity, considering it an invisible whole from source to sea.¹⁷

In the same time there were discussions on introducing at the general assembly of United Nations a person representing rights and interests of the ocean, to promote a plan to grant rights to the Ocean. Ocean rights is permitted and encourages to serve as the basis for future Universal Declaration of Ocean Rights, to be enacted by the UN by 2030. „The Ocean is a living entity, not a resource ... with inherent rights”, the author of the article states that the ocean is not a person, because it lacks the consciousness, oceans are vast geological features but aren't animated in

¹⁴ G.E. Varner, "Ethics and Animal Cognition: Situating Animals in Hare's Two-Level Utilitarianism", in *Ethics, Policy & Environment*, Vol. 18, No, 2, 2015, p. 226-232, p. 131.

¹⁵ J. Schroedel, "Is the Fetus a Person? Ithaka and London". NY: Cornell University Press; Reprint edition, 2000, 240 p., p. 40-140.

¹⁶ Ch. D. Stone, "Should trees have standing? Toward legal rights for Natural Objects", in *Southern California Law Review*, Vol. 45, 1972, p. 451.

¹⁷ The Awa Tupua (Whanganui River Claims Settlement) Act from 20.03.2017. Adopted by Parliamentary Council Office of New Zealand, 2017, available at: <https://www.legislation.govt.nz/act/public/2017/0007/latest/DLM6831607.html>.

any proper sense of the term (Smith, 2023). Another issues to be discussed here is the agents and platforms that have the role of the intermediators and agents of the AI. The notion of the nature rights is stated in the chapter seven of the constitution of Ecuador „Nature of Pachamama, where life is reproduced and exists, has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution".¹⁸

„Artificial agents simply do not share the same perceptual world to us and since intersubjective agreement about phenomenal experience is the only way we have of confirming that other human beings have the same phenomenal experiences as ourselves, why not extend this to artificial agents?"¹⁹ The authors compared practical capacity to perform cognitive tasks will presumably be of primary importance. In the same time the children and the mentally incapacitated are accorded legal personality by the legal system, while having limited mental capacity, companies and non-human legal persons such as ships or temples do not exhibit intelligence on their own – although they are associated with human owners or representatives who display those attributes.

2.2. Artificial Intelligence Personhood

The research was made in different relevant fields such as: ownership issues, personhood of AI, brain-machine interfaces, the distinction between single-tons and multi-agent systems as well as potentially support finding a solution of the problem of personal.²⁰

It is commonly believed that a court ruling or a legislative action is necessary to grant personhood to a new type of entity, but recent literature²¹ suggests that loopholes in the current law may permit granting of legal personhood to currently existing AI/software without having to change the law or persuade any court.²²

¹⁸ Constitution of the Republic of Ecuador adopted by the National Assembly Legislative and Oversight Committee of Ecuador 2008, available at:

<https://pdba.georgetown.edu/Constitutions/Ecuador/english08.html>.

¹⁹ S. Chopra, L. White, "Personhood in law and philosophy", 2004, in *European Conference on Artificial Intelligence*, available at:

<https://www.sci.brooklyn.cuny.edu/~schopra/agentlawsub.pdf>.

²⁰ S. Ziesche, R. Yampolskiy, "The problem of AI identity". 2022, available at: <https://philarchive.org/rec/ZIETPO-7>.

²¹ Sh. Bayern, "The implications of modern business-entity law for the regulation of autonomous systems". 2016, available at: https://law.stanford.edu/wp-content/uploads/2017/11/19-1-4-bayern-final_O.pdf.

²² R. Yampolskiy, "Human Indignity: From legal AI Personhood to Selfish Memes". p.1, 2021, available at:

https://www.researchgate.net/publication/348123023_AI_Personhood_Rights_and_Laws.

Legal person is simply a personification of a set of rules, compared to the AI that also defines and is structured as code of rules.²³

In the above meaning, legal personhood that are still relevant today and argues that none imply a human and never a nonhuman animal (animal) can be considered a person in each of the specified senses:

- a) personification of a set of rules,
- b) status of role,
- c) legal capacity to hold rights and bear duties,
- d) subject of rights.

Through the above-mentioned elements, it will be analyzed the AI possibility to be attributed the status of subject and personhood.

Firstly, personification of a set of rules – as AI is set of codes and rules and AI is going to become more intelligent than humans, the indignity for humanity would come from being regulated to an inferior place in the world, being outcompeted in the workplace and all other domains of human interest.²⁴ Secondly, with regards to the status of role of the AI, lately the AI is getting additional functions and engagements, as per above it was mentioned including citizenship and roles in managing businesses and independently functioning and operating the machines.

The design and function of the AI can be characterized by the properties of biological intelligent organisms. It can be characterized by the properties of embodies.

Thirdly, an issue that arises is the acquisition of the capacity to use and exercise the rights and duties. This one is considered one of the most controversial to be accepted and to be allowed. Including the moment of acquiring and the loss of its AI capacity. Is it considered from the moment that the AI appears, or in other words in created by the founder, and it might be considered as a separate subject of contracts in the online environment, or the civil capacity is only borrowed from the owner of the AI.

Taking into account the fact that the AI is controlled by the owner/beneficiary then and as a first idea is its limited and controlled capacity. On the other hand, what happens with the death of the natural person / the liquidation of the legal entity, does it follow the destiny/existence/activity of the 'beneficiary/ultimate beneficiary' or it in certain have the situations to continue to conclude, to execute, contracts not in all cases being controlled. Additionally, AI also depends on the technical conditions as computer, internet, cloud space etc.

²³ F. De Castro y Bravo, *Derecho Civil de España*. [Civil law of Spain] Vol. 3, Madrid, Spain: Civitas, 2008, 2400 p., p. 266.

²⁴ N. Bostrom, *Superintelligence: Paths, dangers, strategies*. Oxford: Oxford University Press, 2016, 300 p., p. 157-173.

And finally, considering the subject of rights that requires a set of guidelines for the responsible design and use of AI. The most vulnerable aspect that in a way created the bias for granting personhood to AI is the personal and their relative rights as per right to access (art. 15 GDPR), right to rectification (art. 16 GDPR), right to erasure, also known as the right to be forgotten (art. 17 GDPR), right to restriction of processing (art. 18 GDPR), right of data portability where the legal basis for processing is consent or contract (art. 20 GDPR), right to object where the processing is based on legitimate interest or public interest (art. 21 GDPR), right to withdraw consent at any time where the processing of personal data is based on consent (art. 7 (3) GDPR).²⁵ The subjects must be able to perform and exercise their liabilities on all datasets and AI models if the later are not considered anonymous. The controller must inform the data subject of the person to be contacted for the request and implement the internal procedures explaining the conditions for the management and monitoring of the exercise of rights.²⁶ The issue that it gets the great interest of the doctrinaires is the developments of AI models or systems, and how to respond to the data subject rights. The main characteristic is that in base of the example when AI was selected as board member, it is clearly that not granting subjects and control the liabilities would trigger the risks.

3. Responsibility, Bias and ethics of the Artificial Intelligence

3.1. Tentative to assume responsibilities by different types of Artificial Intelligence

Authors Guerra A., Parisi F., Pi D., in the article *Liability for robots* mentioned: legal challenges, presents the intent as a difference between computerized instrument and a robot, „while computerized instruments are mere labor - saving devices (i.e. an extension not only of the human body in performing a work, mostly purely physical activities), robots are also *mind-saving devices*”.²⁷

²⁵ Regulation (EU) No 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02016R0679-20160504&qid=1532348683434>

²⁶ Regulation (EU) No 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02016R0679-20160504&qid=1532348683434>

²⁷ Guerra, A., Parisi, F., Pi, D., “Liability for robots I: legal challenges”, in *Journal of Institutional Economics* Vol. 3, No. 18, 2022, p.553-568.

Although AI is provided as an "instrument", the institution of "collaboration" with "human action" is also provided, which respectively provides an equalization of AI. Although according to this act the IA is not presented as the subject of legal relations, we have regulations that actually indicate the individuality and respectively the responsibility of the AI.

Here are some functions we use without always realizing they are applications of AI: online shopping and advertising, internet search, Digital Personal Assistants, machine translation, smart homes, cities and infrastructure, automobiles, cyber security, Artificial Intelligence against Covid-19, combating disinformation.

Starting from 2021, as part of the European digital strategy, artificial intelligence is to be regulated both at the European level and later at the level of the states. The problem of AI is from the point of view of its qualification being the subject or object of civil legal relations in the online environment. What is certain is the advantage of AI that can transform practically all aspects of life and the economy, and even now plays an important place even in some cases participating as a mediator in disputes involving simpler disputes.

Since robots are insensitive to threats of legal liability, the question arises: how are we to regulate this new class of potential tortfeasors? The need for a theory to better understand robot torts is urgent, given that robots are already capable of driving automobiles and trains, delivering packages, piloting aircraft, trading stocks, and performing surgery with minimal human input or supervision. Engineers and futurists predict more revolutionary changes are still to come. How the law grapples with these emerging technologies will affect their rates of adoption and future investments in research and development. In the extreme case, the choice of liability regime could even extinguish technological advancement altogether. How the law responds to robot torts is thus an issue of crucial importance, it is still not researched.²⁸

Another aspect that arouses interest in this field is the resolution of cases by the courts, according to an article by the author Razamani A., on artificial judicial intelligence in the courts, "about 3.81 million cases are pending in various district courts in India and more than a hundred thousand cases are still unsolved for more than 30 years".²⁹ SUPACE aims to contribute to improving the situation in this regard by maintaining a large number of digitized court documents. Courts with artificial intelligence in the US, India, etc. some processes have moved to this format, when artificial

²⁸ A. Guerra, F. Parisi, D. Pi, *op.cit.*, p.553-568.

²⁹ A. Razamani, "SUPACE: Inteligența artificială în instanțele de judecată indiene", [SUPACE: AI in Indian courts], 2024, available at: <https://www.justitietransparenta.md/supace-artificial-intelligence-indian-courts/>.

intelligence alone gives the solution thus saving money, time and other resources that will make decisions in the field of property. In this sense, we note the importance of this topic regarding the growth of the role of artificial intelligence, including in the resolution of disputes.

Legal capacity to hold rights and bear responsibilities of AI to legal entities with non-commercial purpose, as according to the legislation in force par. (1), art. 2 law no 86/2020 of the Republic of Moldova the public association is a non-commercial organization set up on a free will by the shareholders in order to perform the non-commercial goals for which it was set up.³⁰

Similar in AI we have the creation of AI in order to execute a condition or to get a result, so basically it has a similar achievement of the goal. In 2014, a Hong Kong based venture capital fund appointed a robot to its board of directors. The robot named Vital – was chosen for its ability to identify market trends that were not immediately detectable by humans. So basically, in some cases it was proven the superpower of the AI and its superiority of the intellect on the human beings, it is in a way called the super power created by its founder. So, taken into account the above mentioned we consider a fault-based liability regime should be applied to operators and victims that bear losses that appeared as result of the negligent behaviour, and manufactures are held liable for non-negligent robot accidents.

As the author Zaloilo M. mentioned there is a subtype if the AI with strong analytical capacities, as it is mentioned by 2029 it is established to create a self-thinking analytical robot. Thus, as it was characterized above, we will reiterate the different meanings of the AI and robot: a) the concept of robot – object of the law (assets, patrimony) – it supposed that it is applied the AI the norms of ownership rights, personal data legal framework, legislation on intellectual property; b) the concept of the robot as animal, it is supposed that it is applied the legislation of the animals; c) the concept of the robot as legal entity – so consequently it is applied the legislation of the legal entities; d) the concept of the electronic person (agent) – new subject of legal relationship. The definition of the electronic person was found in the opinia of the Acsenova author, and it is considered to be the holder of the AI, that has an intellect equal to a human being and is able to take decisions independently. The electronic person is considered a separate subject and it is proposed to have rights and duties.³¹ The opinion of the author Zaloilo and Acsenova are well motivated and grounded and is

³⁰ Law on non-commercial organizations no 86/2020 from 27.07.2020. In Official Monitor of the Republic of Moldova no 56-58 from 01.08.2020 available at:

https://www.legis.md/cautare/getResults?doc_id=129338&lang=ro_

³¹ М. Залойло, *op.cit.*, 2021, p.44.

well accepted as the new electronic person would hold the elements necessary to be granted the personhood and to exercise rights and liabilities. So, in a nutshell the electronic person would satisfy the requirements of the legislation in force to assume liabilities and to bear liability for the assumed rights. It will basically be considered as a new subject of the civil legal relations that might be declared equal to other subjects that exist already and are settled by the legislation in force.

It is obviously that such a huge development is quite risky and need to be carefully examined and well related in the new drafts of the legislation, but as it is exists today being neglected and not transposed in the legislation does not promise a very efficient way, or it might be taken as a catalyst to take responsibility the subjects that does not exist yet.

Conclusions

In conclusion, AI and other categories as robots and technologies, catalysed from the emergence of the fourth industrial revolution. AI technologies became part of our daily personal life and business operations. Majority industries have experienced transformation and experienced positive increase of the revenue and processes. Never the less, there are still concerns to be addressed and to implement them into the legal framework of the countries. Starting implementation into practical aspects and in particular into the legislative drafts, will help to make the journey from a hobby to expert easy. It is necessary to implement to only by legislative aspects but parallel with informative and training aspects of the subjects involved into this area.

It is worth to emphasize that it is still unclear the status of the AI in the mechanism of the civil legal relations. However, there were given arguments in favour of the defining the AI as subject in base of the example of the corporations and its mode of activity and operating, as well as the tentative to grant status to animals, oceans, rivers, trees, fetuses etc.

In the same time the AI was characterized through the main elements as described above: personification of a set of rules, status of role, legal capacity to hold rights and bear responsibilities, subject of rights. As it was mentioned the limits and bias that exist is the personal data control and restrictions, the control over the AI and its superpowers.

At a final note, we should observe that the mere design of an applicable liability regime for robot technologies is not only mechanism by which to incentivise further automation. In the same manner the author mentioned the correlation of the liability of the non-governmental organizations and the AI as having the same goal and in term of negligent liability. Insurance might be a remedy to be applicable for AI and other subjects can mitigate high adoption costs. Also, in case of the AI the extension liability of the final

beneficiary would work due to the fact that the ultimate beneficiary is an individual and this might be liable for the actions of the AI.

References:

Anifowose, F., "The basic elements of artificial intelligence and recipe for a successful career kick start", available at: <https://jpt.spe.org/twa/the-basic-elements-of-artificial-intelligence-and-recipe-for-a-successful-career-kick-start>.

Artificial Intelligence Act no COM (2021) 0206 – C9-0146/2021 – 2021/0106 (COD) from 13 March 2024. European Parliament (2024). available at: https://www.europarl.europa.eu/doceo/document/TA-9-2024-0138_EN.pdf.

Bayern, Sh., (2016), "The implications of modern business-entity law for the regulation of autonomous systems", available at: https://law.stanford.edu/wp-content/uploads/2017/11/19-1-4-bayern-final_o.pdf.

Bostrom, N., (2016), *Superintelligence: Paths, dangers, strategies*. Oxford: Oxford University Press, 2016, 300 p., p. 157-173.

Chopra, S., White, L., (2004), "Personhood in law and philosophy", in *European Conference on Artificial Intelligence*, available at: <https://www.sci.brooklyn.cuny.edu/~schopra/agentlawsub.pdf>.

Civil Code of RM no. 1107 of June 06, 2002. In: Official Monitor of the Republic of Moldova no 66-75 from 1st March 2019, Available at: <https://weblex.md/item/view/iddbtype/1/id/5479a0609dbc5661908e5a2d6841538e>.

Civil Code of Romanian no. 287 of July 17, 2009, In: Official Monitor of Romania no 409 from 10.06.2011, available at: [https://portal.just.ro/300/SiteAssets/SitePages/bine/Codul%20Civil%202009\(r1\).pdf](https://portal.just.ro/300/SiteAssets/SitePages/bine/Codul%20Civil%202009(r1).pdf).

Constitution of the Republic of Ecuador adopted by the National Assembly Legislative and Oversight Committee of Ecuador 2008, available at: <https://pdba.georgetown.edu/Constitutions/Ecuador/english08.html>.

De Castro y Bravo, F., (2008), "Derecho Civil de España", [Civil law of Spain], Vol. 3, Madrid, Spain: Civitas, 2400 p.

Guerra, A., Parisi, F., Pi, D. (2022), "Liability for robots I: legal challenges", in *Journal of Institutional Economics* Vol. 3, No. (18), p.553-568.

Law on non-commercial organizations no 86/2020 from 27.07.2020. In Official Monitor of the Republic of Moldova no 56-58 from 01.08.2020, available at:

https://www.legis.md/cautare/getResults?doc_id=129338&lang=ro.

Pistriuga, V., (2022), "Stabilirea identității solicitanților asistenței notariale și provocări contemporane", pp. 254-256, available at: https://ibn.idsi.md/sites/default/files/imag_file/254-256_7.pdf.

Razamani, A., (2024), "SUPACE: Inteligența artificială în instanțele de judecată indiene", [SUPACE: AI in Indian courts] available at: <https://www.justitietransparenta.md/supace-artificial-intelligence-indian-courts/>.

Regulation (EU) No 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02016R0679-20160504&qid=1532348683434>

Regulation (EU) No 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02016R0679-20160504&qid=1532348683434>

Rizoiu, R., (2023), "I want to be a real boy! A.I. between subject and object in smart contracts", available at: <http://dspace.usm.md:8080/xmlui/handle/123456789/16357> 2023.

Schroedel, J., (2000), "Is the Fetus a Person? Ithaca and London". NY: Cornell University Press; Reprint edition, 240 p., p. 40-140.

Stone, Ch. D., (1972), "Should trees have standing? Toward legal rights for Natural Objects ", in *Southern California Law Review*, Vol. 45, p. 450-501.

The Awa Tupua (Whanganui River Claims Settlement) Act from 20.03.2017. Adopted by Parliamentary Council Office of New Zealand, 2017. available at: <https://www.legislation.govt.nz/act/public/2017/0007/latest/DLM6831607.html>.

Varner, G. E., (2015), "Ethics and Animal Cognition: Situating Animals in Hare's Two-Level Utilitarianism", in *Ethics, Policy & Environment*, Vol. 18, No,2, p. 226-232.

Yampolskiy, R., "AI Personhood rights and laws", in *Machine Law, Ethics, and Morality in the Age of Artificial Intelligence* (p.1-11), available at:

[https://www.researchgate.net/publication/348123023_AI_Personhood_Rights_and_Laws].

Yampolskiy, R., "Human Indignity: From legal AI Personhood to Selfish Memes", p.3, 2021, available at:

https://www.researchgate.net/publication/348123023_AI_Personhood_Rights_and_Laws.

Ziesche, S., Yampolskiy, R., (2022), "The problem of AI identity", available at: <https://philarchive.org/rec/ZIETPO-7>.

Аксенова, М., "Концепция "электронного лица" в правовом пространстве" [The electronic entity concept in the legal framework], in Юрист, 2021, p. 18-24.

Залойло, М., Искусственный интеллект в праве. [Artificial Intelligence and the law]. Научно-практическое пособие. Москва: Инфотропик Медиа, 2021, p. 37-51.

THE SUFI SPIRIT: UNVEILING THE DYNAMICS OF SOCIAL ALTRUISM IN THE GLOBAL INFLUENCE OF THE HIZMET MOVEMENT

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Abstract: *This study explores the experimentation and role of Sufism within social movements, specifically in dealing with the Hizmet Movement, which serves as a faith-based social activism in the contemporary era. The findings of this research highlight that the Hizmet Movement embodies the values of Sufism, fostering genuine social dedication and emphasising altruistic service as a manifestation of reality. These values are articulated in a vision called "life for others." The Hizmet Movement boasts a wide-ranging network comprising participants in social activism, voluntary donors, study centres, and institutional connections. The effectiveness of Hizmet's activism is attributed to its human resources, which include Fethullah Gülen as the central figure, sohbet (spiritual conversations), active participants, volunteer contributors, and a broader base of supporters. The combination of these values, networks, human resources, and a commitment to social altruism has enabled Hizmet to emerge as one of the most globally influential social movements, operating in over 160 countries. This study posits that, aside from values, networks, and human resources, the principle of*

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social altruism has played a pivotal role in underpinning the progress of this social movement.

Keywords: *Sufism; Hizmet movement; social altruism; global influence; faith-based activism.*

Introduction

The Hizmet movement is a faith-based social movement pioneered by Muhammad Fethullah Gülen¹. Rooted in Sufism, this movement has rapidly expanded to become one of the most globalised movements in the world². The term “Hizmet” refers to a transnational Islamic social movement inspired by Gülen's teachings, which emphasises altruistic service to the public³. These teachings have garnered significant support in Turkey, Central Asia, and over 160 other countries, as indicated by Ali Unsal in an interview on January 15, 2014 and October 20, 2020. This phenomenon warrants thorough examination in the context of contemporary social and religious movements^{4,5}.

While there have been numerous studies on social and religious movements, there is a noticeable dearth of research on the relationship between Sufism and social movements^{6,7}. Additionally, while there are studies on the Hizmet-Gülen movement and social movements, few focus on the Hizmet-Gülen movement from the perspective of Sufism and its relationship with social movements. For example, the Sanaa study stands as a notable exception⁸. Many other studies tend to highlight the political

¹ M. Fethullah Gülen, *Key Concepts in the Practice of Sufism* (Fairfax: The Fountain, 1999); M. Fethullah Gülen, *Al-Qulub Al-Dari`ah* (n.p.: Dar al-Nashr, 2004).

² “Turkish School Declared Most Successful in Denmark,” *Hizmet Movement News Portal*, August 2015.

³ Paul Weller, *Fethullah Gülen’s Teaching and Practice* (Cham: Springer International Publishing, 2022), <https://doi.org/10.1007/978-3-030-97363-6>.

⁴ Anri R. Chedia, “Activities of the Turkish Maarif Educational Foundation in Confrontation with the Hizmet Movement,” *Vestnik RUDN. International Relations* 23, no. 4 (December 2023): 620–42, <https://doi.org/10.22363/2313-0660-2023-23-4-620-642>.

⁵ Pavel Shlykov, “Cemaats in the Realm of Social and Civil Activity in Turkey: Historical and Modern Dimensions,” *ISTORIYA* 14, no. 10 (132) (2023), <https://doi.org/10.18254/S207987840028452-6>.

⁶ Nur Kafid, “SUFISME DALAM DINAMIKA KEHIDUPAN MASYARAKAT MUSLIM KONTEMPORER,” *Mimbar Agama Budaya* 37, no. 1 (2020), <https://doi.org/10.15408/mimbar.v37i1.18232>.

⁷ Muhammad Hifdil Islam and Mohammad Hilmy Baihaqy Yussof, “Development of Multicultural Education Through Sufism’s Value of Satlogi Santri in Pesantren,” *Al-Hayat: Journal of Islamic Education* 8, no. 2 (2024): 633, <https://doi.org/10.35723/ajie.v8i2.529>.

⁸ Sanaa El-Banna, *Resource Mobilization in Gulen-Inspired Hizmet: A New Type of Social Movement* (New Jersey: Blue Dome Press, 2014).

conflicts between the Gülenists and President Erdogan, as critically described in studies by^{9,10,11,12}. The most recent study examines various articles addressing the changing circumstances and future direction of the Hizmet-Gülen movement following the attempted coup in Turkey and the subsequent crackdown by the Turkish government¹³. These events have posed an existential crisis for the movement and left its members in transnational political exile. Additionally, several studies have explored the intersection of social movements with various aspects, such as the works of^{14,15}, which delves into the connection between social movements and values. Similarly, studies by^{16,17} focus on the relationship between social movements and networks, while Edwards & McCarthy's research examines social movements and human resources¹⁸. These studies above primarily concentrate on the Hizmet movement in the context of resource mobilisation and political dimensions within the realm of social movement research¹⁹. However, there is a noticeable gap in the literature when it comes

⁹ Gabrielle Angey, "The Gülen Movement and the Transfer of a Political Conflict from Turkey to Senegal," *Politics, Religion & Ideology* 19, no. 1 (2018): 53–68.

¹⁰ M Hakan Yavuz, "A Framework for Understanding the Intra-Islamist Conflict between the AK Party and the Gülen Movement," *Politics, Religion & Ideology* 19, no. 1 (2018): 11–32.

¹¹ Hakkı Taş, "A History of Turkey's AKP-Gülen Conflict," *Mediterranean Politics* 23, no. 3 (2018): 395–402.

¹² Simon P Watmough and Ahmet Erdi Öztürk, "The Future of the Gülen Movement in Transnational Political Exile: Introduction to the Special Issue," *Politics, Religion & Ideology* 19, no. 1 (2018): 1–10.

¹³ Muhammad Tahir and Muhammad Nur Sholeh Elbarqi, "State, Secularism, and the Management of Islamic Proselytizing Movement in Türkiye: The Case of Hayrat Vakfi Organization," *QIJIS (Qudus International Journal of Islamic Studies)* 11, no. 1 (August 2023): 177, <https://doi.org/10.21043/qijis.v11i1.18357>.

¹⁴ Todd Nicholas Fuist, "The Dramatization of Beliefs, Values, and Allegiances: Ideological Performances among Social Movement Groups and Religious Organizations," *Social Movement Studies* 13, no. 4 (2014): 427–42.

¹⁵ Feyza Burak-Adli, "Agent of Change or Guardian of Tradition?: Sufism, Gender, and Nationalism in Cold War Turkey," *Culture and Religion* 24, no. 2 (April 2024): 156–81, <https://doi.org/10.1080/14755610.2024.2420982>.

¹⁶ Erich J Sommerfeldt and Aimei Yang, "Relationship Networks as Strategic Issues Management: An Issue-Stage Framework of Social Movement Organization Network Strategies," *Public Relations Review* 43, no. 4 (2017): 829–39.

¹⁷ Michael D Conover et al., "The Geospatial Characteristics of a Social Movement Communication Network," *PLoS ONE* 8, no. 3 (2013): 1–8, <https://doi.org/10.1371/journal.pone.0055957>.

¹⁸ Tricia Niesz, "Activist Educators and the Production, Circulation, and Impact of Social Movement Knowledge," *Critical Education* 12, no. 7 (2021), <https://doi.org/https://doi.org/10.14288/ce.v12i7.186577>.

¹⁹ Sureyya Nur Cicek, "How Purposive Intention Modifies Actions: The Conception of Altruism in the Hizmet Movement in Australia," *Journal of Muslim Minority Affairs* 40, no. 3 (July 2020): 513–38, <https://doi.org/10.1080/13602004.2020.1819131>.

to examining the Hizmet movement as a social movement in relation to the experiences of Sufism.

Furthermore, the studies mentioned also emphasise social movements in relation to values, networks, and human resources. However, there is a dearth of research on the connection between social movements and social altruism. Therefore, the present study aims to fill this void by exploring the interaction between the Hizmet movement and Sufism.

In broader academic discourse, other comprehensive studies have adopted the perspective of the new social movement theory. These studies, conducted by scholars such as^{20,21,22,23}, have delved into various aspects of democratic media activism, Islamic new social movements, social change, the middle class, and the emergence of ‘new social movements.’ However, none of these studies have specifically examined the relationship between social movements and Sufism. This research seizes the opportunity to address this gap in the literature.

This study places a premium on the Gülen-Hizmet movement to underscore the significant role of Sufism in its global reach. Gülen’s infusion of Sufism has greatly contributed to the success of his movement, attracting attention from various institutions and the international community²⁴. Gülen has received awards such as being recognised as one of the “2008 Top 100 Public Intellectuals” by Prospect Magazine-UK and Foreign Policy Magazine-USA²⁵, ranking 13th on the list of the “50 Most Influential Muslim Notables of 2009” by the Royal Islamic Strategic Studies Center in Amman, Jordan²⁶, receiving an honorary doctorate from Leeds Metropolitan University in 2010²⁷, being listed as one of the “100 Most Influential World Notables of 2013” by TIME Magazine²⁸, and receiving the “2015 Gandhi

²⁰ Steven M. Buechler, “New Social Movement Theory,” in *The Blackwell Encyclopedia of Sociology* (Wiley, 2015),

<https://doi.org/10.1002/9781405165518.wbeosn022.pub2>.

²¹ William K Carroll and Robert A Hackett, “Democratic Media Activism through the Lens of Social Movement Theory,” *Media, Culture & Society* 28, no. 1 (2006): 83–104.

²² Philip Sutton and Stephen Vertigans, “Islamic” New Social Movements”? Radical Islam, Al-Qa’ida and Social Movement Theory,” *Mobilisation: An International Quarterly* 11, no. 1 (2006): 101–15.

²³ Paul Bagguley, “Social Change, the Middle Class and the Emergence of ‘New Social Movements’: A Critical Analysis,” *The Sociological Review* 40, no. 1 (1992): 26–48.

²⁴ Ozcan Keles, *Rethinking Islam and Human Rights* (Oxford University Press New York, 2023), <https://doi.org/10.1093/oso/9780197662489.001.0001>.

²⁵ Ehsan Masood, “A Modern Ottoman,” *Prospect Magazine*, July 2008.

²⁶ John L. Esposito and Ibrahim Kalin, eds., “Hodjaefendi Fethullah Gülen: Turkish Muslim Preacher,” in *The 500 Most Influential Muslims 2009* (Amman, Yordania: The Royal Islamic Strategic Studies Centre, 2009), 46–47.

²⁷ The Gülen Institute, *Fethullah Gülen & the Movement of Volunteers in the Media* (Istanbul: Dialog Academic, 2010).

²⁸ “The 2013 TIME 100,” *Time*, April 2013.

King Ikeda Peace Award” from the Martin Luther King Jr. International Chapel at Morehouse College for his lifelong dedication to peace and human rights promotion²⁹.

In conclusion, this study aims to investigate the role of Sufism in the activism of the Hizmet movement and its impact on social movements. The author adopts the new social movement theory perspective to examine this focus within the context of contemporary collective action, such as the Hizmet movement. The study first defines the Hizmet movement as a social movement, then explores the interaction of Sufism with the Hizmet, and finally examines the role of Sufism within the Hizmet.

Method

There were two issues examined and discussed in this research: (1) the experience of Hizmet as a social movement and (2) the role of Sufism in the Hizmet movement's activism, particularly its success factors. To address these issues, this study employed a qualitative approach, utilising methods such as observation, interviews, and documentary research for data collection. The analysis was conducted using the interactive analysis model developed by Miles and Huberman^{30,31}.

The study adopted the theoretical perspective of the New Social Movements (NSMs) theory. As described by Buechler, NSMs are organised around various factors like gender, race, ethnicity, youth, sexuality, spirituality, counter-cultures, environmentalism, animal rights, pacifism, human rights, and more³². Additionally, Buechler discussed the insights of major theorists, including Castells³³, Touraine³⁴, Habermas³⁵, and

²⁹ John S. Wilson, “Fethullah Gülen: 2015 Gandhi King Ikeda Peace Award,” in *30th Anniversary Martin Luther King Jr., College of Ministers & Laity* (Atlanta, Georgia: Morehouse College, Martin Luther King Jr. International Chapel, 2015).

³⁰ Matthew B Miles, A Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, Thousand Oaks, CA: Sage, 2014.

³¹ Matthew B Miles and A Michael Huberman, *Qualitative Data Analysis: An Expanded Sourcebook* (sage, 1994).

³² Steven M Buechler, *The Encyclopedia of Applied Linguistics*, ed. Carol A. Chapelle, *The Encyclopedia of Applied Linguistics* (Wiley, 2012), <https://doi.org/10.1002/9781405198431>.

³³ Manuel Castells, *The City and the Grassroots: A Cross-Cultural Theory of Urban Social Movements* (Berkeley: University of California Press, 1983).

³⁴ Alain Touraine, *The Voice and the Eye: An Analysis of Social Movements* (Cambridge: Cambridge University Press Cambridge, 1981); Alain Touraine, “An Introduction to the Study of Social Movements,” *Social Research* 52, no. 4 (1985): 749–87.

³⁵ Jürgen Habermas, *The Theory of Communicative Action*, Vol. 2 (Boston: Beacon Press, 1987).

Melucci³⁶, in analysing contemporary forms of collective action³⁷. He also introduced a typological differentiation between 'political' and 'cultural' versions of the new social movement theory. Moreover, he identified eight recurring themes within new social movement theories proposed by these theorists. These themes include the formation of distinct social groups, causal connections between NSMs and the contemporary social landscape, the broad social base of NSMs, the significance of collective identity in social protest, the blending of individual and collective aspects in the politicisation of everyday life, the values promoted by NSMs, the utilisation of cultural and symbolic resistance in conjunction with or in place of traditional political strategies, and a preference for decentralised, egalitarian, participatory, prefigurative, and ad hoc organisational structures³⁸.

Buechler reaffirmed the importance of these eight themes in the context of NSMs. These themes distinguish NSMT from classical Marxism and resource mobilization or political process theories, emphasising political contention, material resources, formal organisation, and instrumental success. They also suggest some common concerns between NSMT and collective behaviour or social constructionist approaches, emphasising symbolic meaning, grievance articulation, fluid processes, and malleable identities. Having described NSMT, it is also important to acknowledge some internal variations in this paradigm as it emerged in European sociology³⁹.

Results and Discussion

Hizmet as a Social Movement

The Hizmet movement is one of many social movements worldwide. Naomi Blumberg has documented 61 social movements in 23 countries and various regions across the globe⁴⁰. Crystal Paul has outlined the ten most significant social movements of the 2010s and their impact on Seattle. These movements encompass criminal justice reform, the Occupy movement, LGBTQ+ rights, marijuana legalisation/decriminalisation, gun control and gun rights, Black Lives Matter, Standing Rock, Mauna Kea, MMIW & Indigenous rights, new populism (including #MeToo), and climate strikes⁴¹.

³⁶ Alberto Melucci, *Nomads of the Present*, Ed. John Keane and Paul Mier (Philadelphia: Philadelphia: Temple University Press, 1989); Alberto Melucci, *Challenging Codes: Collective Action in the Information Age* (Cambridge: Cambridge University Press, 1996).

³⁷ Steven M Buechler, "New Social Movement Theories," *Sociological Quarterly* 36, no. 3 (1995): 441–64, <https://doi.org/10.1111/j.1533-8525.1995.tb00447.x>.

³⁸ Buechler, *Encycl. Appl. Linguist.*

³⁹ Alberto Melucci, *The Symbolic Challenge of Contemporary Movements*, In *New Critical Writings in Political Sociology* (Routledge, 2024).

⁴⁰ Naomi Blumberg, "List of Social Movements," in *Encyclopaedia Britannica* (Britannica, 2020).

⁴¹ Crystal Paul, "A Look Back at 10 of the Biggest Social Movements of the 2010s, and How They Shaped Seattle," *The Seattle Times*, December 2019.

Additionally, Madeline Schwartz and Erica Sanchez have highlighted social movements that have contributed to positive change globally, including women's right to vote, the civil rights movement, the LGBT rights movement, internal resistance against apartheid, and the environmental movement⁴². These movements focus on protest, the pursuit of rights, and environmental concerns as central themes.

On the other hand, within the contemporary Islamic world, there are Sufism-based movements, such as the Jama'at Tabligh movement, M.R. Bawa Muhaiyaddeen's movement, and the Gülen-Hizmet movement. The Jama'at Tabligh movement, as analysed by Sajid Abdul Kayum⁴³ and Bruinessen-Howell⁴⁴, emphasises the promotion of classical values in behaviour alongside adaptability to contemporary developments, including scientific progress, skill mastery, and professionalism⁴⁵. Muhaiyaddeen's movement advocates peace and upholds human values in its activities and endeavors⁴⁶. Furthermore, Gülen's Hizmet movement is dedicated to fostering love, tolerance, pluralism, and humanism to create a more peaceful and respectful world for the future. Gülen actively promotes interfaith and intercultural dialogues as a strategic approach⁴⁷.

The Hizmet movement is derived from Gulen's teachings, which emphasise Hizmet, or altruistic service to the general public. These teachings have garnered substantial support in Turkey, Central Asia, and over 160 countries worldwide, as reported by Ali Unsal. The movement draws inspiration primarily from interfaith and cross-cultural education and dialogue, as well as social assistance and services. Notably, Hizmet activists are guided by the principle of providing sincere service, exemplified by doctors volunteering their services in affected regions free of charge⁴⁸.

⁴² Madeline Schwartz and Erica Sanchez, "Social Movements That Changed Our World for the Better," *Global Citizen* (New York, London, Canada, South Africa, 2020).

⁴³ Sajid Abdul Kayum, *The Jamaat Tableegh and the Deobandis: A Critical Analysis of Their Beliefs, Books, and Dawah* (Ahya Multi-Media, 2001).

⁴⁴ John O. Voll, "Contemporary Sufism and Current Social Theory," in *Sufism and the 'Modern' in Islam*, ed. Martin van Bruinessen and Julia D. Howel (New York: I.B.Tauris, 2007), 478–514, <https://doi.org/10.5040/9780755607983.ch-015>.

⁴⁵ Jan A. Ali, "Tabligh Jama'at as an Emulatable Model of Faith Renewal," in *Handbook of Contemporary Islam and Muslim Lives* (Cham: Springer International Publishing, 2020), 1–21, https://doi.org/10.1007/978-3-319-73653-2_85-1.

⁴⁶ Mohammad Hashim Kamali, "Islam and Peace: Principles, Realities and Aspirations," *The Journal of Diplomacy and Foreign Relations* 20, no. 1 (2021): 1–19.

⁴⁷ Nuriddin Sultanmuratov et al., "KAZAKH-TURKISH LYCEUMS: PROMOTION OF GÜLENISM IN KAZAKHSTAN," *Central Asia and The Caucasus* 21, no. 2 (June 2020): 017–027, <https://doi.org/10.37178/ca-c.20.2.02>.

⁴⁸ Emine Neval, "Sohbet Revitalization of the Hizmet/Gülen Movement in Finland through Spiritual Gatherings," *Approaching Religion* 14, no. 2 (April 2024): 93–112, <https://doi.org/10.30664/ar.137072>.

Within the framework of the New Social Movement theory, Hizmet is considered a new social movement within the realm of spirituality, falling under one of the eleven fields identified by Buechler⁴⁹. Hizmet aligns most closely with the eighth theme, which centres on a preference for decentralised, egalitarian, participatory, prefigurative, and ad hoc organisational structures. This theme is more closely related to Melucci's theory than the theories of Castells, Touraine, and Habermas. As per this theme, the organisation of Hizmet symbolically represents its members' values and identities. The movement functions as a cultural laboratory, demonstrating the reality of this theme through two key discussions.

When Sufism Influences the Hizmet Movement

Based on the teachings, Sufism, which originally derived from the Hadith of the Prophet about *al-ihsan*, has evolved through interpretations in both conceptual and practical dimensions. This expansion is largely attributed to factors influencing the interpretation perspective and key indications in practice⁵⁰. These factors have transformed Sufism from a doctrinal or conceptual teaching into a practical instrument. The term 'Sufism' emerged as a concept of behaviour stemming from the Sufi concept of *tasawwuf*. The term 'Sufi' first appeared in the middle of the third century of Hijriyah, introduced by Abu Hashim al-Kufi (d. 250 H), who appended the term al-Sufi to his name⁵¹.

Conceptually, Sufism is the actualisation of *tasawwuf* in practice. Sufism encompasses three forms of activity: (a) purification activities of the soul, (b) Sufi behavioural activity, and (c) Sufi movement activity. These activities draw inspiration from various Sufi scholars, including al-Imam al-Ghazali^{52,53}, Abu Bakr al-Kattani⁵⁴, Abd al-Halim Mahmoud, Ibn 'Ata' 'Allah

⁴⁹ Buechler, *Encycl. Appl. Linguist.*

⁵⁰ Eyyup Akdağ, "Sûfilerle İsim Arayışları ve Tasavvuf Kelimesinin Menşei Meselesi," *Cumhuriyet İlahiyat Dergisi* 23, no. 2 (December 2019): 715–37, <https://doi.org/10.18505/cuid.620070>.

⁵¹ Christopher Melchert, "Sufis, Renunciants, and Worshippers in Tārīkh Baghdād," *Journal of Sufi Studies* 13, no. 1 (2024): 1–16, <https://doi.org/DOI 10.1163/22105956-12341340>.

⁵² Carole Hillenbrand, "Al-Ghazālī," in *Routledge Handbook on Sufism* (New York: Routledge, 2020.: Routledge, 2020), 63–74, <https://doi.org/10.4324/9781315175348-6>.

⁵³ Siddig Ahmad and Wan Suhaimi Wan Abdullah, "Falsafah Maqasid Al-Quran Imam Al-Ghazali Dan Faham Ilmu," *International Journal of Islamic Thought* 23, no. 1 (June 2023), <https://doi.org/10.24035/ijit.23.2023.262>.

⁵⁴ Muhammad Fauzhan 'Azima, "Tasawuf Substantif: Santapan Rohani Masyarakat Modern," *Tamaddun Journal of Islamic Studies* 1, no. 2 (June 2022): 102–11, <https://doi.org/10.55657/tajis.v1i2.44>.

al-Sakandari, Ibn Taymiyah⁵⁵, Abu al-Wafa' al-Taftazani, Abu Muhammad al-Jariri, and Seyyed Hossein Nasr⁵⁶.

The insights of these Sufi experts have informed the identification of four key components of Sufism. The first component is the theological foundation, encompassing two aspects: (1) Sufism as a means of purifying the soul for Allah, and (2) Sufism as a *wasilah* (intermediary) that cleanses negative traits from the heart, severs connections to negative traits and directs the powers of the soul toward Allah. The second component is the spiritual dimension, consisting of two aspects: (1) Sufism as the essence of life, manifesting in social and intellectual contexts, and (2) Sufism as a balancing force reconciling worldly success and lawful pleasures. The third component involves the embodiment of noble character. It includes seven aspects: the simplicity of life, commitment to worship and religious rituals, lack of reliance on supernatural grace, adornment with noble character and rejection of low morals, freedom, magnanimity, and a commitment to virtuous behaviour^{57,58}. The fourth component focuses on practical orientation and comprises five aspects: the acquisition of spiritual values to navigate materialistic life, the ability to confront life's challenges, introspection for self-improvement, moderation in life, and freedom from the bondage of material wealth or status⁵⁹.

These components provide a comprehensive understanding of Sufism as a dimension of behaviour, encompassing theological foundations, spiritual aspects, the embodiment of noble character, and practical orientation. The latter two components, particularly, find expression in practical action. These insights can be applied to understand social movements rooted in Sufism, such as the Gülen Hizmet movement⁶⁰.

In the Hizmet movement, Sufism serves as a moral underpinning for the social movement, strongly emphasising sincere dedication to social practice. This dedication aligns with the third and fourth Sufism

⁵⁵ Ibnu Taymiyah, *Al-Iman* (Kairo: Al-Tiba'at al-Muhammadiyah, n.d.).

⁵⁶ Amat Zuhri, *Tasawuf Falsafi Dan Problem Modernitas* (Jawa Tengah: PT Nasya Expanding Management, 2023).

⁵⁷ Nurbayani Nurbayani and Amiruddin Amiruddin, "Teacher Strategies in Implementing Religious Moderation Values in Islamic Educational Institutions," *Al-Hayat: Journal of Islamic Education* 8, no. 2 (2024): 778,

<https://doi.org/10.35723/ajie.v8i2.672>.

⁵⁸ Ikhwanul Abrori et al., "Strengthening Islamic Religious Education Values in Developing Independent Character," *Al-Hayat: Journal of Islamic Education* 8, no. 3 (2024): 1135–57, <https://doi.org/10.35723/ajie.v8i3.580>.

⁵⁹ Meirison and M. Harir Muzakki, "IMPLEMENTING THE SPIRIT OF JIHAD IN SUFIS," *Jurnal Theologia* 31, no. 1 (2020), <https://doi.org/10.21580/teo.2020.31.1.5378>.

⁶⁰ Johannes Twardella, "Die Gülen-Bewegung Religionssoziologisch Gedeutet," *Zeitschrift Für Religions- Und Geistesgeschichte* 76, no. 2 (March 2024): 112–29, <https://doi.org/10.1163/15700739-07602003>.

components, namely the embodiment of noble character and practical orientation. The Hizmet movement substantiates these components by the theological foundation and spiritual dimension, as explained below.

The Hizmet movement, also known as the Gülen movement or the Gülen-Hizmet movement, is a method within Gülen's teachings that emphasises practical action as an example (*uswah*). With this emphasis, Hizmet has become the focal point for various methods, techniques, and tactics for conveying the message to diverse regions worldwide⁶¹. This has led to the publication of works such as “The Gülen Movement: Civic Service without Borders” by Muhammad Cetin⁶².

The commitment of Hizmet movement members is a source of considerable strength that extends to various parts of the world. Consequently, an important aspect to explore is what lies behind this strength. After thorough research, it was found that Hizmetists receive intellectual-cognitive, spiritual, theological, and moral guidance that provides them with significant energy. Field phenomenological data strongly support the understanding of the movement's substantial power, channelled from Gülen to students, Hizmetists, and active movement participants, along with international figures, academics, media figures, and entrepreneurs.

First, the supply of intellectual-cognitive energy is facilitated through direct teaching and Gülen's extensive publications. These books, which focus on the Prophet Muhammad and Islam, are tailored to Gülen's students who are familiar with Islamic traditions and promote Islam as the superior religion⁶³. *Second*, spiritual energy is channelled through the tradition of reading the "Risale-i Nur" by Said Nursi. This tradition involves joint readings before beginning work, and it fosters a sense of spirituality and unity among Hizmet movement participants (interviews with Ibrahim Terzizade, Yusuf Altuntas, and Dahrul Muhtadin at the Fethullah Gülen Chair at the UIN Syarif Hidayatullah Jakarta, Indonesia, on January 15, 2014). *Third*, theological energy is directly delivered to Gülen's students through his teachings, contributing to their spiritual and theological awareness⁶⁴. *Fourth*, moral guidance plays a crucial role in shaping the

⁶¹ Recep Dogan, “The Gülen Movement,” in *Political Islamists in Turkey and the Gülen Movement* (Cham: Springer International Publishing, 2020), 41–49, https://doi.org/10.1007/978-3-030-29757-2_3.

⁶² Muhammad Cetin, *The Gülen Movement Civic Service without Borders* (New York: Blue Dome Press, 2010).

⁶³ Pim Valkenberg, “The Intellectual Dimension of the Hizmet Movement: A Discourse Analysis,” in *Mapping the Gülen Movement: A Multidimensional Approach (International Gülen Conference)*, ed. Dogu Ergil (Amsterdam: Dialoog Academie, 2010).

⁶⁴ Ahmad Sunawari Long, Mohd Hatib Ismail, and Zul Azmi Yaakob, “Fethullah Gülen: Interfaith Dialogue as a Way to the Global Peace,” *International Journal of Islamic Thought* 21 (2022): 13–23, <https://doi.org/10.24035/ijit.21.2022.221>.

character and activities of Hizmet activists, promoting integrity and virtuous behaviour. This guidance is integral to Hizmet's operations and its impact on society.

The Hizmet is conducted in 160 countries, without politics and no donations from the government. Hizmet people must: (1) have faith, (2) imitate the *sunnah* of the Messenger, (3) be responsibility, (4) honest, (5) *`afifi* (chastity), (6) focus on dedication, (7) live for another, not themselves (service). Hizmet people have to sacrifice, do not like conflict, like cooperation with others (interview with Ali Unsal, Jakarta, 15 Jan 2014). The essence of moral guidance shines through one's commitment to life through service and collaboration with others.

The role of Sufism within the Hizmet movement

The Hizmet movement is an exceptionally successful international initiative. An article on the Hizmet Movement News Portal suggests that the movement is estimated to have around eight million followers. Estimating its true extent, however, is challenging without an official membership list. Hizmet has become a peaceful, internationalist, modern, and moderate alternative to more radical Sunni Islamic factions. This group strongly emphasises interreligious dialogue, education, and a cosmopolitan worldview⁶⁵. A prominent sociologist has referred to it as the most global movement in the world⁶⁶.

When examining the evolution of the movement's identity over time, it becomes evident that the influential personality of Gülen played a significant role within Hizmet. However, a closer analysis reveals that Sufism has progressively become a pivotal factor in the movement's success and collective consciousness⁶⁷. These roles can be attributed to Sufism as a source of inspiration for Hizmet.

Sufism as the Spirit of Selfless Service

The authors have traced the roots of the spirit of selfless service within the Hizmet movement to Gülen's teachings. Initial observations align with the findings of Marcia Hermansen's study, which identified selfless service as one of the keys to the Gülen movement's success.

⁶⁵ M. Yunus Abu Bakar, Mardiyah, and Afiful Ikhwan, "Religious Moderation Phenomenon in Indonesia: The Role of KH. M. Hasyim As'ari Principles of Thought," *Cogito* XV, no. 1 March (2023): 80–104.

⁶⁶ Sedat Gümüş et al., "Instructional Leadership in a Centralised and Competitive Educational System: A Qualitative Meta-Synthesis of Research from Turkey," *Journal of Educational Administration* 59, no. 6 (October 11, 2021): 702–20,

<https://doi.org/10.1108/JEA-04-2021-0073>.

⁶⁷ Long, Ismail, and Yaakob, "Fethullah Gülen: Interfaith Dialogue as a Way to the Global Peace."

Gülen is a spiritual teacher and a leader. Three main factors are behind the success of the Gülen movement, which in the course of time is subject to the profession of a teacher, the tolerance, which has the Turkish culture as its origin and obtains its form in Gülen movement and the absence of any expectations in return of their service⁶⁸.

Hermansen's perspective underscores that selfless service is one of the three key factors contributing to the success of the Gülen movement. The other two factors are (1) the significant role ascribed to the teaching profession and (2) the culture of tolerance rooted in Turkish traditions, which has taken shape within the Gülen movement.

As our understanding of the Hizmet movement evolves, it becomes increasingly holistic. Hakan Yavuz characterises Hizmet Gülen's followers as "Turkish Puritans"⁶⁹. While this may seem somewhat obscure, Barton points out that comprehending the term "to be a wasted line" is essential, particularly in the context of the 18th-century "New England Puritan" type.

Remarkably, numerous parallels can be drawn between Puritans in general and Hizmet leaders, as well as between Gülen and Puritan thinkers like Jonathan Edwards, Quaker thinkers such as John Woolman, and to some extent, Anglican thinkers such as John Wesley and Samuel Johnson. Furthermore, a more pronounced correlation exists with the subsequent movements in Christian education, both Protestant and Catholic, to date. This comparison proves valuable in facilitating a deeper understanding of various aspects of the Gülen Hizmet movement, which may be challenging to grasp within the limited confines of the Muslim world. It also helps bridge the "us and them" divide and the concept of "otherness" that separates Christians and Muslims, East and West, allowing for the recognition of common issues, shared values, and the exchange of experiences⁷⁰.

In all the diverse expressions and forms of Hizmet activities, there is a common source of inspiration, a spirit that finds its roots in Gülen's fundamental perspective as outlined in his work "Key Concepts in the Practice of Sufism." Here is an exploration of this spirit:

'Sufism' is a lifelong journey of unceasing effort leading to the Infinite One; it is a marathon to be run without pause, with yielding

⁶⁸ Chedia, "Activities of the Turkish Maarif Educational Foundation in Confrontation with the Hizmet Movement."

⁶⁹ Yavuz, "A Framework for Understanding the Intra-Islamist Conflict between the AK Party and the Gülen Movement."

⁷⁰ Greg Barton, "Preaching by Example and Learning for Life: Understanding the Gülen Hizmet in the Global Context of Religious Philanthropy and Civil Religion," in *Muslim World in Transition: Contributions of the Gülen Movement (International Gülen Conference Proceedings)*, ed. Yilmaz Ihsan (London, United Kingdom: Leed Metropolitan University Press, 2007), 650–62.

resolution, and without anticipating worldly pleasure and reward. In a practical dimension, Sufism becomes the search for the essence (reality) and implementation of that reality in one's own life. 'Sufism' is the spiritual life that a Muslim lives⁷¹.

Upon further investigation by the authors, the source of this spirit can be traced back to Gülen's work titled "Toward a Global Civilization of Love and Tolerance," where it is elucidated as follows:

Sufism is the spiritual life of Islam. Those who represent Islam according to the way of the Prophet and his Companions have never stepped outside this line. A tariqa is an institution that reaches the essence of religion within the framework of Sufism and by gaining God's approval, thus enabling people to achieve happiness in the world and the next⁷².

The spirit serves as a key to understanding the unwavering commitment of Hizmet activists, who always seem eager to enhance their lives. Within Hizmet, the focus is on spiritual fulfilment rather than the pursuit of social transactions. The essence of this condition is the dedication to spirituality, where life itself is a form of service (Arabic: al-hayat hiya al-khidmat). In academic terms, this concept aligns with what Gülen calls "shakh-i manevi," concerning the essence of reform in Islam.

Hermansen observes that Gülen's idea of renewal (*tajdid*) and renewer (*mujaddid*) emphasises the collective identity of the community rather than an individual leader⁷³. This perspective underscores Gülen's belief in the concept of the "golden generation" (Turkish: *altin nesil*) and the priority of education beyond the prominence of any single individual. From an individual's spiritual consciousness, the idea of "*shakh-i manevi*" expands into a collective consciousness, emphasising social responsibility and a life driven by empathy and service to others⁷⁴.

The pinnacle of the idea, Sufism as a spirit of selfless service, can be traced back to Gülen's statement in his "Pearls of Wisdom," which reads as follows:

Goodness, beauty, truthfulness, and virtue lie in the world's essence. Whatever happens, the world will one day find this essence,

⁷¹ Monika Wohlrab-Sahr and Levent Tezcan, "Islam in Europa: Institutionalisierung und Konflikt" (Baden-Baden: Nomos Verlagsgesellschaft mbH & Co. KG, 2022), <https://doi.org/10.5771/9783748931607>.

⁷² 'Azima, "Tasawuf Substantif: Santapan Rohani Masyarakat Modern."

⁷³ Marcia Hermansen, "Understandings of 'Community' within the Gülen Movement," in *Islam in the Contemporary World: The Fethullah Gülen Movement in Thought and Practice* (Texas, Somerset, New Jersey: the Rice University of Houston, 2005).

⁷⁴ Mehmet Evrim Altin, "Educational Mobilisation of the Society: Gülen Movement," *New Perspectives in Science Education - International Conference 2021*, no. 10 (2021).

and no one will be able to prevent that from happening. I have no other goal than to please God⁷⁵.

Gülen's declaration of "I have no other goal than to please God" validates Woodhall's examination of Gülen's absence of unity and immense inspiration. As cited by Ünal and Williams, Woodhall elucidates that in January 1995, Nuriye Akman, a reporter for the Sabah newspaper, inquired of Gülen: "Can humility bring about a change in reality? With various community groups forming around you, are you not automatically a leader?" To this, Gülen responded:

I insist on saying 'I am not a leader' because I expressed my thoughts for 30 years in the pulpits (of mosques), and people sharing the same feelings and thoughts responded. For example, I said to them: 'Establish university preparatory courses. Establish schools.' They listened to what I said as an expression of their respect for me. This might have been a mistake, but they listened, and we met then. I saw that just as I was saying 'schools', I found that many people were saying 'schools'. They come to ask about other issues, especially religious ones. Sometimes, they even ask about economic matters. I tell them that 'such issues require subject-specific expertise' and send them to experts⁷⁶.

Gülen's statement and Woodhall's research demonstrate the significant role of Sufism as a spirit of selfless service within the Hizmet movement. The rapid growth of the Hizmet movement can be attributed to the inspiration derived from the thoughts and personality of Fethullah Gülen. Despite Gülen's physical presence in a particular location or any personal circumstances, the power of this inspiration has continuously propelled the Hizmet movement forward.

Gülen's *uswah* model has provided substantial inspiration for the Hizmet movement. This concept of *uswah* functions as a radiance, much like the emission of light from an individual, which is then replicated in the behaviour of numerous people and institutions that absorb the initial radiance. The replication of this behaviour continues to expand in proportion to the strength of the radiance. Studies, such as Johnson's research in Indonesia, exemplify this by highlighting how the influence extends beyond the immediate graduates, serving as a model for improving and revitalising schools throughout Indonesia. This illustrates the enduring quality of the *uswah* spirit rooted in Gülen's Sufism as it progresses through the stages of behaviour replication.

⁷⁵ M. Fethullah Gülen, *Pearls of Wisdom* (New Jersey: The Light Inc., 2005).

⁷⁶ Ali Ünal and Alphonse Williams, eds., *Advocate of Dialogue: Fethullah Gülen* (Fairfax: The Fountain, 2000).

The effectiveness of the Hizmet movement's vision in shaping new progressive ideas

In the contemporary era, many influential figures within Islamic movements have embraced a progressive approach. To explore this, the authors turn to the conceptual and theoretical perspectives of Abdullah Saeed and Omid Safi. Saeed outlines six broad trends in Islamic thought and endeavours to identify the concepts of 'progressive Islam' and 'progressive Muslims' within the Islamic tradition. He also examines seven methods of interpreting the Qur'an and proposes alternative methodologies for interpreting sacred texts in a way that makes their message relevant to the 21st century.

The six trends in Islamic thought that Saeed references are as follows:

1. Legalist-traditionalist focuses on laws developed and interpreted during the premodern period.
2. Theological Puritan groups are primarily concerned with ethical and doctrinal issues.
3. Political Islamists with a stronger interest in establishing an Islamic state.
4. Islamic extremists resort to violent measures against groups they perceive as their enemies, whether Muslim or non-Muslim.
5. Secular groups regard religion as essentially a private matter.
6. Progressive ijihadis or modern interpreters of faith, a category within which progressive Muslims are situated, according to Saeed's perspective⁷⁷.

According to Saeed, the primary mission of progressive groups is to reevaluate, reinterpret, and uphold the universal values of Islam. These values encompass concepts such as justice, gender equality, Islamic reclamation as a civilisational project, critical engagement with Islamic traditions, and a commitment to pluralism and interfaith dialogue. Progressive groups aim to adapt the way Muslims perceive the Qur'an so that its message aligns with the needs of the modern world. Consequently, progressive groups must assume the roles of both academic intellectuals and social activists, actively working towards a better world. Saeed also suggests that this endeavour may involve a commitment to ijihad or critical thinking, a process traditionally employed to provide Islamic solutions to previously unaddressed problems. This approach requires a fresh

⁷⁷ Abdullah Saeed, "Progressive Muslims and the Interpretation of the Qur'an Today," in *Progressive Islam and the State in Contemporary Muslim Societies* (Barry Desker, Singapore: The Institute of Defence and Strategic Studies, Nanyang Technological University, 2006).

interpretation of sacred texts while also respecting traditional Islamic values⁷⁸.

In Safi's view, progressive Muslims endorse critical and unapologetic 'multiple criticisms' of Islam and modernity. They must adopt a postmodern stance regarding their critical evaluation of modernity. Contemporary progressive Muslims are characterised by their multifaceted engagement with various aspects of Islam and modernity, with a strong emphasis on concrete social action and social transformation⁷⁹.

Turning to Gülen, integrating classical and modern elements into developing new ideas is a widespread phenomenon across various regions of the world. In this context, Gülen is often referred to as the 'modern Rumi,' as noted by Mark Scheel. He is frequently regarded as an inspirational figure for the movement, bearing titles such as 'Turkey's Mahatma Gandhi' and 'modern Rumi.' Gülen is a multifaceted individual—a teacher, scholar, thinker, prolific writer, and poet—whose influence extends across a wide spectrum, encompassing religious matters, education, science, history, economics, and social justice. His contributions to interfaith dialogue and education are groundbreaking and monumental. Gülen has emphasised, "There is so much that we have together to emphasise." What sets the movement inspired by his teachings apart is its self-sustaining and self-replicating nature, which relies not on the charisma of its founder but on the effectiveness of its vision⁸⁰.

The effectiveness of the Hizmet movement's vision, coupled with Gülen's unwavering integrity, appears to be reflected in the motivations of the movement's funding sources, as described by Ebaugh:

When asked why they gave \$ 1 million or more dollars each year to movement projects, the group of businessmen in Istanbul gave the following reasons: to make better human beings as Mr. Gülen encourages; to educate our youth; to please God; to earn a reward in the next life; to be part of a bigger movement to better the world; to provide hope to our people in Turkey and around the world⁸¹.

Ebaugh's explanation revolves around the motivations of the funding sources for the Hizmet movement, which stem from several strengths:

1. The moral vision is aimed at improving individuals.

⁷⁸ Saeed.

⁷⁹ Angelina E. Castagno, "Making Sense of Multicultural Education: A Synthesis of the Various Typologies Found in the Literature," ed. Elizabeth Burns Coleman, *Multicultural Perspectives* 11, no. 1 (2009): 43–48, <https://doi.org/10.1080/15210960902717502>.

⁸⁰ Mark Scheel, "A Communitarian Imperative: Fethullah Gülen's Model of Modern Turkey," *Fountain Magazine*, 2008.

⁸¹ Helen Rose Ebaugh, *The Gülen Movement A Sociological Analysis of a Civic Movement Rooted in Moderate Islam* (New York: Springer, 2010).

2. The educational vision focuses on the education of younger generations.
3. The transcendental vision seeks to please God and earn rewards in the afterlife.
4. A participatory vision, involving individuals in a larger movement for a better world.
5. The futuristic vision of a global civilisation provides hope to people in Turkey and worldwide.

The fifth vision aligns with the ultimate vision of the Hizmet movement, as articulated by Gülen in his work “Toward a Global Civilization of Love and Tolerance.”⁸² This ultimate vision aspires to create a Golden Era, reaching the peak of the Age of Happiness. Gülen explains that the Age of Happiness corresponds to a time when Sufism was practised as a way of life at the highest level of values. This state was prevalent during the time of the Prophet and his four caliphs (*al-Khulafa ‘ al-Rashidun*).

It's important to note Marcia Hermansen's explanation of this ultimate vision. She highlights the concept of Anatolian Islamic practice, drawing from elements Jalal al-Din Rumi described. Rumi, whose centre was in Konya, the central city of Anatolia, founded the Mevlevi Sufi order, known for the Whirling Dervish tariqa. His poetry, infused with love and tolerance, is often interpreted as promoting religious pluralism⁸³. Hermansen further suggests that an observer of the Gülen movement would notice that Rumi has become a symbol of its commitment to dialogue and tolerance.

The philosophy that comes closer to the kind of humanism in the Muslim tradition is, of course, Sufi and, above all, the teachings of Mevlana or Celaluddin Rumi (d.1273). From this point of view, it is no coincidence that there has been a reorientation in recent years within the Gülen community away from Said Nursi (d.1960), the original source of inspiration for the movement. Instead, there is greater interest in the works of Mevlana, the initiator of the whirling dervishes and a master of poetry and *tevhid* (mystic unity)⁸⁴.

Hermansen also noted that in 2007, when UNESCO declared it as 'the year of Rumi,' the Gülen community worldwide organised cultural events to

⁸² M. Fethullah Gülen, *Toward a Global Civilization of Love and Tolerance* (New Jersey: The Light Inc. & Isik Yayinlari, 2004).

⁸³ Marcia Hermansen, “The Cultivation of Memory in the Gülen Community,” in *Muslim World in Transition: Contributions of the Gülen Movement (International Gülen Conference Proceedings)*, ed. Ihsan Yilmaz (London, UK: Leed Metropolitan University Press, 2007), 60–76.

⁸⁴ Elisabeth Özdalga, “Secularizing Trends in Fethullah Gülen’s Movement: Impasse or Opportunity for Further Renewal,” *Critique* 12 (2003): 70.

celebrate the life and poetry of Rumi. The classical treasures incorporated into Gülen's new ideological framework are attributed to inspirational figures beyond Rumi, as elucidated by Barton, Sariotoprak, and Sidney Griffith. Barton explained that Gülen frequently draws upon the intellectual legacy of Badiuzzaman Said Nursi, a prominent Sufi scholar and influential author deeply admired by Gülen⁸⁵. Furthermore, Sariotoprak and Griffith expounded that a close examination of Gülen's writings reveals a substantial foundation rooted in Nursi's works. This foundation, in turn, connects to eminent Sufi figures such as Anatolian Mawlana Jalal ad-Din Rumi (d. 1276) and Indian writers like Ahmad Faruqi Sirhindi (1564-1624) and Shah Wali Allah al-Dihlawi (1703-1762)⁸⁶.

Hizmet Gülen members, much like hundreds of thousands of other Nursi admirers, gather regularly to read and discuss multi-volume thematic expositions of the Qur'an known as the *Risale-i Nur* or the *Treatise of Light*. Consequently, Hizmet Gülen is a significant component of the broader Nurcu movement. Gülen is not merely a follower of Nursi; he is a prominent thinker, writer, and leader in his own right. Many of Gülen's works represent a form of synthesis, rearticulation, or innovative applications of the teachings of Nursi and others.

While Gülen, like Nursi and many Islamic scholars, often references the life of the Prophet Muhammad for inspiration and guidance, there are notable areas where Gülen's originality and innovation shine through. Gülen, much like Nursi before him, can be described as a Sufi, with his profound thoughts deeply infused with Sufi imagery, values, and ideas, particularly emphasising the inner self as a source of wisdom and spirituality. Gülen, hailing from the small village of Korucuk, did not conform to the traditional Sufi mould; instead, he, in the spirit of Sariotoprak and Griffith's characterisation, was a Sufi in his own unique way⁸⁷.

The capacity to convert diverse resources into valuable social capital

Talip Kucukcan explained that historically, traditional spiritual and religious movements were largely disconnected from the rise of new transformative institutions, including modern educational institutions, social organisations, corporations, media, and global networks. These emerging institutions play a pivotal role in creating social capital.

⁸⁵ Barton, "Preaching by Example and Learning for Life: Understanding the Gülen Hizmet in the Global Context of Religious Philanthropy and Civil Religion."

⁸⁶ M. Yasin, "Building Moderate Millennial Muslims Through Sufistic Multicultural Da'wah," *Al-Tahrir: Jurnal Pemikiran Islam* 24, no. 2 (2024), <https://doi.org/https://doi.org/10.21154/altahrir.v24i2.10170>.

⁸⁷ Long, Ismail, and Yaakob, "Fethullah Gülen: Interfaith Dialogue as a Way to the Global Peace."

Kucukcan's viewpoint is grounded in social capital theory, which posits that social networks have stakes and influence as civic actors in contemporary democratic societies. He applies this theory to his examination of the Gülen Hizmet movement⁸⁸.

Study reveals that the Gülen movement has adeptly adapted to modern conditions, successfully channelling spiritual, intellectual, and human resources into the creation of effective social capital⁸⁹. He identifies three key factors contributing to the Gülen movement's adaptive success:

1. Education: The establishment of educational institutions from elementary to university levels, catering to students from diverse backgrounds.
2. Media: A broad print and audio-visual communication product network, including daily mass-circulation publications and TV and radio channels.
3. Social organisations: Various foundations and associations dedicated to promoting democratic participation and facilitating dialogue among various segments of society.

The Gülen movement has effectively built substantial social capital, which is harnessed by transformative agents guided by spirituality. This conclusion, framed within the context of social capital theory, underscores the significance and influence of the Gülen movement as a civic actor in modern democratic society⁹⁰.

The evidence of social capital is further supported by Helen Ebaugh and Dogan Koc, who describe their research findings in Turkey and Houston, Texas, regarding the funding sources for Gülen movement activities. Notably, Gülen refrains from involving himself in financial dealings and does not dictate how project sponsors should oversee the use of their contributions. This approach has fostered trust and confidence in Gülen's honesty and integrity⁹¹. Beyond the Hizmet movement's inner circle, even Bill Gates, renowned as the "king of Windows," contributed funds to Gülen

⁸⁸ Etga Ugur, "Religious Frames: The Gülen Movement," in *Oxford Research Encyclopedia of Politics* (Oxford University Press, 2019), <https://doi.org/10.1093/acrefore/9780190228637.013.1345>.

⁸⁹ Talip Kucukcan, "Social and Spiritual Capital of the Gülen Movement," in *Muslim World in Transition: Contributions of the Gülen Movement (International Gülen Conference Proceedings)*, ed. Ihsan Yilmaz (London: Leed Metropolitan University Press, 2007), 187–97.

⁹⁰ Shlykov, "Cemaats in the Realm of Social and Civil Activity in Turkey: Historical and Modern Dimensions."

⁹¹ Lucie Tungul, "Diaspora Activism in a Non-Traditional Country of Destination: The Gülen Movement in Czechia," *Globalizations* 21, no. 5 (July 2024): 893–911, <https://doi.org/10.1080/14747731.2023.2291853>.

schools. Paul L. Williams reported this in his article "Bill Gates Funds Gülen Islamist Movement" (2010). Williams elaborates that Mr. Gates, the third wealthiest individual on the planet in 2007, donated \$10.55 million through the Texas High School Project to the Cosmos Foundation, a Gülen-affiliated entity operating 25 publicly funded charter schools in Texas. Currently, there are 85 Gülen madrasas in the United States, all operating with public funds⁹².

The Hizmet movement's social capital is further evidenced through its institutional networks, including the Rumi Forum: Interfaith Dialogue and Intercultural Understanding, Gülen Institute: United Around High Human Values, Nordic Gülen Institute (NGI), Gülen Institute Youth Platform, Fethullah Gülen Chair (FGC) at State Islamic University of Syarif Hidayatullah, Jakarta, Fethullah Gülen Chair-ACU (Australian Catholic University), The Fethullah Gülen Chair for Intercultural Studies at Katholieke Universiteit Leuven (inaugurated on December 7, 2010), Dialoog Academie, and the 'Gülenist non-profits and organisations' documented by Citizens Against Special Interest Lobbying in Public Schools, among others.

Within the context of Sufism, the Hizmet movement embodies the characteristics of a reform movement, following Turner's typology of social movements. This type advocates changes that preserve existing values but enhance the means of implementing them, differing from revolutionary movements that seek to replace existing values⁹³. Furthermore, the Hizmet movement aligns with the progressive movement, as per the typology of American sociologist Lewis M. Killian. This type calls for new social arrangements and is distinct from reactionary movements that aim to restore previous social conditions or conservative movements that oppose changes proposed by other movements, advocating the preservation of existing values and norms⁹⁴.

Conclusion

The Hizmet movement, with its extensive global reach spanning over 160 countries, is distinguished by its unwavering commitment to selfless service, rooted in the teachings of Sufism. Drawing inspiration from diverse sources such as education, interfaith dialogue, and social welfare, Hizmet embodies the essence of noble character and practical spirituality derived from the teachings of Fethullah Gülen. This synthesis of Sufi principles and

⁹² Paul Williams, "Bill Gates Funds Gülen Islamist Movement," *Turkish Forum*, September 2013.

⁹³ Ralph H. Turner et al., "Social Movement," in *Encyclopaedia Britannica* (Britannica, 2020).

⁹⁴ Turner et al.

pragmatic action forms the cornerstone of Hizmet's ethos, driving its widespread appeal and influence. Central to Hizmet's success is the concept of "uswah" (example), which transcends borders to establish a global community of service through the Gülen movement. This exemplar model, rooted in Sufi ideals, enables Hizmet to effectively transcend geographical and cultural boundaries, fostering a borderless network dedicated to humanitarian endeavours. The pivotal roles played by Sufism within the Hizmet movement are becoming increasingly evident. Sufism infuses Hizmet with a spirit of selflessness and facilitates innovative thinking and the strategic allocation of resources to generate meaningful social capital. Guided by the teachings and example of Gülen, Sufism serves as a unifying force, inspiring empathy and collaboration among diverse stakeholders. This transformative power of Sufism within the Hizmet movement underscores its potential to engender positive change on a global scale, fostering interconnected networks committed to advancing humanity.

References:

'Azima, Muhammad Fauzhan, "Tasawuf Substantif: Santapan Rohani Masyarakat Modern." *Tamaddun Journal of Islamic Studies* 1, no. 2 (June 2022): 102–11. <https://doi.org/10.55657/tajis.v1i2.44>.

Abrori, Ikhwanul, Afiful Ikhwan, Universitas Muhammadiyah Malang, East Java, Universitas Muhammadiyah Ponorogo, and East Java. "Strengthening Islamic Religious Education Values in Developing Independent Character." *Al-Hayat: Journal of Islamic Education* 8, no. 3 (2024): 1135–57. <https://doi.org/10.35723/ajie.v8i3.580>.

Ahmad, Siddig, and Wan Suhaimi Wan Abdullah. "Falsafah Maqasid Al-Quran Imam Al-Ghazali Dan Faham Ilmu." *International Journal of Islamic Thought* 23, no. 1 (June 2023).

<https://doi.org/10.24035/ijit.23.2023.262>.

Akdağ, Eyyup. "Sûfilere İsim Arayışları ve Tasavvuf Kelimesinin Menşei Meselesi." *Cumhuriyet İlahiyat Dergisi* 23, no. 2 (December 2019): 715–37. <https://doi.org/10.18505/cuid.620070>.

Ali, Jan A. "Tabligh Jama'at as an Emulatable Model of Faith Renewal." In *Handbook of Contemporary Islam and Muslim Lives*, 1–21. Cham: Springer International Publishing, 2020. https://doi.org/10.1007/978-3-319-73653-2_85-1.

Altin, Mehmet Evrim. "Educational Mobilization of the Society: Gülen Movement." *New Perspectives in Science Education - International Conference 2021*, no. 10 (2021).

Angey, Gabrielle. "The Gülen Movement and the Transfer of a Political Conflict from Turkey to Senegal." *Politics, Religion & Ideology* 19, no. 1

(2018): 53–68.

Bagguley, Paul. “Social Change, the Middle Class and the Emergence of ‘New Social Movements’: A Critical Analysis.” *The Sociological Review* 40, no. 1 (1992): 26–48.

Bakar, M. Yunus Abu, Mardiyah, and Afiful Ikhwan. “Religious Moderation Phenomenon in Indonesia: The Role of KH. M. Hasyim As’ari Principles of Thought.” *Cogito* XV, no. 1 March (2023): 80–104.

Barton, Greg. “Preaching by Example and Learning for Life: Understanding the Gülen Hizmet in the Global Context of Religious Philanthropy and Civil Religion.” In *Muslim World in Transition: Contributions of the Gülen Movement (International Gülen Conference Proceedings)*, edited by Yilmaz Ihsan, 650–62. London, United Kingdom: Leed Metropolitan University Press, 2007.

Blumberg, Naomi. “List of Social Movements.” In *Encyclopaedia Britannica*. Britannica, 2020.

Buechler, Steven M. “New Social Movement Theory.” In *The Blackwell Encyclopedia of Sociology*. Wiley, 2015.

<https://doi.org/10.1002/9781405165518.wbeosn022.pub2>.

Buechler, Steven M. “New Social Movement Theories.” *Sociological Quarterly* 36, no. 3 (1995): 441–64. <https://doi.org/10.1111/j.1533-8525.1995.tb00447.x>.

———. *The Encyclopedia of Applied Linguistics*. Edited by Carol A. Chapelle. *The Encyclopedia of Applied Linguistics*. Wiley, 2012. <https://doi.org/10.1002/9781405198431>.

Burak-Adli, Feyza. “Agent of Change or Guardian of Tradition?: Sufism, Gender, and Nationalism in Cold War Turkey.” *Culture and Religion* 24, no. 2 (April 2024): 156–81. <https://doi.org/10.1080/14755610.2024.2420982>.

Carroll, William K, and Robert A Hackett. “Democratic Media Activism through the Lens of Social Movement Theory.” *Media, Culture & Society* 28, no. 1 (2006): 83–104.

Castagno, Angelina E. “Making Sense of Multicultural Education: A Synthesis of the Various Typologies Found in the Literature.” Edited by Elizabeth Burns Coleman. *Multicultural Perspectives* 11, no. 1 (2009): 43–48. <https://doi.org/10.1080/15210960902717502>.

Castells, Manuel. *The City and the Grassroots: A Cross-Cultural Theory of Urban Social Movements*. Berkeley: University of California Press, 1983.

Cetin, Muhammad. *The Gülen Movement Civic Service without Borders*. New York: Blue Dome Press, 2010.

Chedia, Anri R. “Activities of the Turkish Maarif Educational Foundation in Confrontation with the Hizmet Movement.” *Vestnik RUDN. International Relations* 23, no. 4 (December 2023): 620–42.

<https://doi.org/10.22363/2313-0660-2023-23-4-620-642>.

Cicek, Sureyya Nur. "How Purposive Intention Modifies Actions: The Conception of Altruism in the Hizmet Movement in Australia." *Journal of Muslim Minority Affairs* 40, no. 3 (July 2020): 513–38. <https://doi.org/10.1080/13602004.2020.1819131>.

Conover, Michael D, Clayton Davis, Emilio Ferrara, Karissa McKelvey, Filippo Menczer, and Alessandro Flammini. "The Geospatial Characteristics of a Social Movement Communication Network." *PLoS ONE* 8, no. 3 (2013): 1–8. <https://doi.org/10.1371/journal.pone.0055957>.

Dogan, Recep. "The Gülen Movement." In *Political Islamists in Turkey and the Gülen Movement*, 41–49. Cham: Springer International Publishing, 2020. https://doi.org/10.1007/978-3-030-29757-2_3.

Ebaugh, Helen Rose. *The Gülen Movement A Sociological Analysis of a Civic Movement Rooted in Moderate Islam*. New York: Springer, 2010.

El-Banna, Sanaa. *Resource Mobilization in Gulen-Inspired Hizmet: A New Type of Social Movement*. New Jersey: Blue Dome Press, 2014.

Esposito, John L., and Ibrahim Kalin, eds. "Hodjaefendi Fethullah Gülen: Turkish Muslim Preacher." In *The 500 Most Influential Muslims 2009*, 46–47. Amman, Yordania: The Royal Islamic Strategic Studies Centre, 2009.

Fuist, Todd Nicholas. "The Dramatization of Beliefs, Values, and Allegiances: Ideological Performances among Social Movement Groups and Religious Organizations." *Social Movement Studies* 13, no. 4 (2014): 427–42.

Gülen, M. Fethullah. *Al-Qulub Al-Dari`ah*. n.p.: Dar al-Nashr, 2004.

———. *Key Concepts in the Practice of Sufism*. Fairfax: The Fountain, 1999.

———. *Pearls of Wisdom*. New Jersey: The Light Inc., 2005.

———. *Toward a Global Civilization of Love and Tolerance*. New Jersey: The Light Inc. & Isik Yayinlari, 2004.

Gümüş, Sedat, Philip Hallinger, Ramazan Cansoy, and Mehmet Şükrü Bellibaş. "Instructional Leadership in a Centralized and Competitive Educational System: A Qualitative Meta-Synthesis of Research from Turkey." *Journal of Educational Administration* 59, no. 6 (October 2021): 702–20. <https://doi.org/10.1108/JEA-04-2021-0073>.

Habermas, Jürgen. *The Theory of Communicative Action*. Vol. 2. Boston: Beacon Press, 1987.

Hermansen, Marcia. "The Cultivation of Memory in the Gülen Community." In *Muslim World in Transition: Contributions of the Gülen Movement (International Gülen Conference Proceedings)*, edited by Ihsan Yilmaz, 60–76. London, UK: Leed Metropolitan University Press, 2007.

———. "Understandings of 'Community' within the Gülen Movement."

In *Islam in the Contemporary World: The Fethullah Gülen Movement in Thought and Practice*. Texas, Somerset, New Jersey: the Rice University of Houston, 2005.

Hillenbrand, Carole. "Al-Ghazālī." In *Routledge Handbook on Sufism*, 63–74. New York: Routledge, 2020.: Routledge, 2020. <https://doi.org/10.4324/9781315175348-6>.

Hizmet Movement News Portal. "Turkish School Declared Most Successful in Denmark." August 2015.

Institute, The Gülen. *Fethullah Gülen & the Movement of Volunteers in the Media*. Istanbul: Dialogo Academie, 2010.

Islam, Muhammad Hifdil, and Mohammad Hilmy Baihaqy Yussof. "Development of Multicultural Education Through Sufism's Value of Satlogi Santri in Pesantren." *Al-Hayat: Journal of Islamic Education* 8, no. 2 (2024): 633. <https://doi.org/10.35723/ajie.v8i2.529>.

Kafid, Nur. "SUFISME DALAM DINAMIKA KEHIDUPAN MASYARAKAT MUSLIM KONTEMPORER." *Mimbar Agama Budaya* 37, no. 1 (2020). <https://doi.org/10.15408/mimbar.v37i1.18232>.

Kamali, Mohammad Hashim. "Islam and Peace: Principles, Realities and Aspirations." *The Journal of Diplomacy and Foreign Relations* 20, no. 1 (2021): 1–19.

Kayum, Sajid Abdul. *The Jamaat Tableegh and the Deobandis: A Critical Analysis of Their Beliefs, Books, and Dawah*. Ahya Multi-Media, 2001.

Keles, Ozcan. *Rethinking Islam and Human Rights*. Oxford University Press New York, 2023.

<https://doi.org/10.1093/oso/9780197662489.001.0001>.

Kucukcan, Talip. "Social and Spiritual Capital of the Gülen Movement." In *Muslim World in Transition: Contributions of the Gülen Movement (International Gülen Conference Proceedings)*, edited by Ihsan Yilmaz, 187–97. London: Leed Metropolitan University Press, 2007.

Long, Ahmad Sunawari, Mohd Hatib Ismail, and Zul Azmi Yaakob. "Fethullah Gülen: Interfaith Dialogue as a Way to the Global Peace." *International Journal of Islamic Thought* 21 (2022): 13–23. <https://doi.org/10.24035/ijit.21.2022.221>.

Masood, Ehsan. "A Modern Ottoman." *Prospect Magazine*, July 2008.

Meirison, and M. Harir Muzakki. "IMPLEMENTING THE SPIRIT OF JIHAD IN SUFIS." *Jurnal Theologia* 31, no. 1 (2020). <https://doi.org/10.21580/teo.2020.31.1.5378>.

Melchert, Christopher. "Sufis, Renunciants, and Worshippers in Tārīkh Baghdād." *Journal of Sufi Studies* 13, no. 1 (2024): 1–16. <https://doi.org/DOI.10.1163/22105956-12341340>.

Melucci, Alberto. *Challenging Codes: Collective Action in the*

- Information Age*. Cambridge: Cambridge University Press, 1996.
- . *Nomads of the Present*, Ed. John Keane and Paul Mier. Philadelphia: Philadelphia: Temple University Press, 1989.
- . *The Symbolic Challenge of Contemporary Movements*. In *New Critical Writings in Political Sociology*. Routledge, 2024.
- Miles, Matthew B, and A Michael Huberman. *Qualitative Data Analysis: An Expanded Sourcebook*. sage, 1994.
- Miles, Matthew B, A Michael Huberman, and Johnny Saldaña. *Qualitative Data Analysis: A Methods Sourcebook*. Thousand Oaks, CA: Sage, 2014.
- Neval, Emine. “Sohbet Revitalization of the Hizmet/Gülen Movement in Finland through Spiritual Gatherings.” *Approaching Religion* 14, no. 2 (April 2024): 93–112. <https://doi.org/10.30664/ar.137072>.
- Niesz, Tricia. “Activist Educators and the Production, Circulation, and Impact of Social Movement Knowledge.” *Critical Education* 12, no. 7 (2021). <https://doi.org/https://doi.org/10.14288/ce.v12i7.186577>.
- Nurbayani, Nurbayani, and Amiruddin Amiruddin. “Teacher Strategies in Implementing Religious Moderation Values in Islamic Educational Institutions.” *Al-Hayat: Journal of Islamic Education* 8, no. 2 (2024): 778. <https://doi.org/10.35723/ajie.v8i2.672>.
- Özdalga, Elisabeth. “Secularizing Trends in Fethullah Gülen’s Movement: Impasse or Opportunity for Further Renewal.” *Critique* 12 (2003): 70.
- Paul, Crystal. “A Look Back at 10 of the Biggest Social Movements of the 2010s, and How They Shaped Seattle.” *The Seattle Times*, December 2019.
- Saeed, Abdullah. “Progressive Muslims and the Interpretation of the Qur’an Today.” In *Progressive Islam and the State in Contemporary Muslim Societies*. Barry Desker, Singapore: The Institute of Defence and Strategic Studies, Nanyang Technological University, 2006.
- Scheel, Mark. “A Communitarian Imperative: Fethullah Gülen’s Model of Modern Turkey.” *Fountain Magazine*, 2008.
- Schwartz, Madeline, and Erica Sanchez. “Social Movements That Changed Our World for the Better.” *Global Citizen*, New York, London, Canada, South Africa, 2020.
- Shlykov, Pavel. “Cemaats in the Realm of Social and Civil Activity in Turkey: Historical and Modern Dimensions.” *ISTORIYA* 14, no. 10 (132) (2023). <https://doi.org/10.18254/S207987840028452-6>.
- Sommerfeldt, Erich J, and Aimei Yang. “Relationship Networks as Strategic Issues Management: An Issue-Stage Framework of Social Movement Organization Network Strategies.” *Public Relations Review* 43, no. 4 (2017): 829–39.
- Sultanmuratov, Nuriddin, Fatima Kukeyeva, Yermek Chukubayev, and

Kuralay Baizakova. "KAZAKH-TURKISH LYCEUMS: PROMOTION OF GÜLENISM IN KAZAKHSTAN." *Central Asia and The Caucasus* 21, no. 2 (June 2020): 017–027. <https://doi.org/10.37178/ca-c.20.2.02>.

Sutton, Philip, and Stephen Vertigans. "Islamic" New Social Movements"? Radical Islam, Al-Qa'ida and Social Movement Theory." *Mobilization: An International Quarterly* 11, no. 1 (2006): 101–15.

Tahir, Muhammad, and Muhammad Nur Sholeh Elbarqi. "State, Secularism, and the Management of Islamic Proselytizing Movement in Turkiye: The Case of Hayrat Vakfi Organization." *QIJIS (Qudus International Journal of Islamic Studies)* 11, no. 1 (August 2023): 177. <https://doi.org/10.21043/qijis.v11i1.18357>.

Taş, Hakkı. "A History of Turkey's AKP-Gülen Conflict." *Mediterranean Politics* 23, no. 3 (2018): 395–402.

Taymiyah, Ibnu. *Al-Iman*. Kairo: Al-Tiba'at al-Muhammadiyah, n.d. *Time*. "The 2013 TIME 100." April 2013.

Touraine, Alain. "An Introduction to the Study of Social Movements." *Social Research* 52, no. 4 (1985): 749–87.

———. *The Voice and the Eye: An Analysis of Social Movements*. Cambridge: Cambridge University Press Cambridge, 1981.

Tungul, Lucie. "Diaspora Activism in a Non-Traditional Country of Destination: The Gülen Movement in Czechia." *Globalizations* 21, no. 5 (July 2024): 893–911. <https://doi.org/10.1080/14747731.2023.2291853>.

Turner, Ralph H., Neil J. Smelser, Lewis M. Killian, Brian Duignan, Jeannette L. Nolen, and Gloria Lofth. "Social Movement." In *Encyclopaedia Britannica*. Britannica, 2020.

Twardella, Johannes. "Die Gülen-Bewegung Religionssoziologisch Gedeutet." *Zeitschrift Für Religions- Und Geistesgeschichte* 76, no. 2 (March 2024): 112–29. <https://doi.org/10.1163/15700739-07602003>.

Ugur, Etga. "Religious Frames: The Gülen Movement." In *Oxford Research Encyclopedia of Politics*. Oxford University Press, 2019. <https://doi.org/10.1093/acrefore/9780190228637.013.1345>.

Ünal, Ali, and Alphonse Williams, eds. *Advocate of Dialogue: Fethullah Gülen*. Fairfax: The Fountain, 2000.

Valkenberg, Pim. "The Intellectual Dimension of the Hizmet Movement: A Discourse Analysis." In *Mapping the Gülen Movement: A Multidimensional Approach (International Gülen Conference)*, edited by Dogu Ergil. Amsterdam: Dialoog Academie, 2010.

Voll, John O. "Contemporary Sufism and Current Social Theory." In *Sufism and the 'Modern' in Islam*, edited by Martin van Bruinessen and Julia D. Howel, 478–514. New York: I.B.Tauris, 2007. <https://doi.org/10.5040/9780755607983.ch-015>.

Watmough, Simon P, and Ahmet Erdi Öztürk. "The Future of the Gülen

Movement in Transnational Political Exile: Introduction to the Special Issue.” *Politics, Religion & Ideology* 19, no. 1 (2018): 1–10.

Weller, Paul. *Fethullah Gülen’s Teaching and Practice*. Cham: Springer International Publishing, 2022. <https://doi.org/10.1007/978-3-030-97363-6>.

Williams, Paul. “Bill Gates Funds Gulen Islamist Movement.” *Turkish Forum*, September 2013.

Wilson, John S. “Fethullah Gülen: 2015 Gandhi King Ikeda Peace Award.” In *30th Anniversary Martin Luther King Jr., College of Ministers & Laity*. Atlanta, Georgia: Morehouse College, Martin Luther King Jr. International Chapel, 2015.

Wohlrab-Sahr, Monika, and Levent Tezcan. “Islam in Europa: Institutionalisierung und Konflikt.” Baden-Baden: Nomos Verlagsgesellschaft mbH & Co. KG, 2022. <https://doi.org/10.5771/9783748931607>.

Yasin, M. “Building Moderate Millennial Muslims Through Sufistic Multicultural Da’wah.” *Al-Tahrir: Jurnal Pemikiran Islam* 24, no. 2 (2024). <https://doi.org/https://doi.org/10.21154/altahrir.v24i2.10170>.

Yavuz, M Hakan. “A Framework for Understanding the Intra-Islamist Conflict between the AK Party and the Gülen Movement.” *Politics, Religion & Ideology* 19, no. 1 (2018): 11–32.

Zuhri, Amat. *Tasawuf Falsafi Dan Problem Modernitas*. Jawa Tengah: PT Nasya Expanding Management, 2023.

THE COLONIZED MIND: FRANTZ FANON AND THE IRISH LITERATURE OF NATIONAL RESISTANCE

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Abstract: *This article examines the Irish struggle for independence through the theoretical lens of Frantz Fanon's decolonial framework, elaborated within the opus "The Wretched of the Earth" (1961). Although Fanon's work is rooted in African and Caribbean contexts, his analysis of the colonial trauma and stage-by-stage reclamation of national identity offers invaluable insights for understanding the long legacy of British rule in Ireland. The study explores the psychological impacts of colonialism on Irish identity, by focusing on deplorable distortions of the Irish image in English literature of the period and utilizing pivotal critical works by Matthew Arnold, Ernest Renan, Thomas Carlyle, Robert Knox and Charles Kingsley. Furthermore, the study examines the surge of cultural nationalism during the Gaelic Revival movement, as reflected in the literary works of Sir Samuel Ferguson, William Drennan, James Clarence Mangan, Thomas Moore and William Butler Yeats, and addresses Fanon's advocacy of violence as a catalyst for liberation, by highlighting literary reflections on pivotal events in the Irish liberation movement, be it the Easter Rising (1916), the Irish War of Independence (1919-1921) or the Irish Civil War (1922-1923) in the works of Patrick Pearse, William Butler Yeats, Sean O'Casey, George Bernard Shaw and James Clarence Mangan. The study builds on the problem of divided identity that tormented the colonized at the stage of liberation, masterfully portrayed by William Butler Yeats and George Bernard Shaw in their works; and concludes with the exploration of the role of William Butler Yeats and James Joyce in redefining and reinventing the postcolonial Irish identity at the final stage of the development of a national culture under colonialism.*

Keywords: *Frantz Fanon, colonialism, decolonisation, national identity, Irish literature, English literature*

Introduction

Frantz Fanon, a French Afro-Caribbean political philosopher, psychiatrist and propagator of the Third World upheaval in the post-WWII period, in *The Wretched of the Earth* (1961) presented the most passionate and masterly process of decolonization. The amplitude of Fanon's vision and the vigour of his critical analysis have given the work an allure that has

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turned it into a battle cry, rather than a simple academic postmortem, encouraging the oppressed to reevaluate their dehumanized condition and to take urgent action. This fact has turned *The Wretched of the World* into a universal manual devised to end the torments of all those spellbound by the colonial system, as well as the uncertainties underlying the actions of the colonizers and colonized, no matter which country, race or ethnical identity they belonged to. Fanon identified three stages in the development of a national culture under colonialism. Accordingly, in the first phase: “the native gives proof that he has assimilated the culture of the occupying power [...] His inspiration is European, and we can easily link up [the intellectual works produced by the colonized] with definite trends in the literature of the [colonizing] country”¹. The undisputable submission of the sort allows one to label the phase as the “period of unqualified assimilation”² due to the fact the colonial world is markedly different from the world of independent races, as it is reigned by duality, initiated by the settler, epitomizing all positive values, while the native is standing for everything that is wicked. At the same, this is the world that is constructed and perpetuated by violence, first ushered in by the barbarism of the military conquest, and then by the psychological violence instilling the minds of the natives, who have come to accept their inferiority. Hence, the influence of colonialism cannot but lead to the “disintegration of native society and with it the personality of the native”³. This results in an initially latent and afterwards ever-growing disturbance of the native with the situation he is engrossed in, thus, giving rise to Fanon’s second phase of the development of a national culture under colonialism. At this stage, the native finally resolves to recollect his true identity, and “past happenings of the bygone days of his childhood are brought up out of the depths of his memory; old legends are reinterpreted in the light of a borrowed aestheticism and of a conception of the world, which was discovered under other skies [...] we spew ourselves up”⁴. Even though the native is guided by a free-spirited impetus to re-discover and re-affirm his national identity, he cannot fully abandon the alcoves of the colonizing culture and examines everything through the prism of an alien worldview. Strangely enough, at this stage “colonizers are [still] desired in the unconscious of their subjects”⁵, which reminds one of the psychiatric

¹ F. Fanon, *The Wretched of the Earth*, Trans. R. Philcox, New York: Grove Press, 2004, pp. 178-179.

² Ibid, p. 179.

³ E. Burke III, “Frantz Fanon’s “The Wretched of the Earth””. *Daedalus*, Winter, 105 (1), 1976, p. 132.

⁴ F. Fanon, *The Wretched of the Earth*, Trans. R. Philcox, New York: Grove Press, 2004, p. 179.

⁵ G. Stanton, “Frantz Fanon in Context”, *History Workshop Journal*, Spring, 53, 2002, p. 248.

phenomenon of the *abandonnique* – “a type of neurotic whose life is governed by an anxious fear that he or she will be abandoned”⁶, elaborated by the Swiss analyst Germaine Guex. The course of action significantly changes during the third, or the fighting stage, when the native attempts to free himself from the lethargy incapacitating the colonized population and “turns himself into an awakener of the people; hence comes a fighting literature, and a national literature. During this phase a great many men and women who up till then would never have thought of producing a literary work, now feel the need to speak to their nation, to compose the sentence which expresses the heart of the people and to become the mouthpiece of a new reality in action”⁷. At the same time, the native comes to the realization that it is not just nonviolent Mahatma Gandhi-like resistance through intellectual and artistic means, but the slave’s violence against the master, stemming from generations of violent imperialism, that defines the former as a man. So, “at the level of individuals, violence [becomes] a cleansing force. It frees the native from his inferiority complex and from his despair and inaction; it makes him fearless and restores his self-respect”⁸. Hence, the fighting stage is deeply enrooted in physical and ideological resistance as part of the liberation process.

Once the native releases himself from the bonds of colonialism, he is faced with another obstacle: a newly liberated nation must be legitimized by re-establishing an authentic national culture if its political rightfulness is to be sustained. This calls forth the fourth stage of the development of a national culture under colonialism, when the native tries to establish a pristine revolutionary culture for his people, yet, being caught between the colonizer’s culture and his own indigenous identity, struggles to silence the dual identity inherent in his previously subjugated nature. Despite all the efforts to re-create an authentic cultural identity, the native recognizes that “he is [still] utilizing techniques and language which are borrowed from the stranger in his country. He contents himself with stamping these instruments with a hallmark which he wishes to be national, but which is strangely reminiscent of exoticism”⁹. At the same time, this state of being ‘in-between’ might shadow the contemporary reality away from the native and drag him back towards a hallowed past, populated with primitive ghosts of former national glory, “*negritude*, and a truncated and self-interested version of the national past”¹⁰. ‘Exoticism’ of the sort urges the native to

⁶ D. Macey, *Franz Fanon: A Life*, New York: Pantheon Books, 2000, p. 195.

⁷ F. Fanon, *The Wretched of the Earth*, Trans. R. Philcox, New York: Grove Press, 2004, p. 179.

⁸ *Ibid*, p. 94.

⁹ *Ibid*, p. 180.

¹⁰ E. Burke III, “Frantz Fanon’s “The Wretched of the Earth””. *Daedalus*, Winter, 105 (1), 1976, p. 134.

embrace the last vestiges of mind, its cadavers, a knowledge that has been permanently ballasted, which obstructs the evolution of a novel national awareness surpassing narrow nationalism. Fanon argues that the native should never be satisfied “with delving into the past of a people in order to find coherent elements which will counteract colonialism’s attempts to falsify and harm”¹¹. Instead, he must learn to recognise that the truths of a state are, first and foremost, its actualities. Therefore, at Fanon’s fifth and final stage of the development of a national culture under colonialism, “the native must go until he has found the seething pot out of which the learning of the future will be found”¹², cut off all the obsolete bonds and cement foundations for a new national identity of a liberated and truly independent nation.

Even though the critical activity of Frantz Fanon is more associated with the decolonization campaigns in Africa and the Caribbean, his work *The Wretched of the Earth* has had a profound impact on the realm of postcolonial studies and has been frequently applied to various contexts - the Irish struggle for independence being no exception. Ireland did not represent a colony in the same manner as the African countries that Fanon discussed, yet the extent and pattern of the national resistance and the vehemence of the liberation movement allows one to employ Fanon’s visualisation of decolonialization to examine how Ireland’s long history of British colonialism moulded its national identity. Therefore, the aim of this paper is to examine the Irish and British literary record focusing on the Irish struggle for independence in the retrospective of Frantz Fanon’s phases of the development of the national culture under colonialism.

The study opens with the discussion of the colonial trauma and psychological effects of colonialism in Ireland under the rule of the British crown. It examines the concept of the ‘colonized mind’, as well as the way the image of the Irishman has been distorted by the English. In this context, the paper examines the critical works of Matthew Arnold, Ernest Renan, Thomas Carlyle, Robert Knox and Charles Kingsley to trace the representation of the Irish race and culture in the English literature of the period. The study continues with the discussion of the ensuing stimuli of cultural nationalism and resistance, which echoes Fanon’s emphasis on the importance of reclaiming one’s culture as part of the process of decolonization. In Ireland, cultural revival movements, such as the Gaelic Revival, were integral to the formation of Irish national identity. Irish writers and artists sought to revive Gaelic language and traditions, pushing back against the English cultural hegemony. Fanon’s emphasis on cultural

¹¹ F. Fanon, *The Wretched of the Earth*, Trans. R. Philcox, New York: Grove Press, 2004, p. 188.

¹² *Ibid*, p. 181.

reclamation resonates with these movements, as it encourages a break from the colonial language and its symbols for the purpose of forging a new national identity, regrettably, at the moment, still located within the boundaries of the colonizing culture. In this respect, the paper examines literary works of Sir Samuel Ferguson, William Drennan, James Clarence Mangan, Thomas Moore, John Montague and William Butler Yeats through the lens of Fanon's ideas on cultural revival, language and mythical interpretation of national identity at the second stage of the development of the national culture under colonialism, aiming to awaken patriotic sentiment among the populace by singing heroic songs of ancient Ireland's glory. The study continues with Fanon's contentious perspective on violence and liberation, positing that the only way to freedom from the colonial authority lies through direct recourse to violence. This idea underlies the Irish independence movement, especially the Easter Rising (1916), the Irish War of Independence (1919–1921) and the Irish Civil War (1922–1923) that followed. As part of the emancipation process, literary figures such as Patrick Pearse, William Butler Yeats, Sean O'Casey, James Clarence Mangan and George Bernard Shaw adopted unprecedented notions of ideological and physical resistance. The paper ensues with the examination of the 'in-between' problem, frequently experienced by the colonized, literally torn between their indigenous Irish identities and the culture of the colonizer, still predominant after the liberation. The problem of divided identity has a special place in Irish literature, especially in the works of William Butler Yeats, Seamus Deane and George Bernard Shaw. The writers delved into the subject of Irish identity suppressed by colonialism, created a tension among Irishness, Englishness and individual self-determination and offered precisely the kind of in-depth examination of identity that echoed Fanon's theories of cultural conflict and identity formation. The study concludes with the scrutiny of the role of literature in constructing a novel postcolonial identity. According to Fanon, literature has always played an important role in the expression and construction of national identity, especially at the final stage of post-independence. For Ireland, literature has always served as a crucial mode of resistance to colonialism and a tool for the formation of national consciousness. As a response to colonial legacy, William Butler Yeats, James Joyce and other writers vigorously tackled the problem of Irish identity to articulate what it meant to be Irish in the post-colonial contemporary world.

In terms of methodology, this study employs a qualitative approach based on Frantz Fanon's postcolonial understanding of the stages of decolonization in *The Wretched of the Earth*. A collection of literary works from Irish and English sources, including novels, poetry, essays, and political writings, has been carefully selected based on relevancy, temporal

breadth, and diversity of viewpoints for the purpose of documenting the development of Irish national identity under English colonial control. The study employs qualitative content analysis, thematic coding, and narrative analysis techniques to detect recurrent themes that coincide with Fanon's phases of cultural development, comprising, but not being limited to the themes of cultural suppression, awakening of national consciousness and revolutionary reformation of identity. A comparative analysis further juxtaposes the Irish and English narratives and, consequently, locates them within their corresponding historical contexts, so as to elucidate the interplay between colonial power dynamics and national resistance.

The Enslaved Minds: The Erosion of Indigenous Identity

“The essence of the colonial system that the West imposed on Asia and Africa is violence”¹³, writes Franz Fanon in fiery and justified anger in the opening pages of *The Wretched of the Earth* and portrays the horrors of Western colonization with peculiar to him strength and originality. The methods of subjugation of the Irish by the British crown were no less violent in their essence from the ones employed in distant overseas colonies. Therefore, there is no wonder in the fact that the post-World War I liberation battles in Ireland were marked by an increased vehemence in response to the centuries-long reign of English domination. Yet, one of the most pronounced evils committed towards the Irish as a colonized race was the deliberate distortion of their national identity both, in the minds of the Anglo-Saxon and European populace, as well as the minds of the colonized themselves. This induced the deepest psychological trauma and inferiority complex onto the nation, the echoes of which might still be felt at this day. At the time when the Irish liberation movement was still at its dormant or latent stage, English academia employed a dubious strategy for the treatment of the Irish and propagation of their ‘pronounced’ inferiority to the Anglo-Saxon race, based on the fact that “few people have any real care to analyse closely in their criticism; they merely employ criticism as a means for heaping all praise on what they like, and all blame on what they dislike”¹⁴. The impact of the strategy was so immense that many English imperial ethnographers re-directed themselves at fabricating stereotypical representations of the Irish, in this way “addressing the needs of a contemporary English rather than Irish audience”¹⁵. Herewith, they

¹³ F. Fanon, *The Wretched of the Earth*, Trans. R. Philcox, New York: Grove Press, 2004, p. 61.

¹⁴ C. Stanley, *Matthew Arnold*, Toronto: University of Toronto Press, 1938, pp. 137-139.

¹⁵ W. E. Buckler, “On the Study of Celtic Literature: A Critical Reconsideration”, *Victorian Poetry*, Spring, 27 (1), 1989, p. 62.

aggravated the process of the erosion of the indigenous identity of the Irish and left deep and often unmendable scars in the enslaved minds of the Celtic race.

An English writer and literary critic Matthew Arnold (1822-1888) was no exception from the rule, as in *On the Study of Celtic Literature* (1867), he methodically juxtaposed the Celts and the Teutons and forced the idea of the existence of “an impossible gulf”¹⁶ between the two:

I remember, when I was young, I was thought to think of Celts as separated by an impassable gulf from the Teuton. My father, in particular, was never weary in contrasting them; he insisted much oftener on the separation between them and us and any other race in the world.¹⁷

Even though he was a more progressive type of an Englishman to “an abatement of the sense of antipathy”¹⁸ to the Irish that was rooted in an earlier generation that his father belonged to, Arnold rarely missed a chance to emphasise “their melancholy and unprogressiveness”¹⁹ framed by the “expressive, rather mournful faces, long noses, and dark eyes”²⁰. In Arnold’s terms, the Celt “seems in a special way attracted by the secret before him, the secret of natural beauty and natural magic, and to be close to it, to half-divine it”²¹, which uncovers his feminine-like devotion and passion for learning, and a stubborn personality marked by anxious exaltation. In this way, Arnold left the Celt close to the natural world and its primeval and instinctive “weird power and [...] fairy charm”²², thus, once again bringing to the fore the implied inferiority of the Celt to the virile supremacy of “his brothers Saxons [who] have a terrible way with them of wanting to improve everything but themselves off the face of the earth”²³. In this way, Arnold put an emphasis on the fact that the Celt is impotent in the realm of innovative realism peculiar to the Anglo-Saxon mind that is necessary for advancement in science, art, religion, and social organization. Without the

¹⁶ M. Arnold, “On the Study of Celtic Literature”, in *The Complete Prose Works of Matthew Arnold*, Ed. R. H. Super, Ann Arbor: University of Michigan Press, 1962, p. 300.

¹⁷ Ibid, p. 299-300.

¹⁸ W. E. Buckler, “On the Study of Celtic Literature: A Critical Reconsideration”, *Victorian Poetry*, Spring, 27 (1), 1989, p. 67.

¹⁹ M. Arnold, *Letters of Matthew Arnold 1848-1888*, Ed. G.W.E. Russel, New York: Macmillan, 1968, p. 279.

²⁰ Ibid, p. 112.

²¹ M. Arnold, “On the Study of Celtic Literature”, in *The Complete Prose Works of Matthew Arnold*, Ed. R. H. Super, Ann Arbor: University of Michigan Press, 1962, p. 308.

²² Ibid, p. 308.

²³ Ibid, p. 297.

latter, though, the Anglo-Saxon is too common and routine in his inundating logic and steadiness. At the same time, Arnold did not omit the chance to hint at the inferiority of the Celtic poetry by commenting on the medieval Celtic palimpsest *Mabinogion* (1350-1410):

The very first thing that strikes one is how evidently the mediaeval story-teller is pillaging an antiquity of which he does not fully possess the secret; he is like a peasant building his hut on the side of Halicarnassus or Ephesus; he builds, but what he builds is full of materials of which he knows not the history, or knows by a glimmering tradition.²⁴

Despite this covertly antagonistic stance, towards the end of *On the Study of Celtic Literature* Arnold did admit the formidable role of the Celtic legacy in the formation of the present-day English language and literature, which are based on the “commixture of elements”²⁵ that have been traditionally rejected by the English, but which have without doubt contributed to the spiritual organization of the English philological domain with the Celtic ability to express “in a wonderful measure what ideas they have with intensity, elevation, and effect”²⁶. Arnold concluded his work with an idea that its is only through recognition and awareness of the Celtic side of the English identity that one can breach the previously unbreachable gap between the values of the colonizer and the colonized:

So long as this mixed constitution of our nature possesses us, we pay it tribute and serve it; so soon as we possess it, it pays us tribute and serves us. So long as we are blindly and ignorantly rolled about by the forces of our nature, their contradiction baffles us and lames us; so soon as we have clearly discerned what they are and begun to apply to them a law of measure, control, and guidance, they may be made to work for our good and to carry us forward.²⁷

Yet, Matthew Arnold was not the first to construct a systematic portrait of the Irish race. In fact, most of the ideas propagated by Matthew Arnold in

²⁴ Ibid, p. 322.

²⁵ M. Arnold, “On the Study of Celtic Literature”, in *The Complete Prose Works of Matthew Arnold*, Ed. R. H. Super, Ann Arbor: University of Michigan Press, 1962, p. 381.

²⁶ W. E. Buckler, “On the Study of Celtic Literature: A Critical Reconsideration”, *Victorian Poetry*, Spring, 27 (1), 1989, p. 72.

²⁷ M. Arnold, “On the Study of Celtic Literature”, in *The Complete Prose Works of Matthew Arnold*, Ed. R. H. Super, Ann Arbor: University of Michigan Press, 1962, p. 383.

On the Study of Celtic Literature were introduced by his close friend Ernest Renan (1832-1892), an Orientalist and Semitic scholar focusing on the issues of nationalism and national identity, in *The Poetry of the Celtic Races, and Other Essays* (1854). It is hard to deny that Renan's *The Poetry of the Celtic Races* to a large extent propelled Arnold into Celtism as an area of literary and sociological research, as it was Arnold himself who admitted that:

I thought the other day that I would tell you of a Frenchman whom I saw in Paris, Ernest Renan, between whose line of endeavour and my own I imagine there is considerable resemblance, that you might have a look at some of his book if you liked.²⁸

Indeed, a significant portion of his arguments were directly drawn from Renan's "beautiful essay on the poetry of the Celtic races"²⁹, in which he argued that the Celts as a race are prone to the feminine model endowed with a deep appreciation for nature and an awareness of the infinite. Renan claimed that the English inherited the trait of being 'hampered and ashamed' from their Celtic ancestry, which endowed them with an opportunity to mock Celtic timidity and humiliation. However, Arnold did not just replicate these general concepts; there are also some specific details that duplicate each other in these two works. Both Renan and Arnold provided a couplet from Chrestien of Troyes sneering at the Celts and implying that they are by nature dumber than cattle:

Les Gallois sont tous par nature
Plus sots que bates de pature.³⁰

The above quotation is presented by Renan as a figurative verdict of the Frankish mindset on the Celt, highlighting Celtic incompetence in social and political matters. If he did attribute to the Celt the sensitivity that would balance the rougher character of the Englishman, yet, he felt compelled to remind that the same Englishman's belief in Celtism was "what he could perish by"³¹, emphasizing that a Celt's true weakness was a failure of morality, a weakness of will and a dereliction in the conduct of life.

Renan opens *The Poetry of the Celtic Races, and Other Essays* with a paragraph that contrasts the abundant fields and orchards of his native Normandy with the untamed natural qualities of Celtic Brittany, thus

²⁸ M. Arnold, *The Letters of Matthew Arnold: Volume 1 1829-1859*, Ed. C. Y. Lang, Charlottesville: University of Virginia Press, 1986, p. 501.

²⁹ Ibid, p. 75.

³⁰ E. Renan, *Oeuvres Complètes, Vol. 2*, Paris: Garnier Frères, 1890, p. 299.

³¹ M. Arnold, *The Study of Celtic Literature*. London: David Nutt, 1910, p. 145.

bringing to the fore the disparity between the concepts of the ideal and the vulgar plenty. Even though Renan does feel awestruck and fascinated with the purity and antiquity of the Irish race in the opening passages of his oeuvre, the initial sentiment of “mystery, legend, and poetry”³² is shattered in the ensuing parts, where the scholar draws a humiliating parallel for the native populace of Ireland between their purity as a race and the subterranean circles of Dante’s *Inferno*:

It seems like entering the subterranean strata of another world, and one experiences in some measure the impression given us by Dante, when he leads us from one circle of his *Inferno* to another.³³

Likewise, the language of racial superiority and possessiveness might be felt in the ensuing excerpt that covertly alienates the Irish from the neighbouring Anglo-Saxon race, while overtly praising their ability to stay unaffected by any foreign intervention:

Sufficient attention is not given to the peculiarity of this fact that of an ancient race living until our days and almost under our eyes, its own life in some obscure islands and peninsulas in the West, more and more affected, it is true, by external influences, but still faithful to its own tongue, to its own memories, to its own customs, and to its own capital. From this ensues that powerful individuality, that hatred of foreigners, which in our own days has formed the essential feature of the Celtic peoples.³⁴

As a consequence, by recognizing the unique attributes of the Irish people, Renan automatically isolates them from the Anglo-Saxon race, in this way implying the existence of an implicit hierarchy between the two. His romantic description of the Celts, especially their ability to preserve customs and language in isolation, goes side by side with rather harsh and somewhat degrading comments on their ethnic peculiarities. Hence, Renan’s reverence for cultural preservation and mysticism is overshadowed by his blunt description of vulgarity and inferiority of the Irish as a human race. This fact resonates with Frantz Fanon’s first stage of the development of a national culture under colonialism, categorized by the deliberate

³² M. Arnold, “On the Modern Element in Literature”, *Essays in Criticism*, Boston, The Ball Publishing Company, 1910, p. 39.

³³ E. Renan, *The Poetry of the Celtic Races, and Other Essays*. Port Washington: Kennikat Press, 1970, p. 2.

³⁴ *Ibid*, p. 5.

falsification of the Irish national identity in the minds of both, the Anglo-Saxon colonizers and the colonized themselves.

Yet, Arnold and Renan were not the only intellectuals propagating the superiority of the English over the Irish race. In fact, insinuating comments of the kind were quite numerous in the academic and media environment of Victorian England, ranging from *Punch* cartoons to Thomas Carlyle's (1795-1881) pamphlet *Chartism* (1839), from the writings of racial anthropologists like Robert Knox (1791-1862), representing "the Irish Celt as a degenerated 'race' that was destined to die out, and had to be forced from the soil"³⁵ to *Times* columns. Indeed, it was Thomas Carlyle, an essayist, philosopher and historian, who spoke of the "crowds of miserable Irish [who] darken our towns. The wild Milesian features, looking false ingenuity, restlessness, unreason, misery and mockery, salute you on all highways and byways. He is the sorest evil this country has to strive with"³⁶. Robert Knox, in his turn, asserted that "as a race, the Celt has no literature, nor any printed books in his original language. There never was any Celtic literature, nor science, nor arts"³⁷. Knox treated Celts as "irascible, warm-hearted, full of deep sympathies, uncertain, treacherous [...] dreamers of the past, not more courageous than other races, but more warlike"³⁸ - the characteristics that, according to the scholar, rendered the Celt unsuitable for demands of the contemporary society and, therefore, posed a menace for its continuum. Similarly, in an infamous letter to his wife, Charles Kingsley (1819-1875), a scholar, social reformer, historian and writer, wrote that "I am haunted by the human chimpanzees I saw [in Ireland] ... I don't believe they are our fault ... But to see white chimpanzees is dreadful; if they were black, one would not feel it so much".³⁹ This excerpt has frequently been used by critics as an example of how the Irish were racialized and dehumanized throughout the Victorian era. In fact, the 'need' for this long-standing imperative to differentiate English civility from Irish ignorance and to rationalize it was heightened by the Act of Union of 1800, Catholic Emancipation in 1829, the arrival of new forms of Irish anticolonial agitation, and, ultimately, by the presence of roughly half a million of Irish immigrants in England by 1841. The rise of the Fenian movement in 1860s, devoted to the pursuit of the Irish autonomy from England, resulted in further promulgation of the

³⁵ I. Wigger, "A Race in the Making. Robert Knox and the Racialization of the Irish in Nineteenth-Century British Anthropology", in *Racism and Modernity*, Ed. I. Wigger and W.D. Hund, Berlin: Lit Verlag, 2011, p. 131.

³⁶ T. Carlyle, *Chartism*, London: Levy, Robson, and Franklyn, 1840, p. 28.

³⁷ R. Knox. *The Races of Men: The Fragment*. Philadelphia: Lea and Blanchard, 1850, p. 320.

³⁸ *Ibid*, p. 320.

³⁹ L.P. Curtis, *Anglo-Saxons and Celts: Study of Anti-Irish Prejudice in Victorian England*, New York: New York University Press, 1969, p. 84.

“comparison of the Irish with chimpanzees and gorillas, the first live specimen of the latter being brought to London in 1860 with great success”⁴⁰. As a result, the idea that the Irish could be treated as the ‘missing link’ amid the apes and humans, public humiliation, verbal and physical violence, and depravities of all sort could not but initiate the passage of the Irish onto the second stage of Frantz Fanon’s development of a national culture under colonialism, presupposing the disturbance of the native with the situation he is engrossed in, resulting in his resolution to recollect his true identity, yet, still within the limits set by the colonizing culture.

Cultural Awakening: The Urge to Reclaim a Suppressed Heritage

In the chapter entitled “On National Culture” Frantz Fanon posits that alongside with violence the colonized “should opt for culture rather than material conditions as the crucial factor in bringing about the revolution”⁴¹, thus emphasizing the importance of the intricate psychological and cultural interplay in the course of the formation of a national identity. The excerpt is also indicative of Fanon’s second phase of national cultural development, where the colonized begin their quest for the rediscovery of their genuine identity and are suddenly flooded with memories and myths, aimed at re-interpreting their past through the lens of a colonized aesthetics. Yet, as Fanon proceeds, this process of self-affirmation remains deeply fraught, as the colonized, despite their desire to reassert autonomy, continue to view their own culture through the prism of values imposed by the colonizer. This gives rise to a critical paradox characterized by an earnest drive to reclaim their national identity strangely positioned within the alcoves of a deep psychological attachment to and a fear of being abandoned by the colonizer, and explains the reason why some Irish poets, “from Carolan to Raftery, seemed blind, like the great blues-singers of the American South”⁴². Hence, Fanon’s theory sheds light on the emotional and cultural dissonance inherent in the struggle for post-colonial identity in Ireland, revealing complex internal conflicts underlying the process of cultural reclamation.

Stereotypical representations of the Irish have had a long and sophisticated history in the process of Ireland’s struggle against the English rule, assigning a culturally unrefined and uncouth character to the “wild

⁴⁰ R. Dyer, *White*, London: Routledge, 1997, p. 52.

⁴¹ E. Burke III, “Frantz Fanon’s “The Wretched of the Earth””. *Daedalus*, Winter, 105 (1), 1976, p. 134.

⁴² J. Montague, “Introduction”, in *The Faber Book of Irish Verse*, London: Faber and Faber, 1974, p. 2.

Irish”⁴³ and, thus, contributing to the construction of a negative Irish image in literary and scholarly circles of the period. In fact, it was William Butler Yeats (1865-1939), an Irish dramatist, poet and writer, who employed Renanesque and Arnoldian stereotypes of the Celt in his works written within the framework of the Irish Literary Revival movement, crucial for the upsurge of the Irish revolution. Provided that “racial stereotypes adumbrate literary stereotypes and both reinforce each other”⁴⁴ Yeats’s contrasting stereotypes of the Celt and the Saxon were “the product of the rise of Romanticism and nationalism in the late eighteenth and early nineteenth centuries”⁴⁵. Correspondingly, the main bulk of his literary works stereotypically represented the Celt as “simple, unstudied, unskilled, sincere, spontaneous, primitive, humble, direct, self-abnegatory, natural, sympathetic, patriotic, tender, exuberant, young and mystical”⁴⁶, while the Saxon was characterized as “elaborate, bookish, skilled, insincere, affected, pretentious, ambitious, complex, selfish, artificial, aggressive, egoistical, gloomy, lifeless, old and practical”⁴⁷. This approach allowed Yeats to pave the way towards the reconstruction of the Irish national identity, significantly degraded and largely dependent on the linguistic, cultural, economic and political dominancy of the English. By accentuating the marked contrast between the Celt and the Saxon, Yeats pronounced his utter disillusionment with how the nineteenth century Ireland, governed by English sophisticates, failed to live up to the magic, naturalism, special charm and sentimentality of the Celt in his renown poem *The Fisherman* (1914):

What I hoped ‘twould be
To write for my own race
And the reality;
The living men that I hate,
The dead man that I loved,
The craven man in his seat,
The insolent unreprieved,
And no knave brought to book
Who has won a drunken cheer,
The witty man and his joke
Aimed at the commonest ear,
The clever man who cries

⁴³ P. Brantlinger, *Dark Vanishings. Discourse on the Extinction of the Primitive Races*, New York: Ithaca, 2003, p. 100.

⁴⁴ Y.M. Chaudry, *Yeats, the Irish Literary Revival and the Politics of Print*, Cork: Cork University Press, 2001, p. 128.

⁴⁵ Ibid, p. 128.

⁴⁶ Ibid, p. 128.

⁴⁷ Ibid, p. 128.

The catch-cries of the clown,
The beating down of the wise
And great Art beaten down⁴⁸.

Even though in his early years Yeats has been accused that his longing for the commonplace and his preoccupation with the man of the land were evidence of his “infantile regression rather than progressive nationalism”⁴⁹, the lines above indicate that it is far from being so. By advocating the cause of the underrepresented people of his own race - “a man who does not exist, a man who is but a dream”⁵⁰ - silenced by the dominance of “craven and insolent knaves [left] unreprieved”, Yeats directed his anger with the “living men”, whom he loathed, and provided a list of despicable attributes of the Anglicized few, comprising the political elite of the nineteenth century Ireland, destroying, demeaning, and piling shame on the indigenous culture and art of the nation. Yeats put a special accent on the existence of the “dead man that he loved” and of “the wise” men to provide a sharp contrast between the “craven” Irishmen who simply exist and the “insolent” English and their Irish sympathizers who are free in their perfidy. Hence, by contrasting good and evil, Yeats aspired to demonstrate the value of virtue that can be employed by the Irish to create a national poetry and art, reflecting in a more accurate and truthful manner their true origins and culture. As a consequence, in his early poetry, Yeats evoked Irish folklore, tales, and the natural scenery of his native land, comprising such works as “The Wanderings of Oisín” (1888), “The Madness of King Goll” (1888), “The Stolen Child” (1889), “The Lake Isle of Innisfree” (1890), and “Cuchulain’s Fight with the Sea” (1893) that ignited the Irish Literary Revival movement. Given the prevalence of Celtic mythology and imagery, and the lack of theological allusion in his early writing, it is fair to say that Yeats hoped this new literary movement would shift the core of Irish nationalism away from exploitation of theological differences and escalation of violence towards England, and centre it on proliferation of pastoralism, spiritualism, mysticism and everything that makes Ireland great, as has been proscribed by Frantz Fanon in relation to the second stage of cultural development of a nation.

In fact, similar calls to assist the Irish nation to “develop in future upon Irish line [...], because upon Irish lines alone can the Irish race once more become what it was of yore – one of the most original, artistic, literary, and

⁴⁸ W.B. Yeats. *A Routledge Literary Sourcebook on The Poems of W.B. Yeats*, Ed. M. O’Neill, London and New York: Taylor and Francis, 2004, p. 126.

⁴⁹ D. Kiberd, “Yeats, Childhood and Exile”. *Irish Writing: Exile and Subversion*, Ed. P. Hyland and N. Sammells, London: Macmillan, 1991, p. 141

⁵⁰ *Ibid*, p. 141.

charming people of Europe”⁵¹, were not new to the generation ‘fashioned’ by Yeats. The establishment of the Royal Irish Academy in 1784 and the inception of the Belfast Harper’s Festival in 1792, followed by the publication of Charlotte Brook’s *Reliques of Irish Poetry* in 1789 and Edward Bunting’s *Ancient Music of Ireland* in 1796 endeavoured to cater to the feeling of national pride at a period when it was at its lowest, as well as to provide a stimulus for the development of original studies on Ireland and its culture, endowing the Irish with an “illusory sense of belonging to a tradition”⁵². Assuming that the nineteenth century Ireland was virtually deprived of the present by the colonizing English, it had to be content with its chimerical past and unclear future - “a world lived out between Eden and Utopia, Genesis and Apocalypse”⁵³. Hence, the restoration of the Celtic Golden Age that succeeded to defeat the ruthless Saxon was a recurrent theme in the works of numerous balladeers, including Thomas Davis (1814-1845), James Clarence Mangan (1803-1849), William Kirkpatrick Magee (1868-1961), Emily Lawless (1845-1913) and many others that employed classical themes and referred to legendary events from Greek and Roman history to accentuate the struggle for Irish independence. William Drennan (1754-1820), an Irish nationalist, poet and physician, was one of them, whose ballad “The Wake of William Orr” (1884), became an anthem for Irish nationalists:

Here we watch our brother’s sleep;
 Watch with us, but do not weep;
 Watch with us thro’ dead of night,
 But expect the morning light.
 Conquer fortune - persevere! -
 Lo! it breaks, the morning clear!
 The cheerful cock awakes the skies,
 The day is come - arise! - arise!⁵⁴

The excerpt points to the despair and tragedy of the nineteenth century Ireland, left with no choice but to weep for the blurred glory of the past and to await the days when “the galling chain will sunder and the dawn will come”⁵⁵ looming on the horizon. A similar stance may be observed in James

⁵¹ J.E. Dunleavy and G. W. Dunleavy, *Douglas Hyde: A Maker of Modern Ireland*, Berkeley: University of California Press, 1991, p. 182.

⁵² F. O’Connor, *A Short History of Irish Literature: The Backward Look*, London: Macmillan, 1967, p. 143.

⁵³ A. Martin. “Anglo-Irish Poetry: Moore to Ferguson”. *The Canadian Journal of Irish Studies*, 12 (2), 1986, p. 89.

⁵⁴ C.G. Duffy, *The Ballad Poetry of Ireland*. Dublin: James Duffy, 1845, p. 80.

⁵⁵ A. Martin, “Anglo-Irish Poetry: Moore to Ferguson”, *The Canadian Journal of Irish Studies*, 12 (2), 1986, p. 89.

Clarence Mangan's prophetic poem "A Vision of Connaught in the Thirteenth Century" (1846):

I again walked forth;
But lo! the sky
Showed fleckt with blood, and an alien sun
Glared from the north,
And there stood on high,
Amid his shorn beams, a skeleton!
It was by the stream
Of the castled Maine,
One Autumn eve, in the Teuton's land,
That I dreamed this dream
Of the time and reign
Of Cáhal Mór of the Wine-red Hand!⁵⁶

The ballad brings to the fore the apocalyptic feeling of devastation brought about by the arrival of the Normans to the shore of Ireland, symbolising modern-day Ireland stricken by famine, poverty and cultural desolation. Thomas Moore (1779-1852), in his turn, an Irish poet remembered for his *Irish Melodies* (1808-1834) and an important role in the Irish Literary Revival Movement, believed that it is music and ballads of Ireland that possess the powers of speaking for hardships of people in the present, conciliating the powers of forgiveness for the errors accomplished in the past, so as to inspire them to leave the cultural wasteland and define their future as a nation, as in the romantic poem "At the Mid Hour of Night" (1813):

At the mid hour of night, when stars are weeping,
I fly
To the lone vale we loved, when life shone warm
in thine eye;
And I think oft, if spirits can steal from the regions
of air,
To revisit past scenes of delight, thou wilt come to
me there,
And tell me our love is remember'd, even in the
sky⁵⁷.

Samuel Ferguson (1810-1886) had a slightly different vision of contemporary Ireland. Despite his nostalgic feelings for the glorious and

⁵⁶ C.G. Duffy, *The Ballad Poetry of Ireland*. Dublin: James Duffy, 1845, p. 94.

⁵⁷ A.T. Quiller-Couch, *The Oxford Book of English Verse, 1250-1900*, Oxford: Clarendon, 1919, p. 585.

spiritual past of the land, in “An Irish Garland” (1813) he criticizes in a distressing way the living Irishmen of the present for their impotence to unite out of political and religious reasons. For this reason, he subdivided the populace of Ireland into ‘Gentlemen’ and ‘Jackasses’, and characterizes the former as people:

Whose honor’d flag in nighty-eight
Put foul rebellion down;
This glorious standard raise again
To face the Tricolor⁵⁸.

The Jackasses, on the contrary, are symbolically portrayed as creatures:

Whose ears, though cropp’d in ninety-eight,
Now flout our skies again;
Pick up your hairy standards,
Come, take a roll and fling,
And brey, while you may⁵⁹.

In this way, Ferguson brings to the fore another acute problem causing civil unrest and tormenting Ireland from within. The deep identity crisis in the country has been aggravated by a never-ending internal struggle for power between the majority formed by Catholic separatists and the minority of Protestant unionists, represented by Ferguson himself. Despite his ardent love for his motherland, Ferguson failed to elaborate a working remedy in his poetry. Instead, unable to look the facts into face, he assembled an image of an Ireland isolated from the social, political, and economic realities of its age and floating as a mirage atop a tumultuous globe.

To conclude, despite John Montague’s (1929-2016) comment that what one finds in the poetry of early writers of the Irish Literary Revival is simply “a racial sensibility striving to be reborn; [...] coming through with a mournful sound, like a medium’s wail [...] The true condition of Irish poetry in the nineteenth century is not silence, but mutilation [...] the choice between castration and blindness”⁶⁰, the contribution of Anglo-Irish poets and balladeers from Moore to Ferguson is hard to overestimate. By singing “to sweeten Ireland’s wrong”⁶¹, as has been stated by Yeats in “To Ireland in the Coming Times” (1893), they provided necessary conditions that made possible the transition from the stage of inertia and recollection to Frantz Fanon’s third stage of re-writing one’s national identity under colonialism -

⁵⁸ S. Ferguson, “An Irish Garland”, *Blackwood’s Magazine*, 33 (203), 1833, p. 87.

⁵⁹ S. Ferguson, “An Irish Garland”, *Blackwood’s Magazine*, 33 (203), 1833, p. 88.

⁶⁰ J. Montague, “Introduction”, in *The Faber Book of Irish Verse*, London: Faber and Faber, 1974, p. 2.

⁶¹ W.B. Yeats, “To Ireland in the Coming Times”, *The Poetry Ireland Review*, 116, 2015, p. 94.

the stage of vehement action, fighting and abrupt awakening from a centuries-long lethargy, aimed to establish a national identity and literature - a literature of a genuine freedom fighter.

From Protest to Revolt: The Rise of Revolutionary Resistance

Frantz Fanon's third stage of decolonization, often characterized as the 'fighting stage' in *The Wretched of the World*, signifies a pivotal moment in the psychological and ideological transformation of the colonized subject, as it marks a profound rupture from the lethargy and passive subjugation that has long hindered the agency of the colonized population. In this crucial juncture, the native emerges as both, a conscious awakener of the people and a pivotal agent in the struggle for national liberation - the fact that leads to the rise of a fighting literature, serving as a rallying cry for collective resistance. It is during this stage that the colonized, who had previously remained detached from intellectual or artistic expression, are compelled to voice the aspirations and collective consciousness of their nation, thus, becoming the mouthpieces of a new national reality set in motion. Central to this transformation is the realization that liberation extends beyond the nonviolent, intellectual resistance, thereby, substituted by the violent revolt of the oppressed, which becomes a necessary and a defining component of decolonization. As a consequence, this violence, deeply rooted in the historical trauma of subjugation, acts as a cathartic force, purging the native of the inferiority complex, despair, and inertia imposed by colonialism. It is through this violent confrontation with the colonial power that the native not only reclaims agency, but gets reborn as a fully realized subject, instilled with self-respect and conscious assertion of his humanity. Hence, it is evident that Fanon's fighting stage is inseparable not only from physical resistance, but also from ideological renewal reflected in the literature of the period, marking the decisive moment in the liberation process of Ireland.

An Irish nationalist, writer and leader of the Easter Rising of 1916 Patrick Pearse (1879-1916), ruthlessly executed as a living incarnation of the rebellion, elaborated a state-of-the-art conceptualization of the Irish race as a divine living organism in *The Sovereign People* (1916). The nation, he posits, is "knit together by natural ties, ties mystic and ties spiritual, and ties human and kindly [...] The nation is the family in large; an empire is a commercial corporation in large. The nation is of God [...] it is a living organic thing with a body and a soul; twofold in nature, like man, yet one"⁶². By animating the nation and instilling it with a heroic soul carrying the national awareness and collective historical memory of "the men dead, or in exile for the love of Ireland: Wolfe Tone, Robert Emmet, John Mitchel, and

⁶² P. Pearse, *Collected Works of Padraic H. Pearse: Political Writings and Speeches*, Dublin and London: Maunsell and Roberts Limited, 1922, p. 343.

O'Donovan Rossa"⁶³, Pearse stimulated the insurge of an all-embracing commitment to the national cause and the need for ferocious action against the English oppressor. The same patriotic rhetoric may be observed in Pearse's celebrated speech of 1915 by the grave of O'Donovan Rossa, one of the principal members of the Irish Republican Brotherhood, advocating the necessity of fervent opposition to the British rule in Ireland, whose burial served as a direct prelude to the 1916 Easter Rising and a point of no return:

O'Donovan Rossa was splendid in the proud manhood of him, splendid in the heroic grace of him, splendid in the Gaelic strength and clarity and truth of him. And all that splendour and pride and strength was compatible with a humility and a simplicity of devotion to Ireland, to all that was olden and beautiful and Gaelic in Ireland, the holiness and simplicity of patriotism of a Michael O'Clery or of an Eoghan O'Growney. The clear true eyes of this man almost alone in his day visioned Ireland as we of today would surely have her: not free merely, but Gaelic as well; not Gaelic merely, but free as well.⁶⁴

Analogous call to arms, crafted in accordance with the Irish national-poetic tradition, may be traced in Pearse's poem "The Rebel" (1915), urging the Irish to become ardent patriots and dedicated fighters for their national freedom:

I say to my people that they are holy,
That they are august, despite their chains.
That they are greater than those that hold them,
And stronger and purer.

...

And I say to my people's masters: Beware,
Beware of the thing that is coming, beware of the
risen people,
Who shall take what ye would not give.
Did ye think to conquer the people, or that Law is
stronger than life
And than men's desire to be free?
We will try it out with you, ye that have harried
and held,

⁶³ M.B. Pearse, *The Home Life of Padraic Pearse*, Dublin and Cork: Merrier Press, 1979, p. 28.

⁶⁴ S. Deane, *The Field Day Anthology of Irish Writing*, Vol. 2, Derry: Field Day Publications, 1991, p. 294.

Ye that have bullied and bribed.
Tyrants, hypocrites, liars!⁶⁵

If in “The Rebel” Pearse portrays himself as a true son of his land, he adjusts his stance in the poem “I am Ireland” (1912), where, by articulating his pride in Ireland’s culture and legacy, he associates himself with his homeland deprived of home:

I am Ireland:
I am older than the Old Woman of Beare.
Great my glory:
I that bore Cuchulainn the valiant.
Great my shame:
My own children that sold their mother.
I am Ireland:
I am lonelier than the Old Woman of Beare.⁶⁶

Pearse’s vision of liberation acquires an even more radical stance with the unfolding of disastrous events of the Easter Rising of 1916, compelling him to proclaim that “in the circumstances of Ireland, it is not possible to obtain freedom without bloodshed”⁶⁷ pertinent to most “splendid things in Ireland’s history”⁶⁸, which echoes to a great extent the state of affairs at Fanon’s fighting stage in the liberation movement of a colonized country. Aware of the fact that he himself would soon become one of those splendid episodes in the history of his land, Pearse, nevertheless, never ceased to conjure visions of the miraculous revivification of his motherland from ashes of colonial rule until his untimely execution in Arbor Hill Prison in Dublin.

Even though William Butler Yeats descended from a Protestant family that he commemorated in *Responsibilities* (1914) when reflecting on one of his forebears, who fought on the banks of the river Boyne against James II on the side of William of Orange and his wife Mary II in 1690, it is impossible not to admit that the Irish movement for liberation was ignited by Yeats and reverted to Yeats when English colonialism in Ireland was overthrown:

Merchant and scholar who have left me blood
That has not passed through any huckster’s loin,
Soldiers that gave whatever die was cast:

⁶⁵ P. Pearse, *Plays, Stories, Poems*, Dublin: Helicon, 1980, p. 338.

⁶⁶ P. Pearse, *Plays, Stories, Poems*, Dublin: Helicon, 1980, p. 323.

⁶⁷ P. Pearse, *Collected Works of Padraic H. Pearse: Political Writings and Speeches*, Dublin and London: Maunsell and Roberts Limited, 1922, p. 323.

⁶⁸ D. Edwards, *Patrick Pearse: The Triumph of Failure*, London: Victor Gollancz, 1977, p. 314.

A Butler or an Armstrong that withstood
Beside the brackish waters of the Boyne
James and his Irish when the Dutchman
crossed;⁶⁹

Despite Yeats's evident association with the Anglo-Irish governmental circles, "at a time when 'revolutionary' nationalism was being promoted most vociferously by Catholic intellectuals such as Patrick Pearse"⁷⁰, his early poems may be positioned within the framework of the anti-imperialist resistance movement, led by men of literature and vision, that preceded the more overtly liberationist movements of the mid-1900s. Indeed, Yeats's early poetry of 1890s, that seems to be about reclaiming and recuperation of the colonial land via the use of imagination, was guided by the slogan elaborated by the poet himself - "there is no great literature without nationality, no great nationality without literature"⁷¹, endowing literature with a critical function of reviving Irish pride and forging a unified Irish culture. This instance accounted for Yeats's active role in the foundation of such institutions as the National Literary Society (1892), the Gaelic League (1893) and the Irish Literary Theatre (1899) - all established in 1890s.

Yeats's ideal Ireland was a country of unique cultural and spiritual identity, a nearly utopian society devoid of sectarian strife and ethnic hatred. Therefore, Yeats envisioned the process of fighting as an act of violence against the aggressor accomplished with a pen - the deadliest of all weapons. If the pro-self-rule newspaper *The Nation*, first published in 1842, was commonly accepted to be the source of Irish political and ethnical aspirations of the epoch, Yeats never omitted a chance to criticise its nationalistic writings for being nothing but "political propaganda in facile and mechanical lines"⁷² and show his genuine preference for old-fashioned, sincere, fulsome and honest-to-goodness poetic lines of poems reminiscent of "Dark Rosaleen" (1846) by James Clarence Mangan - an exemplary nationalistic weapon appealing to all and everyone:

Woe and pain, pain and woe
Are my lot, night and noon,
To see your bright face clouded so,
Like to the mournful moon.
But yet will I rear your throne

⁶⁹ W.B. Yeats, *The Collected Poems of W. B. Yeats*, London: Macmillan, 1950, p. 113.

⁷⁰ S. Regan, "W.B. Yeats: Irish Nationalism and Post-Colonial Theory", *Nordic Irish Studies*, 5, 2006, p. 89.

⁷¹ W.B. Yeats, *Letters to the New Island*, London: Macmillan, 1989, p. 30.

⁷² N. Menon, "W. B. Yeats and The Irish Literary Revival", *Indian Literature*, 1965, 8 (2), 1965, p. 13.

Again golden sheen.
'Tis you shall reign, shall reign, alone.
My dark Rosaleen.
My own Rosaleen.
'Tis you shall have the golden throne
'Tis you shall reign, and reign alone,
My dark Rosaleen...⁷³

This poem stands out as the pinnacle of Irish nationalist resurrection, championed by the might of literary expression and the violence of the word; the real call for rebellion, inspired by a lover's-like devotion, but more generous and of a nobler patriotic spirit.

Even though Yeats's nationalist commitment and sheer revolutionary spirit prevalent in the earlier years of his literary and public career were substituted, "belied and even cancelled out by his later reactionary politics"⁷⁴, and he himself was proclaimed a "mere English poet of the third or fourth rank"⁷⁵ by Patrick Pearse, Yeats's nationalism should never be confused with radical separatism. Aware of numerous manifestations of nationalism, varying from constitutional reforms to brute force and violence, Yeats was deeply shaken by the ferocity of the attempts to secure Home Rule in 1913, which he reflected in his famous poem "September 1913" (1913), written in response to the Hugh Lane controversy:

Yet they were of a different kind,
The names that stilled your childish play,
They have gone about the world like wind,
But little time had they to pray
For whom the hangman's rope was spun,
And what, God help us, could they save?
Romantic Ireland's dead and gone,
It's with O'Leary in the grave.⁷⁶

Instead of pressing the reader to take reckless action to revenge the deceased Romantic heroes of the old, be it O'Leary or his fellow selfless and self-sacrificing champions of Ireland's liberty, who "were of a different

⁷³ J. C. Mangan, *Selected Poems with a Study by the Editor Louise Imogen Guiney*. Boston and New York: Lamson, Wolfe, and Company, 1897, p. 115.

⁷⁴ E. Said, *Culture and Imperialism*, London: Chatto and Windus, 1993, p. 283.

⁷⁵ R.F. Foster, "Anglo-Irish Literature, Gaelic Nationalism and Irish Politics in 1890s", *Ireland After the Union: Proceedings of the second joint meeting of Royal Irish Academy and the British Academy*, Oxford: Oxford University Press, 1989, p. 77.

⁷⁶ W.B. Yeats, *The Collected Works of W. B. Yeats*, New York: Scribner Paper Fiction, 1989, p. 86.

kind”⁷⁷, Yeats accentuates the passive complacency of his contemporaries to aspire them to commit acts cultivated by reason. Indeed, Yeats’s refrain “Romantic Ireland’s dead and gone”⁷⁸ possesses a double-fold nature - by stressing the audience’s inactiveness, it functions as a catalyst provoking them to act. “September 1913”, thus, makes an implicit appeal to the reader to rise and prove the speaker wrong.

The tragic events of the ensuing 1916 Easter Uprising, resulting in deaths and executions of his former comrades, Patrick Pearse being no exclusion, could not but leave Yeats devastated:

“Romantic Ireland’s dead and gone” sounds old-fashioned now. It seemed true in 1913, but I did not foresee 1916. The late Dublin Rebellion, whatever one can say of its wisdom, will long be remembered for its heroism. “They weighed so lightly what they gave” and gave too in some cases without hope of success.⁷⁹

Yet, Yeats had conflicting feelings about the Easter Uprising. Alongside with the feeling of sheer desolation, he could not but commend the nationalistic model and potential of Pearse’s Provisional Government’s assurance for civil and religious rights to an Irish population that was “oblivious of the differences carefully fostered by an alien government (England), which had divided a minority (Ulster Protestants) from the majority (Catholics) in the past”⁸⁰. For this reason, the utter gravity and irrevocability of the situation instigated Yeats to honour and immortalize the heroes of the violent uprising in the renowned poem “Easter 1916” (1916), in which he portrays MacDonagh and MacBride/And Connolly and Pearse”⁸¹, as the contemporary descendants of mythological Cuchulain, fully aware that their heroic deeds would result in their death, but their extreme defiance would pave the way for the challenging birth of a “terrible beauty”⁸², born out of a “excess of love”⁸³ destined to “utterly”⁸⁴ alter the established order of his time:

Was is needless death after all?

⁷⁷ Ibid, p. 86.

⁷⁸ Ibid, p. 86.

⁷⁹ H. Marjorie, “Postcolonial Yeats: Culture, Enlightenment, and the Public Sphere.” *Field Day Review*, 2, 2008, p. 67.

⁸⁰ T.P. Coogan, *The IRA, A History*, Bolder, Colorado: Roberts Rinehart Publishers, 1993, p. 15.

⁸¹ W.B. Yeats, *W.B. Yeats: The Major Works*, Ed. E. Larrissy, Oxford: Oxford University Press, 1997, p. 87.

⁸² Ibid, p. 87.

⁸³ Ibid, p. 87.

⁸⁴ Ibid, p. 87.

For England may keep faith
For all that is done and said;
We know their dream; enough
To know they dreamed and are dead;
And what if excess of love
Bewildered them till they died?
I write it out in a verse –
MacDonagh and McBride
And Connolly and Pearse
Now and in time to be,
Wherever green is worn,
Are changed, changed utterly:
A terrible beauty is born.⁸⁵

Despite the fact that Yeats has been frequently criticised by his contemporaries for his lack of action and overexaggeration of the role of poetry in the fight for national independence - “if Yeats had saved his pencil-lead/ would certain men have stayed in bed? For history’s a twisted root with art its small, translucent fruit and never the other way around”⁸⁶ – it was Yeats, more than anybody else, who was responsible for the upsurge of patriotic feelings in the country deprived of the luxury to feel. The similar strain continues in the works of other literary luminaries of the period. George Bernard Shaw (1856-1950), an Irish playwright, political activist and literary critic, was deeply disturbed by the concurrent terror and glory of the Easter Rising, which made him posit in “Easter Week Executions” (1916) that:

It is absolutely impossible to slaughter a man in this position without making him a martyr and a hero, even though the day before the rising he may have been only a minor poet. The shot Irishmen will now take their places beside Emmet and the Manchester martyrs in Ireland, and beside the heroes of Poland and Serbia and Belgium in Europe; and nothing in heaven or earth can prevent it.⁸⁷

Likewise, the Irish dramatist Sean O’Casey (1880-1964), compared the heroes of the Easter Rising to saints and martyrs in his famous play *The Plough and the Stars* (1926):

⁸⁵ Ibid, p. 87.

⁸⁶ P. Muldoon, *Meeting the British*. New York: Faber and Faber, 1987, p. 55.

⁸⁷ G.B. Shaw, “The Easter Week Executions”, in *The Matter with Ireland*, Eds. D. H. Laurence and D. H. Greene, Gainesville: University Press of Florida, 2001, p. 125.

They're all in a holy mood. Th' solemn-lookin' dials on th' whole o' them an' they marchin' to th' meetin' You'd think they were th' glorious company of th' saints, an' th' noble army of martyrs thrampin' through th' sthreads of paradise. They're all thinkin' of higher things than a girl' garthers.⁸⁸

Yet, suspicious of the political elite and the new generation of liberal freedom fighters multiplying in the post-Easter-Rising-Ireland, O'Casey could not but express his dismay with the country that had sacrificed for nothing so many brilliant leaders, united by comradeship and "fraternity that makes it possible for so may millions of people not so much to kill, as to willingly die for such limited imaginings"⁸⁹ in the Rising:

I know that a new generation has grown up since 1916, but they seem to have less courage and less say than the generation that joined in the Rising [...] By the way, there is nothing wrong or foolish about being proud of Easter week: the sorrowful thing is that those who followed have betrayed the ideals of the men who thought for Ireland then. The 'terrible beauty' that then flamed died as soon as it had been born; died with the men who died then.⁹⁰

To conclude, Frantz Fanon's third stage of decolonization, or the "fighting stage", is crucial in the broader context of liberation movements, in which psychological transformation and ideological renewal merge into violent resistance. The principal characteristic of this stage is the awakening of the colonized subject, who breaks free from passivity and becomes an active agent in the struggle for liberation. Fanon's theory of decolonialization and the overall pattern of the Irish nationalist movement demonstrate that the literature of resistance was of paramount importance for expressing the collective consciousness and emotional urgency of the oppressed. Despite obvious differences in their approach, Pearse's fervent calls to arms and Yeats's poetry accentuated the necessity of violent resistance, as a necessary tool to reclaim agency and national identity. Fanon, in his turn, envisions violence not as mindless destruction but as a cleansing force, purifying the colonized from the psychological wounds imposed by colonial rule. This moment of intense struggle and sacrifice,

⁸⁸ S. O'Casey, *The Plough and the Stars*, New York: Samuel French Ltd., 2011, p. 182.

⁸⁹ B. Anderson, *Imagined Communities*, London: Verso, 2006, p. 7.

⁹⁰ D. Krause, *The Letters of Sean O'Casey Vol. 3 1955-1958*, Washington DC: Columbia University Press, 1989, p. 405.

embodied in the bloodshed of numerous uprisings, including the Easter Rising of 1916, encapsulates the birth of a “terrible beauty”⁹¹ - a transformative moment that redefined both, the Irish nation and its people. Hence, Frantz Fanon’s third stage of the development of a national culture under colonialism is inseparable from the violent confrontation that not only liberates the body, but also reshapes the consciousness of the colonized.

Haunted by the Past, Stranded in the Present: The Re-Assessment of Cultural Authenticity

In Frantz Fanon’s journey toward decolonization, the native is oft confronted with a complex challenge of forging a new national identity amidst the residues of colonial influence. That being so, after liberating themselves from colonial oppression, the newly freed nation finds itself entangled in a paradox: how to reconstruct a culture that is both, authentically its own and, yet, irrevocably shaped by the legacy of the colonizer. The tension between the desire to revive a lost, ‘authentic’ national culture and the inevitable presence of colonial remnants that continue to shape contemporary reality establish an atmosphere of uncertainty in the land newly liberated from the grip of the oppressor. Frantz Fanon’s analysis of post-colonial cultural development allows one to conduct a thorough examination of the manner how the native, trapped between the past and the present, struggles to escape the shadows of a glorified but distorted national history, while simultaneously confronting the inadequacies of a culture still influenced by colonial models. In this precarious space, the quest for authenticity in Ireland turns not only into a challenge of reclaiming what was lost in the turmoil of the past, but also into a necessary redefinition of the present and future beyond the constraints of colonialism and nostalgic, fragmented identities of the Irish as a race.

On 25 November 1892, Douglas Hyde (1860-1949), a linguist, scholar and the first President of independent Ireland, gave a seminal lecture, entitled “The Necessity for De-Anglicising the Irish People”, concluding that:

I would earnestly appeal to everyone, whether Unionist or Nationalist [...] to set his face against the constant running to England for our books, literature, music, games, fashions and ideas. I appeal to everyone [...] to help the Irish race to develop in future upon Irish lines [...] because upon Irish lines alone can the Irish race once more become what it was of yore – one

⁹¹ W.B. Yeats, *W.B. Yeats: The Major Works*, Ed. E. Larrissy, Oxford: Oxford University Press, 1997, p. 87.

of the most original, artistic, literary, and charming people of Europe.⁹²

Indeed, Hyde's nationalism was inclusive and non-coercive, never based on race, but on location and tradition. Even back then, when revolutionist, violent and radical feelings were at their highest, Hyde ardently believed that it was the Irish language that might serve as a common thread in Irish culture. Provided that for centuries the Irish scene had been characterized by self-destructive and paradoxical hatred and imitation of the English, the state of affairs had to end. Hence, a pride in everything Irish was what pragmatic Hyde had to offer to the Irish populace.

In fact, it was William Butler Yeats, who in "Under Ben Bulbin" (1938) echoed Hyde's half-century old ideas regarding the necessity to redefine Ireland's present and future, compelling writers to unite conflicting forces into a new order:

Irish poets learn your trade
Sing whatever is well made,
Scorn the sort now growing up,
All out of shape from toe to top,
Their unremembering hearts and heads
Base-born products of base beds.
Sing the peasantry, and then
Hard-riding country gentlemen,
The holiness of monks, and after
Porter-drinkers' randy laughter;
Sing the lords and ladies gay
That were beaten into the clay
Through seven heroic centuries;
Cast your mind on other days
That we in coming days may be
Still the indomitable Irishry. ⁹³

In this way, Yeats believed that the holiness and secularism segregating people in his land might be reversed and integrated into what Seamus Deane (1941-2021) called the country arising from Yeats's vision of the Irish Revolution in "A Fool Moon in March" (1935):

Frankenstein, Salome and Irish folktale are combined into the crucial image of an act of decapitation which is also an act of love. Sex and

⁹² J.E. Dunleavy and G. W. Dunleavy, *Douglas Hyde: A Maker of Modern Ireland*, Pittston: Berkeley, 1991, p. 182.

⁹³ W.B. Yeats, *The Collected Works of W. B. Yeats*, New York: Scribner Paper Fiction, 1989, p. 400.

violence produce poetry. Aristocrat and peasant produce, out of a violent fusion, art. This play enacts for us the Yeatsian ideal of the growth of consciousness in Ireland. The Queens apathy and the Swineherd's body are both destroyed. In the wake of that destruction, they learn to sing to one another.⁹⁴

At one point of his literary career Yeats comes to a sudden realisation of the futility of his endeavour to persuade the Irish people to embrace his cultural nationalism, which was twisted into a means of inciting a fierce animosity toward the English and dividing Ireland along religious lines, as described in his poem "Remorse for Intemperate Speech" (1933):

Out of Ireland
Great hatred, little room,
Maimed us at the start.⁹⁵

Hence, the main theme in Yeats's late poetry corresponds to Fanon's fourth, re-assessment stage of decolonialization, focusing on the ways to balance the inherent vehemence of the colonial struggle with the daily politics of various parties involved in the conflict, aiming to unite them within the discourse of reason, persuasion, organization, and poetical aesthetics. According to Yeats, this could be achieved not by displaying force, but rather by weakening Irish reliance on England through Gaelic plays and straightforward, appealing poetry that depicts traditional Irish life. The reason for this was that a common person would never understand culture through printed texts, but through simple Gaelic poetry and songs to be sung at work and play, for "where there is art there is culture, and where there is culture there is victory"⁹⁶. Economic domination by English industries after the famine led to the widespread adoption of English clothing and fashion, which brought with it the acceptance of English way of reasoning and the English alphabet, while traditional Irish conventions and the Irish language began to be widely ridiculed. Therefore, Yeats attached great importance to the Irish language and literature revival in the country's quest for authenticity following the period of its emancipation: "The worm has turned, and the reaction, begun about ten years ago, is now in the full bloom of prosperity. I may not live to see that ultimate success,

⁹⁴ S. Deane, *Celtic Revivals: Essays on Modern Irish Literature 1880 -1980*, London: Faber and Faber, 1985, p. 47.

⁹⁵ W.B. Yeats, *The Collected Works of W. B. Yeats*, New York: Scribner Paper Fiction, 1989, p. 172.

⁹⁶ W.B. Yeats, "Lecture", *Washington Evening Star*, 22 February 1904, p. 10.

but success is inevitable”⁹⁷. According to Yeats, this objective could be achieved not through the use of force, but by diminishing Irish dependence on England through the expansion of Gaelic drama and sincere, singable verses portraying traditional Irish life, as

The literary movement is powerful, the people are in sympathy, and I hope we will all live to see the day when Irish will again be spoken in Ireland to the exclusion of all other tongues. The Gaelic language will be a barrier to the vulgarity and coarseness which is today the plague of Ireland.⁹⁸

Yeats was hopeful that the Gaelic League would produce theatrical performances in Irish preventing the spread of English vulgarity among the common people, comprising “have half-hour plays in the interlude of a concert or a meeting [...] They should perform in small halls and not touch large theatres”. The foundation of a Chair in Celtic Languages at the Catholic University of Ireland in 1896 by the Ancient Order of Hibernians, in its turn, not only formalized the teaching of Irish but also made it possible for the university to host lectures by foreign visiting scholars, remarkably sympathetic to Yeats’s commendation of the aims of the Irish Language movement.

The magnitude of Yeats’s approach is hard to overestimate, yet it was not devoid of significant handicaps, masterfully pinpointed by George Bernard Shaw in his iconic play *John Bull’s Other Island* (1904). Ironically, it was Yeats himself who commissioned Shaw to create a play for the Irish Literary Theatre endorsing the image of a new Irishman, which, instead, turned out to be a sardonic deconstruction of contradictory drives underlying the neo-Gaelic movement initiated by Yeats. Indeed, Shaw admitted in his 1906 “Preface for Politicians” that his play “was uncongenial to the whole spirit of the neo-Gaelic movement, which is bent on creating a new Ireland after its own ideal, whereas my play is a very uncompromising presentiment of the real old Ireland”⁹⁹. Hence, being requested to memorialize the Irish Revival, which he detested, Shaw ended up mocking the image of a new Irish fervently popularized by the stage due to his intense belief that representations of the sort would never solve the Irish problem. In fact, Shaw parodies not only the new-Gaelic plans for modernisation and growth, but also the mechanism for promotion of Irishness abroad, brought forward by the character of Mr Laurence Doyle, confiding in Mr Thomas Broadbent: “Man alive, don’t you know this top-o-the-morning and broth-

⁹⁷ Ibid, p.10.

⁹⁸ W.B. Yeats, “Lecture”, *Washington Evening Star*, 22 February 1904, p. 10.

⁹⁹ G.B. Shaw, *Collected Prefaces*, London: Constable, 1934, p. 443.

of-a-boy and more power to your elbow business is got up in England to fool you, like the Albert Hall concerts of Irish music”¹⁰⁰. In fact, Shaw is critical even of his own Irishness, in the neo-Gaelic sense of the word, underlining its outwardly constructed character: “My extraction is the extraction of most Englishmen: that is, I have no trace in me of the commercially imported North Spanish strain which passes for aboriginal Irish: I am a genuine typical Irishman of the Danish, Norman, Cromwellian, invasions”¹⁰¹. A similar stance is developed by the Irishman Doyle who tells Broadbent that “when people talk, I could burn down London. That sort of rot does more harm than ten Coercion Acts [...] Why, man, Ireland was peopled as England was; and breed was crossed by just the same invaders”¹⁰², to which Broadbent reacts, without understanding his partner at all: “True. All the capable people in Ireland are of English extraction”¹⁰³. This gives rise to humour in the play, which stems from Shaw’s treatment of national stereotypes, when by donning masks - such as acquiring and dropping brogues - characters neatly partition the world into what is ‘expected’ of the English and the Irish in terms of race-suitable behaviour. The best illustration for the above assertion may be Broadbent’s characterisation of Tim Haffigan - the Scotsman adorned by an Irish mask, as a typical image of a modern Irishman: “rash and improvident but brave and good-natured; not likely to succeed in business on your own account perhaps, but eloquent, humorous, a lover of freedom, and a true follower of that great Englishman Gladstone”¹⁰⁴. As a result, Shaw’s *John Bull’s Other Island* warns the reader against falling prey to literature presenting Ireland as a glamorous place of pure pastoral delight, at the same time, it advises caution regarding any literature reporting Ireland to be a backward place of pure neglect and desolation, as both might replicate perverse stereotypes engendered by centuries of colonial exploitation. The impact of the play was so great that even Yeats acknowledged Shaw’s innovative stance on race and nationalism and complimented on his genuine connection to Ireland despite many years spent in London: “You said things in this play which are entirely true about Ireland, things which nobody has ever said before. [...] It astonishes me that you have been so long in London and have remembered so much”¹⁰⁵.

¹⁰⁰ G.B. Shaw, *Complete Plays with Prefaces, Vol. 2*, New York: Dodd, Mead, and Company, 1962, p. 513.

¹⁰¹ Ibid, pp. 445-446.

¹⁰² Ibid, pp. 515-516.

¹⁰³ Ibid, p. 516.

¹⁰⁴ G.B. Shaw, *Complete Plays with Prefaces, Vol. 2*, New York: Dodd, Mead, and Company, 1962, p. 509.

¹⁰⁵ M. Holroyde, *Bernard Shaw: The One-Volume Definitive Edition*, New York: Random House, 1997, p. 306.

To conclude, the quest for Irish authenticity corresponding to Frantz Fanon's fourth stage of decolonialization might be defined at best by the anti-imperial approach delineated by the contemporary novelist Arundhati Roy:

Our strategy should be not only to confront Empire, but to lay siege to it. To deprive it of oxygen. To shame it. To mock it. With our art, our music, our literature, our stubbornness, our joy, our brilliance, our sheer relentlessness - and our ability to tell our own stories. Stories that are different from the ones we're being brainwashed to believe.¹⁰⁶

Beyond Colonialism: The Rise of a New National Consciousness

The Wretched of the Earth posits that the oppressed must go beyond mere recovery of the distorted past imposed by colonialism and engage in present realities of their culture. Frantz Fanon contends that such a process necessarily involves the rediscovery of historical truths along with confronting the dynamic forces of the present that will shape the future. Hence, at the final stage of this development, the native must clear outdated traditions and repressive legacies, so as to form an effective base for a free and liberated nation. To Fanon, such transformation, signifies the dawn of a new national consciousness based on self-rule and liberation from any colonial control and stale nationalistic concepts. Many Irish writers considered diverse ways, much like Fanon's native, to engage in the battle for breaking colonial ties while conceptualizing fresh opportunities for an autonomous national culture - all very closely related to the notions of reclaiming and redefining national consciousness against the grid of being "abandoned to possible self-annihilation at the moment when a more perceptive view of their predicament is at last beginning to be possible"¹⁰⁷.

Despite the fact that 'immobility' was often the key word characterising the nineteenth century Irish literature and culture, the situation was about to change as many scholars and literary figures of the newly liberated Ireland were ready to acknowledge that the right to sovereignty lies in the ability of the people to govern and express themselves as a nation, rather than depend on precarious aftereffects of establishing a separate language and culture:

¹⁰⁶ A. Roy, "Confronting Empire", in *War Talk*, Cambridge, Massachusetts: South End Press, 2003, p. 112.

¹⁰⁷ F.S. L. Lyons, *Culture and Anarchy in Ireland 1890-1939*, Oxford: Clarendon Press, 1979, p. 2.

A nation which at once will not defend its liberties in the field, nor yet allow itself to be governed, but struggles to preserve the independence which it wants the spirit to uphold in arms by insubordination and anarchy and secret crime, may bewail its wrongs in wild and weeping eloquence in the ears of mankind, - may at length, in a time when the methods by which sterner ages repressed this kind of conduct unpermitted, make itself so intolerable as to be cast off and bidden go upon its own bad way: but it will not go for its own benefit. It will have established no principle and vindicated no natural right. Liberty profits only those who can govern themselves better than others can govern them, and those who are able to govern themselves wisely have no need to petition for a privilege which they can keep or take for themselves.¹⁰⁸

For this reason, the focus of many Irish writers, aware of a need for radical change in the nationalist policy of the land, shifted towards depicting the inevitability of the re-evaluation of overly glorified, stereotypical and oft outdated Irish cultural norms in order to create a new national consciousness, necessary for self-government of a newly liberated nation. An Argentinian writer and essayist Jorge Luis Borges (1899-1986) takes this idea even further by claiming that Argentinians, Irish and Jews, can obtain an advantage from their position as both insiders and outsiders in European cultural convention, which endows them with an invaluable opportunity to appropriate the entire magnitude of Western culture: “We cannot confine ourselves to what is Argentine in order to be Argentine because either it is our inevitable destiny to be Argentine, in which case we will be Argentine whatever we do, or being Argentine is a mere affectation, a mask”¹⁰⁹. Hence, the task of a newly liberated nation is to transform its national identity from the object of blind worship into an object of continuous improvement, based on the deconstruction of stale nationalistic concepts and amalgamation of innovative ideas of nation-building from the outside world. No matter how strange it may sound, even William Butler Yeats was wary of the Revivalist foray into Gaelic language and national mythology. In fact, Yeats doubted the rightness of the complete substitution

¹⁰⁸ J.A. Froude, *The English in Ireland in the Eighteenth Century, Vol. 1*, London: Longmans, Green and Co, 1872, p. 6.

¹⁰⁹ J.L. Borges, “The Argentine Writer and Tradition”, *Selected Nonfictions*, Trans. E. Allen, S. J. Levine and E. Weinberger, Ed. E. Weinberger, New York: Viking, 1999, p. 427.

of English by Gaelic, calling it unreasonable and even dangerous for the development of the nation: “Let us by all means prevent the decay of that tongue where we can, and preserve it always among us as a learned language to be a fountain of nationality in our midst, but do not let us base upon it our hopes of nationhood”¹¹⁰.

Yet, it was James Joyce (1882-1941), an Irish poet, novelist and literary critic, who developed this idea even further in the renowned novel *The Portrait of an Artist as a Young Man* (1916). Despite the fact that Joyce systematically criticised the principal kinds of nationalism, including the Gaelic Revival movement, and questioned their cultural canons,

Especially [the] tendency of idealizing the Irish peasantry and locating cultural authenticity in folklore, legend, and mythology [...], we cannot understand the complexity of Joyce’s attitude toward Revivalism if we place him outside its influence and lose sight of the fact that Joyce and Yeats desired the same thing: the creation of an imaginary Irish nation and race.¹¹¹

It is for this reason that Joyce’s seeming denial of the Revival automatically amalgamated him back into the nationalist movement, as a bizarre nationalist, but even so a nationalist in the proper sense of the word. In this connection, the character of Stephen Dedalus declares to Cranly in *The Portrait of an Artist as a Young Man* that “I will not serve that in which I no longer believe, whether it call itself my home, my fatherland, or my church”¹¹². Stephen’s seeming resolution to deny the concepts of “nationality, language, and religion”¹¹³, nonetheless, is totally undermined by his last but one entry in the diary that contains his oath to “forge the uncreated conscience of my race”¹¹⁴.

Stephen Dedalus takes a very distinct stance on the language problem in Ireland. He posits that “my ancestors threw off their language and took another. [...] They allowed a handful of foreigners to subject them. Do you fancy I am going to pay in my own life and person debts they made? What for?”¹¹⁵. What is important here is that Stephen develops this viewpoint

¹¹⁰ W.B. Yeats, *Uncollected Prose. Vol. 1*, Ed. J. P. Frayne, London: Macmillan, 1970, p. 256.

¹¹¹ G. Castle, *Modernism and the Celtic Revival*, Cambridge: Cambridge University Press, 2001, p. 173.

¹¹² J. Joyce, *A Portrait of the Artist as a Young Man*, Ed. S. Deane. New York: Penguin Books, 2003, p. 268.

¹¹³ *Ibid*, p. 220.

¹¹⁴ *Ibid*, p. 276.

¹¹⁵ *Ibid*, p. 220.

despite recognizing the foreignness of the English language. For Stephen, the victory of English is unalterable, especially when he realizes that the dean's opposition to his usage of English was groundless for he employed the correct word: "I looked it up and find it English and good old blunt English too. Damn the dean of studies and his funnel! What did he come here for to teach us his own language or to learn it from us. Damn him one way or the other!"¹¹⁶. Even though the rift between "his" language and "us" continues, so does the perception that "his" language might be improved. At the same time, Stephen Deadalus shares Joyce's rejection of the Revivalist fascination with Gaelic and national mythology, as well as his denial of the existence of any kind of recoverable past. So as to put an end to their discontent with the current state of affairs in Ireland or its recent course of history, Irish nationalists, represented by Davin in the novel, used to determine the point when the situation went awry and worked to rebuild a retrospective utopia. Yet, the position of the kind was alien to Stephen, who defined Ireland as "the old sow that eats her farrow, [whose ancestors have given away] their independence and their freedom"¹¹⁷. The fact that Ireland "ceased to be Irish without becoming English"¹¹⁸, instigated Joyce to come up with the only possible solution for the revival of the country as a unit of new national consciousness – to reinvent it from scratch by amputating the nostalgia for the past, "dead just as Ancient Egypt is dead"¹¹⁹, and propagating the incorporation of everything progressive, irrespective of national origins, necessary for the advancement of Ireland as an independent nation. In fact, Joyce came very close in his vision of a newly liberated Ireland to the position of György Konrád (1933-2019), a Hungarian sociologist and poet, who posited that "the self-shrinking national strategy takes what it considers non-national and delights in condemning it. The self-expanding national strategy takes anything from the outside world that can be fruitfully related to what was previously considered national and delights in integrating the two"¹²⁰. As a result, by interrogating the colonial impositions on Irish identity and the internal forces that hindered true liberation, and deconstructing the concepts of language nationalism, racial essentialism, and national responsibilities of an ordinary individual, James Joyce's *The Portrait of an Artist as a Young*

¹¹⁶ Ibid, p. 274.

¹¹⁷ Ibid, p. 220.

¹¹⁸ D. Hyde, "On the Necessity for De-Anglicising Ireland", *The Revival of Irish Literature and Other Addresses*, London: T. Fisher Unwin, 1894, p. 118.

¹¹⁹ J. Joyce, *The Critical Writings of James Joyce*. Eds. E. Mason and R. Ellmann. New York: Viking, 1959, p. 173.

¹²⁰ Konrád, György. *The Melancholy of Rebirth: Essays from Post-Communist Central Europe, 1989–1994*. Trans. Michael Henry Heim. San Diego: Harcourt Brace, 1995, p. 167.

Man challenged not just the Revivalist delusions of Ancient Ireland, but also the endeavour of nation-building based on the past. Stephen Dedalus's rejection of these concept, in its turn, greatly parallels Frantz Fanon's call for breaking away from old bonds in order to forge a new identity.

To conclude, the quest for a new national consciousness underscores the essential need for liberation from both, colonial legacies and outdated nationalistic ideals, which greatly aligns with Frantz Fanon's theory propagating that true freedom and self-rule emerge not through a return to an idealized past, but through a critical engagement with the present, oriented towards shaping a future free from colonial oppression and internal stagnation. The transformation of national identity is not an easy process; therefore, it requires shedding the weight of historical burdens and replacing them with a vision of self-determination that is fluid, dynamic, and open to external influences. Thus, the emergence of a new national consciousness is not about recovering what was lost, but about creating something new, a continuous process of reinvention and contrivance that is the hallmark of a truly liberated nation.

Conclusion

The theoretical framework elaborated by Frantz Fanon in *The Wretched of the Earth*, provides an authentic approach to the analysis of the Irish struggle for independence from English colonial rule. Notwithstanding the fact that Fanon's focus was largely oriented towards the decolonization of African and Caribbean nations, the applicability of his ideas to Ireland's centuries-long history of English oppression offered a profound cognizance of the psychological and cultural effects of colonialism on the Irish people. The exploration of Fanon's stages of the development of a national culture under colonialism, including those of assimilation, cultural awakening, resistance, struggle for national identity and emergence of a new postcolonial consciousness, brings to the fore the fact that the Irish journey towards independence followed a similar route. Even though the colonial experience of African nations was somewhat dissimilar from that of Ireland, the country shared many significant traits with the African states, including cultural suppression, internalization of inferiority and the eventual rise of a nationalist movement aimed at reclaiming its distorted identity. Early Irish nationalist writers aimed to restore the nation's cultural pride by resurrecting the language, traditions, and myths that had been subjugated by English imperialism. Nevertheless, this pursuit of cultural revival, reminiscent of Fanon's second stage of the development of a national culture under colonialism, often remained immured within the linguistic and intellectual boundaries set by the colonizing culture, thus, reflecting the tension between reclaiming the past and the need for an authentic,

progressive national identity. The upsurge of the Irish independence movement, in its turn, culminating in the Easter Rising and the subsequent War of Independence, corresponded to Fanon's third stage of decolonization, defined by violent resistance as a necessary means of reinstating dignity and self-respect. Figures, such as Patrick Pearse, James Clarence Mangan, William Butler Yeats and Sean O'Casey, embodied the ideological and physical struggle for freedom from colonial oppression - a reaction that Fanon argues to be principal for the liberation process of a subjugated nation. The post-independence period, coinciding with Fanon's two final stages of the development of a national culture under colonialism, was not devoid of new difficulties. Despite the fact that the Irish have been freed from English rule, they were still disturbed by the remnants of colonial influence, comprising the lingering tension between their national identity of old and the cultural legacy of their colonizers. Henceforth, defined by the sense of unfathomable nostalgia for an idealized past, this 'in-between' state of postcolonial existence reverberated in the works of William Butler Yeats, George Bernard Shaw, Seamus Deane and others, who focused on examining the multidimensional nature of the notions of 'Irishness', 'Englishness', and national self-determination. The struggles of the Irish for gaining mastery over their twofold identity, can be considered to be a manifestation of the colonial legacy that continued to dominate national consciousness in the period following the liberation. This is the major reason why literary works of numerous writers, including William Butler Yeats and James Joyce, were fundamental to generating a new, postcolonial identity for Ireland that reinforced Fanon's assertion that literature is central to the construction of one's national consciousness. As a consequence, this study places an emphasis on the lasting relevance of Frantz Fanon's work for understanding the postcolonial condition of Ireland, as Fanon's ideas not only illuminate Ireland's historical and literary path, but also contribute to the broader discourse on postcolonial identity formation and the complexities inherent in the era subsequent to liberation, which have been masterfully delineated by James Joyce in *The Critical Writings* (1959):

What race, or what language (if we except the few whom a playful will seems to have preserved in ice, like the people of Iceland) can boast of being pure today? And no race has less right to utter such a boast than the race now living in Ireland. Nationality (if it really is not a convenient fiction like so many others to which the scalpels of present-day scientists have given the coup de grâce) must find its reason for being rooted in

something that surpasses and transcends and informs, changing things like blood and the human word.¹²¹

References:

- Anderson, B., (2006), *Imagined Communities*, London: Verso.
- Arnold, M., (1910), "On the Modern Element in Literature", *Essays in Criticism*, Boston, The Ball Publishing Company, p. 35-86.
- , (1910), *The Study of Celtic Literature*. London: David Nutt.
- , (1962), "On the Study of Celtic Literature", in *The Complete Prose Works of Matthew Arnold*, Ed. R. H. Super, Ann Arbor: University of Michigan Press, 1962, pp. 291-386.
- , (1968), *Letters of Matthew Arnold 1848-1888*, Ed. G.W.E. Russel, New York: Macmillan.
- , (1986), *The Letters of Matthew Arnold: Volume 1 1829-1859*, Ed. C. Y. Lang, Charlottesville: University of Virginia Press.
- Borges, J. L., (1999), "The Argentine Writer and Tradition", *Selected Nonfictions*, Trans. E. Allen, S. J. Levine and E. Weinberger, Ed. E. Weinberger, New York: Viking, pp. 420-427.
- Brantlinger, P., (2003), *Dark Vanishings. Discourse on the Extinction of the Primitive Races*, New York: Ithaca.
- Buckler, W.E., (1989), "On the Study of Celtic Literature: A Critical Reconsideration", *Victorian Poetry*, Spring, 27 (1), 1989, pp. 61-76.
- Burke III, E., (1976), "Frantz Fanon's "The Wretched of the Earth"". *Daedalus*, Winter, 105 (1), pp. 127-135.
- Castle, G., (2001), *Modernism and the Celtic Revival*, Cambridge: Cambridge University Press.
- Carlyle, T., (1840), *Chartism*, London: Levy, Robson, and Franklyn.
- Chaudry, Y. M., (2001), *Yeats, the Irish Literary Revival and the Politics of Print*, Cork: Cork University Press.
- Coogan, T. P., (1993), *The IRA, A History*, Bolder, Colorado: Roberts Rinehart Publishers.
- Curtis, L. P., (1969), *Anglo-Saxons and Celts: Study of Anti-Irish Prejudice in Victorian England*, New York: New York University Press.
- Deane, S., (1985), *Celtic Revivals: Essays on Modern Irish Literature 1880 -1980*, London: Faber and Faber.
- , (1991), *The Field Day Anthology of Irish Writing*, Vol. 2, Derry: Field Day Publications.
- Duffy, C. G., (1845), *The Ballad Poetry of Ireland*. Dublin: James Duffy.

¹²¹ J. Joyce, *The Critical Writings of James Joyce*, Eds. E. Mason and R. Ellmann. New York: Viking, 1959, pp. 165-166.

- Dunleavy, J. E. and G. W. Dunleavy, (1991), *Douglas Hyde: A Maker of Modern Ireland*, Berkeley: University of California Press.
- Dyer, R., (1997), *White*, London: Routledge.
- Edwards, D., (1977), *Patrick Pearse: The Triumph of Failure*, London: Victor Gollancz.
- Fanon, F., (2004), *The Wretched of the Earth*, New York: Grove Press.
- Ferguson, S., (1833), "An Irish Garland", *Blackwood's Magazine*, 33 (203), p. 87-88.
- Foster, R.F., (1989), "Anglo-Irish Literature, Gaelic Nationalism and Irish Politics in 1890s", *Ireland After the Union: Proceedings of the second joint meeting of Royal Irish Academy and the British Academy*, Oxford: Oxford University Press, pp. 61-79.
- Froude, J.A., (1872), *The English in Ireland in the Eighteenth Century, Vol. 1*, London: Longmans, Green and Co.
- Hyde, D., (1894), "On the Necessity for De-Anglicising Ireland", *The Revival of Irish Literature and Other Addresses*, London: T. Fisher Unwin, pp. 115-161.
- Holroyde, M., (1997), *Bernard Shaw: The One-Volume Definitive Edition*, New York: Random House.
- Joyce, J., (1959), *The Critical Writings of James Joyce*. Eds. E. Mason and R. Ellmann. New York: Viking.
- , (2003), *A Portrait of the Artist as a Young Man*, Ed. S. Deane. New York: Penguin Books.
- Kiberd, D., (1991), "Yeats, Childhood and Exile". *Irish Writing: Exile and Subversion*, Ed. P. Hyland and N. Sammells, London: Macmillan, pp. 126-145.
- Knox, R., (1850), *The Races of Men: The Fragment*. Philadelphia: Lea and Blanchard.
- Konrad, G., (1989), *The Melancholy of Rebirth: Essays from Post-Communist Central Europe, 1989-1994*. Trans. M. H. Heim. San Diego: Harcourt Brace.
- Krause, D., (1989), *The Letters of Sean O'Casey Vol. 3 1955-1958*, Washington DC: Columbia University Press.
- Lyons, F. S. L., (1979), *Culture and Anarchy in Ireland 1890-1939*, Oxford: Clarendon Press.
- Macey, D., (2000), *Franz Fanon: A Life*, New York: Pantheon Books.
- Mangan, J. C., (1897), *Selected Poems with a Study by the Editor Louise Imogen Guiney*. Boston and New York: Lamson, Wolfe, and Company.
- Marjorie, H., (2008), "Postcolonial Yeats: Culture, Enlightenment, and the Public Sphere." *Field Day Review*, 2, pp. 54-73.

- Martin, A., (1986), "Anglo-Irish Poetry: Moore to Ferguson", *The Canadian Journal of Irish Studies*, 12 (2), pp. 84-104.
- Menon, N., (1965), "W. B. Yeats and The Irish Literary Revival", *Indian Literature*, 1965, 8 (2), pp. 12-22.
- Montague, J., (1974), "Introduction", in *The Faber Book of Irish Verse*, London: Faber and Faber, pp. 1-18.
- Muldoon, P., (1987), *Meeting the British*. New York: Faber and Faber.
- O'Casey, S., (2011), *The Plough and the Stars*, New York: Samuel French Ltd.
- O'Connor, F., (1967), *A Short History of Irish Literature: The Backward Look*, London: Macmillan.
- Pearse, M. B., (1979), *The Home Life of Padraic Pearse*, Dublin and Cork: Merrier Press.
- Pearse, P., (1922), *Collected Works of Padraic H. Pearse: Political Writings and Speeches*, Dublin and London: Maunsell and Roberts Limited.
- , (1980), *Plays, Stories, Poems*, Dublin: Helicon.
- Quiller-Couch, A. T., (1919), *The Oxford Book of English Verse, 1250–1900*, Oxford: Clarendon.
- Regan, S., (2006), "W.B. Yeats: Irish Nationalism and Post-Colonial Theory", *Nordic Irish Studies*, 5, pp. 87-99.
- Renan, E., (1890), *Oeuvres Complètes, Vol. 2*, Paris: Garnier Frères.
- , (1970), *The Poetry of the Celtic Races, and Other Essays*. Port Washington: Kennikat Press.
- Roy, A., (2003), "Confronting Empire", in *War Talk*, Cambridge, Massachusetts: South End Press, pp. 103-112.
- Said, E., (1993), *Culture and Imperialism*, London: Chatto and Windus.
- Shaw, G. B., (1934), *Collected Prefaces*, London: Constable.
- , (1962), *Complete Plays with Prefaces, Vol. 2*, New York: Dodd, Mead, and Company.
- , (2001), "The Easter Week Executions", in *The Matter with Ireland*, Eds. D. H. Laurence and D. H. Greene, Gainesville: University Press of Florida, pp. 112-128.
- Stanley, C., (1938), *Matthew Arnold*, Toronto: University of Toronto Press.
- Stanton, G., (2002), "Frantz Fanon in Context", *History Workshop Journal*, Spring, 53, pp. 246-254.
- Wigger, I., (2011), "A Race in the Making. Robert Knox and the Racialization of the Irish in Nineteenth-Century British Anthropology", in *Racism and Modernity*, Ed. I. Wigger and W.D. Hund, Berlin: Lit Verlag, pp. 131-148.
- Yeats, W. B., (1904), "Lecture", *Washington Evening Star*, 22 February, p. 10.

- , (1950), *The Collected Poems of W. B. Yeats*, London: Macmillan.
- , (1970), *Uncollected Prose. Vol. 1*, Ed. J. P. Frayne, London: Macmillan.
- , (1989), *Letters to the New Island*, London: Macmillan.
- , (1989), *The Collected Works of W. B. Yeats*, New York: Scribner Paper Fiction.
- , (1997), *W.B. Yeats: The Major Works*, Ed. E. Larrissy, Oxford: Oxford University Press.
- , (2004), *A Routledge Literary Sourcebook on The Poems of W.B. Yeats*, Ed. M. O'Neill, London and New York: Taylor and Francis.
- , (2015), "To Ireland in the Coming Times", *The Poetry Ireland Review*, 116, pp. 94-97.

POST-TRUTHING THE EMOTIONS IN MEDIEVAL CRISIS: *THE KING OF TARS*

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Abstract: *In discussions of the medieval crisis, emotions play a vital role and shape opinions through emotional appeals rather than a balanced understanding of the conflict, demonstrating post-truth. The King of Tars is an example of how post-truth narratives might be effectively inserted into medieval narratives to influence the audience's perceptions of religious and cultural people. Through emotive spectacle, symbolic misrepresentations of Islamic ideas and customs, and visceral imagery, the poem creates a simplistic, divisive picture of Christianity's innate superiority over the Islamic world. Its preoccupation with physical changes and the mixing of racial and religious identities captures the fears of the time about distinctions, borders, and miscegenation. The work chooses sensationalistic fiction to incite fear and validate prejudices above nuanced engagement with intricate theological and cultural divides. The King of Tars exposes the historical foundations of contemporary post-truth narratives that trade in spectacle and false information to create divisive identities and cultural animosities. This paper explores how a Middle English romance, The King of Tars, prioritizes emotional impact over historical accuracy and contributes to a discourse shaped by Crusade-era anxieties and emotional manipulations.*

Keywords: *Middle Ages, Post-truth, Emotion, Literature, Romance.*

I. Defining Post-Truth and Historical Roots

Emotions are important in discussions about the medieval crisis because they can sway attitudes by emotional appeals rather than a fair assessment of the situation, known as post-truth. The post-truth concept feels oddly familiar in an era of reliable and misleading information. Social media and the digital landscape have amplified the power of manipulative narratives. From sensationalized headlines to online echo chambers, facts

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and emotions become blurred. This struggle is not new; medieval audiences, too, were targeted by narratives crafted to distort the truth for political and religious gain. The last decade has witnessed momentous events such as Brexit, the presidential campaign of Donald J. Trump, and the COVID-19 pandemic, all of which have been marked by disseminating misleading information to the public. However, manipulating truth for political, social, or religious purposes is hardly a modern invention. Propaganda campaigns and the calculated use of narratives have been wielded throughout history to shape public opinion and justify actions. For example, in his call for the First Crusade, Pope Urban II, as recounted by Robert the Monk, demonized Muslims with evocative language and false accusations of desecrating Christian sites.¹ This manipulative framing of the Crusades as a righteous defense of Christianity against a monstrous enemy played a crucial role in shaping the religious and ideological underpinnings of these conflicts. The Crusades offer a stark historical example of how narratives can be manipulated to serve those in power. In the modern era, social media has amplified this dynamic, with online echo chambers isolating users and reinforcing existing beliefs.² These post-truth strategies may seem distinctly modern, but how does this dynamic manifest in fictionalized representations of figures like *The King of Tars* within Middle English romances?

While Middle English romances frequently offer captivating tales of adventure and valor, a closer examination reveals their complex engagement with their era's political and religious tensions. These tensions often shaped their portrayals of the Islamic world, creating narratives where historical accuracy could be sacrificed for emotional impact. To effectively analyze these depictions, it is crucial to address the concept of post-truth.

The term's prominence, as highlighted by its selection as the Oxford Learner's Dictionaries, underscores its relevance in today's world. While the dictionary definition — “relating to circumstances in which people respond more to feelings and beliefs than to facts”³ — provides a foundation, the complexities demand a nuanced investigation. Scholars like Jason Stanley emphasize that throughout history, successful persuasion has often relied on “flawed ideologies” that render certain groups' perspectives unworthy of

¹ Dana Carleton Munro, “Urban and the Crusaders,” in *Translations and Reprints from the Original Sources of European History*, vol. 1:2, Philadelphia, University of Pennsylvania Press, 1895, pp. 5–6.

² Carlos Alberto Ávila Araújo, “The Phenomenon of Post-Truth: A Literature Review on Its Causes, Characteristics and Consequences,” *Revista ALCEU* 20, no. 41, 2, 2020, p. 15.

³ *Oxford Learner's Dictionaries*, s.v. “Post-Truth,” accessed October 21, 2024, <https://www.oxfordlearnersdictionaries.com/definition/english/post-truth>.

consideration.⁴ This aligns with how the romances construct the Muslim other. Furthermore, as Reinhoud observes, key components of post-truth include “a selective use of information and an apathetic disregard towards evident lies.”⁵

This tactical distortion of truth echoes modern concerns raised by scholars like Carlos Alberto Ávila Araújo, who highlights “the gigantic dissemination of false information, which is acting to shape people’s decision-making in different spheres (in politics, in the economy, in health education, in religion).”⁶ The Middle English romance *The King of Tars* provides a rich context to explore the mechanisms of post-truth in a medieval setting. *Tars* manipulates information and prioritizes emotional appeals to achieve specific ideological aims – namely, erroneous depictions of Islamic practices, demonized Saracen characters, and the omission or fabrication of historical figures. This strategic use of narrative aligns with post-truth tendencies, reflecting an enduring pattern of manipulating truth to rally audiences and consolidate power.

While Arendt was not focused on Middle English romances, her emphasis on the dangers of blurring fact and opinion highlights the importance of examining how these texts manipulate information to promote a worldview. As she cautions, such factual distortions cannot “serve as a justification for blurring the dividing lines between fact, opinion, and interpretation [...]”⁷ This manipulation of information has a long history. Yuval Noah Harari emphasizes this enduring power of narrative over fact: “Humans have always lived in the age of post-truth...our power depends on creating and believing fiction.”⁸ The widespread use of the term post-truth is recent, but the circumstances that foster this environment have always existed.

Medieval audiences grappled with their forms of information overload and institutional skepticism. Additionally, medieval romances were composed in an atmosphere of intense political and religious conflict, mirroring the kind of polarization Brahm’s associates with the rise of post-truth.⁹ This suggests that creators of romances likely employed

⁴ Jason Stanley, *How Propaganda Works*, Princeton: Princeton University Press, 2015, p. 210.

⁵ Eline Reinhoud, “The Post-Truth Era: Crises of Truth in (Post-)Postmodern Literature”, Utrecht, 2019, p. 9.

⁶ Carlos Alberto Ávila Araújo, “The Phenomenon of Post-Truth: A Literature Review on Its Causes, Characteristics and Consequences,” *Revista ALCEU* 20, 41, 2020, p. 39.

⁷ Hannah Arendt, *Between Past and Future: Eight Exercises in Political Thought*, New York: Viking Press, 1968, p. 238.

⁸ Yuval Noah Harari, “Yuval Noah Harari Extract: “Humans Are a Post-Truth Species””, *The Observer*, 2018.

⁹ Yael Brahm’s, “Philosophy of Post-Truth”, Institute for National Security Studies, 2020, p. 16.

manipulative tactics – such as demonizing language, selective portrayals, and the deliberate omission of historical context – to simplify complex realities and rally audiences against a constructed enemy. Scholars like Riley-Smith and Throop remind us that the crusades were driven by religious fervor and a complex intertwining of “political, economic, and spiritual”¹⁰ self-interests. This historical context further illuminates how narratives like *The King of Tars* could distort events to mobilize audiences toward a specific agenda. This selective presentation of information, designed to demonize the other, exemplifies Foucault’s concept of how power shapes knowledge: “Power produces knowledge... that power and knowledge directly imply one another.”¹¹ This suggests that the demonized depictions of Muslims were not merely simplistic or inaccurate, but served a specific purpose – to reinforce existing power structures that justified crusading violence and maintained Christian dominance.

It is essential to consider, for example, Pope Urban’s speech at the Council of Clermont, later chronicled in Robert the Monk’s account. Urban employs inflammatory rhetoric, falsely alleging that Muslims “circumcise the Christians and with the blood of the circumcision they either spread upon the altars or pour into the vases of the baptismal font.”¹² This fabricated act, invoking both violence and sacrilege, aims to vilify Islamic practices and incite a horrified religious response among his Christian audience. Such deliberate distortions contribute to the demonizing portrayals in *The King of Tars*.

Despite the broader availability of texts offering more nuanced views of Islam, as Akbari observes, popular depictions frequently resorted to stereotypes of Muslims as idolaters. This suggests “the popular depiction ... was not the product of ignorance, but was instead deliberately constructed.”¹³ For example, *Itinerarium Peregrinorum et Gesta Regis Ricardi*, a chronicle of the Third Crusade, includes passages where Saladin is shown negotiating peace or acting with surprising generosity. He sanctions “an inviolable peace between Christians and Saracens” and ensures pilgrims can access “the Lord’s Holy Sepulchre without exactions.”¹⁴

¹⁰ Jonathan Riley-Smith and Susanna Throop, *The Crusades: A History*, Fourth Edition, London, Bloomsbury Academic, 2023, p. 232.

¹¹ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, New York, Vintage Books, 1995, p. 27.

¹² “Urban and the Crusaders” in *Translations and Reprints from the Original Sources of European History*, Dana Carleton Munro, ed., Philadelphia, University of Pennsylvania Press, 1895, p. 6.

¹³ Suzanne Conklin Akbari, “Imagining Islam: The Role of Images in Medieval Depictions of Muslims,” *Scripta Mediterranea*, 1998, p. 26.

¹⁴ Helen Jane Nicholson, *Chronicle of the Third Crusade: A Translation of the Itinerarium Peregrinorum et Gesta Regis Ricardi*, Abingdon: Routledge, 2019, p. 371.

These glimpses of a more complex figure are entirely ignored in romances, which instead paint all Muslims with the same villainous brushstroke.

Historical accounts, however, present a drastically different picture. Jill N. Claster notes, “Saladin was careful to warn his troops to behave when they entered the Holy City...”¹⁵ This contrast between the romance’s portrayal and historical records underscores the manipulative intent behind such depictions. By exaggerating Saracen’s brutality, *Richard Coeur de Lion* simplifies a complex event, stokes emotional outrage, and justifies the need for a violent Christian response. This stark contrast between the romance’s portrayal and historical records underscores the manipulative intent behind such depictions. By exaggerating Saracen’s brutality, *Richard Coeur de Lion* reveals a defining mechanism of the post-truth era: “the selective use of facts that prop up one’s position, and the complete rejection of facts that do not.”¹⁶ The romance deliberately omits Saladin’s acts of restraint, focusing solely on painting the Saracens as monstrous to reinforce the crusader cause. This selective presentation of information serves a specific ideological agenda, even if it distorts historical reality.

Furthermore, this distorted portrayal likely resonated deeply with medieval audiences. As Lee McIntyre observes, our minds have built-in biases that make us susceptible to falsehoods, especially when they confirm existing beliefs.¹⁷ Christian readers, likely already harboring negative views of Muslims, would readily accept these demonized portrayals. This cognitive bias reinforces the emotional impact of the romance and solidifies the post-truth notion that Saracens were inherently villainous, justifying the violence of the Crusades. However, it is essential to note that while audience susceptibility played a role, it still does not excuse the deliberate manipulation employed by the romance’s creators. This distortion highlights a calculated intent to shape perception and reinforce existing power structures.

According to the Oxford Learner’s Dictionaries, post-truth “relates to circumstances in which people respond more to feelings and beliefs than to facts.”¹⁸ While the term often focuses on the social media age, its essence, as Steve Tesich argues:

“We are rapidly becoming prototypes of a people that totalitarian monsters could only drool about in their dreams. All the dictators have had to work hard at suppressing the

¹⁵ Jill Claster, *Sacred Violence: The European Crusades to the Middle East, 1095-1396*, Toronto: University of Toronto Press, Higher Education Division, 2009, p. 194.

¹⁶ Lee McIntyre, *Post-Truth*, The MIT Press Essential Knowledge Series, Cambridge, MIT Press, 2018, p. 34.

¹⁷ McIntyre, p. 45.

¹⁸ *Oxford Learner’s Dictionaries*, “Post-Truth.”

*truth. By our actions, we are saying that this is no longer necessary, that we have acquired a spiritual mechanism that can denude truth of any significance. In a very fundamental way, we, as a free people, have freely decided that we want to live in some post-truth world.”*¹⁹

Tesich suggests that audiences may become complicit in accepting emotionally charged narratives over factual truth. This willingness to embrace comforting falsehoods is precisely what romances like *Richard* and *The King of Tars* capitalize on, crafting tales that demonize Saracens and uphold Christian dominance to serve their ideological agendas. Tesich’s critique of a post-truth world reveals a troubling societal trend: the diminishing importance of objective truth. He argues that facts and evidence are losing ground to personal beliefs and the convenience of desired narratives. This vulnerability to the power of storytelling is precisely what romances like *Richard* and *The King of Tars* exploit to serve their political and religious agendas. While Tesich overemphasizes the element of conscious societal choice, his words highlight how easily audiences can become complicit in accepting comforting narratives, a vulnerability the romances exploit. This vulnerability is where *The King of Tars* finds fertile ground. The analysis focuses on how this romance functions as an instrument of post-truth influence. Its fabrication of events, historical revisionism, demonization of religious others, and exaggerated heroism speak to an audience likely more receptive to subjective narratives than factual accuracy. This willingness to accept distorted narratives resonates with Tesich’s observations of a post-truth world. The power of this romance cannot be fully understood without considering the specificities of the medieval context. With limited access to accurate information about Islam, medieval European audiences were susceptible to the biased portrayals found in *The King of Tars*. While the core principle of Islam being a monotheistic religion was likely known, the nuances of its practices and beliefs were often misinterpreted or ignored to serve a particular agenda. Additionally, religious institutions hold immense influence over knowledge and interpretation, so these romances could leverage existing biases and beliefs to shape public perception. While the fluidity of truth within oral and manuscript culture cannot be directly equated to a modern, willful disregard for facts, it suggests an environment already familiar with, and potentially more vulnerable to, truth being bent in service of desired narratives.

The manipulation of truth for political, social, or religious agendas is by no means a modern invention. Throughout history, propaganda campaigns

¹⁹ Steve Tesich, “A Government of Lies,” *The Nation* 254, no. 1, 1992, p. 13.

and calculated narratives have been wielded to shape public opinion and justify actions. This same dynamic of distortion and us vs. them narratives manifests in the fictionalized representations found in *The King of Tars*. The seemingly straightforward description of the Saracen Sultan's baptism in *The King of Tars* – “His hide, þat blac & lobely was, / Al white bicom, þurth Godes gras, / & clere wiþouten blame”²⁰ – encapsulates a deeply manipulative post-truth tactic of deliberately distorting perceptions of Saracens and Islam to justify the Crusades and reinforce a sense of Christian superiority.

Building on scholarship arguing that the apocryphal elements served a propagandistic purpose, this chapter adopts a post-truth framework to examine the manipulative techniques employed in this romance. By analyzing its distortions of historical figures, demonization of religious beliefs, and calculated appeals to emotion, it aims to uncover how audiences were likely primed to support the Crusades and an emerging English nationalist identity contrasted against other European Christian powers.

In a time marked by a growing struggle against a flood of false information, examining medieval narratives uncovers the profound historical origins of post-truth tactics. As social media amplifies modern echo chambers, this romance reinforces existing prejudices through fictionalized representations. Ultimately, this analysis endeavors to illustrate how such medieval post-truth propaganda served the ideological agendas of their time.

II. The Saracen Other: Scholarship and Context

Middle English romances employed various post-truth tactics to construct the Saracen other. These depictions, deliberately monstrous and distorted, aimed to dehumanize the Saracen, generating fear, disgust, and a sense of moral superiority in the Christian audience. This demonization served as a potent justification for the Crusades and the broader project of Christian dominance.

In *Orientalism*, Edward Said tackles the foundation of how the other is constructed. He notes: “The construction of identity...involves establishing opposites and ‘others’ whose actuality is always subject to the continuous interpretation and re-interpretation of their differences from ‘us.’ Each age and society re-creates its ‘Others’...”²¹ This highlights that the creation of the threatening Saracen was not an accident but a deliberate, ongoing process designed to serve specific political and social ends within a Christian

²⁰ John Henry Chandler, *The King of Tars*, Michigan, Medieval Institute Publications, 2015, ll. 922–924.

²¹ Edward Said, *Orientalism*, Penguin Modern Classics, London, Penguin, 2003, p. 350.

context. Scarfe Beckett reveals how the construction of the Saracen Other was embedded within the language itself. While of uncertain origin, the word Saracen acquired negative connotations early in its Latin usage. This was further amplified through a Christian misappropriation, as she explains: “The creation and dissemination by Christian patristic authors of their etymology for the word ‘Saracen’ was perhaps the most significant development in the history of Western literary perceptions of the Arabs.”²² This false etymology linked Saracens to Hagar and Ishmael, falsely painting them as illegitimate heirs. Crucially, Scarfe Beckett demonstrates that while this specific etymology was later understood as incorrect, the underlying prejudice persisted, evolving into secular forms of demonization.²³

Middle English romances, particularly those with Crusade themes, become key tools in the identity-forming project of constructing the Saracen “other.” Heng analyses *The King of Tars*, revealing how this focus on otherness extended to the physical realm. She writes: “The blackness of Saracen skin is specifically remarked—pointed to—and blackness is not a personal, individual characteristic but a collective biological attribute, the racial feature that demarcates and identifies a people...”²⁴ This deliberate emphasis on physical differences reinforces the Saracen as the existential other, both dangerous and easy to justify violence against. This portrayal reveals subtle contradictions. As Cordery notes, the romances faced the challenge of depicting Saracens as formidable foes while simultaneously justifying their defeat: “The authors are faced with a slight problem here, they cannot present a Saracen army as being weaker than the Christian one...”²⁵ *The King of Tars* illustrates this tension. Initially, the Saracen forces are overwhelmingly powerful, inflicting heavy losses on the Christians: “Ther hewe hounds on Cristen men/And feld hem down bi nighen and ten.”²⁸ Lengthy battles and the acknowledgment of potential Saracen valor are tactics employed to highlight further the threat they pose. Despite their strength, the Saracens do not achieve a decisive win, settling for a truce. This passage underscores how the Saracen Other was meticulously constructed – formidable enough to pose a threat, yet never genuinely triumphant, serving the ultimate ideological purpose. Furthermore, this portrayal of Saracen’s strength frames the conflict as one that necessitates a large-scale Christian counteroffensive or future Crusade,

²² Katharine Scarfe Beckett, *Anglo-Saxon Perceptions of the Islamic World*, Cambridge Studies in Anglo-Saxon England 33, Cambridge, Cambridge University Press, 2009, p. 94.

²³ Ibidem, p. 221.

²⁴ Geraldine Heng, *Empire of Magic: Medieval Romance and the Politics of Cultural Fantasy*, New York, Columbia University Press, 2003, p. 230.

²⁵ Leona Cordery, “The Saracens in Middle English Literature: A Definition of Otherness,” *Al-Masāq* 14, 2, 2002. p. 9.

underscoring a broader agenda of establishing military and religious Christian dominance.

This profoundly ingrained fear is strategically exploited in romances like *The King of Tars*. Saracens are frequently described with grotesque physical features, reinforcing the message to the audience that these beings are less than human and inherently deserving of violence. As Akbari observes: “bodily diversity was shaped by climate, but it was also an outward manifestation of his inward spiritual deviancy.”²⁶ Finlayson’s work on homilies further illuminates the impact of the monstrous Saracen; these images were not confined to romances but were widely disseminated through religious sermons, shaping popular perception with potent, fear-laden imagery. Said reminds the political implications of this manufactured image: “It is therefore correct that every European, in what he could say about the Orient, was consequently a racist, an imperialist, and almost ethnocentric.”²⁷ The monstrous other created in this work served to justify the Crusades project itself, making violence seem not just necessary but morally righteous.

The deliberate distortion of Islam within Middle English romances played a crucial role in shaping medieval European perceptions of the Muslim world. These manipulated portrayals became potent propaganda tools, justifying the Crusades, reinforcing Christian self-identity, and supporting broader European ambitions. Despite scholarly awareness of Islam’s monotheistic nature, popular literature deliberately engaged in several strategies of distortion. Chief among them was the false accusation of idolatry. As Norman Daniel observes, there was “a literary convention to that effect,” with Saracens frequently depicted worshipping gods with names like “Mahomet, Tervagan, Apolin, and Jupiter.”²⁸ This misrepresentation went beyond simple idolatry. Kritzeck notes instances of the Prophet Muhammad being portrayed as a “drunkard, an epileptic, and a pupil of a heretical monk,”²⁹ designed to discredit his legitimacy as a religious leader and fuel Crusades-era violence.

Extending further, some works deliberately portrayed the monotheistic Islamic faith as a polytheistic pagan religion. Housley asserts that these distortions were not mere literary conventions or ignorance. They became flexible tools to reinforce Christian dominance and justify European power ambitions in various contexts. Significantly, the degree of distortion could

²⁶ Suzanne Conklin Akbari, *Idols in the East: European Representations of Islam and the Orient, 1100–1450*, New York, Cornell University Press, 2009, p. 4.

²⁷ Said, *Orientalism*, p. 22.

²⁸ Norman Daniel, *Islam and the West: The Making of an Image*, Oxford, Oneworld Publications, 1980, p. 309.

²⁹ James Aloysius Kritzeck, *Peter the Venerable and Islam*, Princeton, Princeton University Press, 1964, p. 18.

vary. This variation and Crosland's analysis of evolving portrayals of Saracen gods suggest a potential shift in propaganda aims or a broader strategy to manipulate different audiences.³⁰

Some portrayals went further, depicting Islam as a distorted and dangerous Christian heresy. These distortions presented Muhammad as a corrupted figure, leading his followers astray and further fuelling a sense of superiority among Christian audiences. Additionally, Saracens were frequently depicted as engaging in outlandish or incomprehensible practices to Western audiences. This emphasis on cultural differences deepened the sense of their inherent otherness and stoked fear and misunderstanding. The depiction of Islam shifted between polytheistic 'other' and corrupted heresy. Yet, both distortions served a common purpose: to emphasize the exotic nature of the East while reinforcing a sense of European cultural and religious superiority. This othering could serve goals like territorial expansion, limiting Islamic influence, and managing internal European power struggles.

These distortions must be understood as potent propaganda tools. As John Tolan states, during the Crusades era, they "helped glorify the enterprise of the crusade and put it solidly in the context of Christian history, of the divine plan."³¹ However, as Housley argues, this religious demonization extended beyond the Crusades context: "Islam as a genuine religion scarcely features in crusading sources, and in no respect is this clearer than in the constant Christian stigmatization of Muslims as idolatrous polytheists. This misunderstanding was both remarkable and persistent."³²

The romances strategically construct Saracens as an exotic other, blending allure and fear in a calculated way that serves a crucial post-truth function. This manufactured otherness is designed to both fascinate and frighten the Christian audience, simultaneously attracting their gaze while justifying confrontation and dominance. As Said argues, these depictions distort the Islamic world by exaggerating differences to reinforce a sense of Western superiority.³³ This manufactured otherness is designed to both fascinate and frighten the Christian audience, simultaneously attracting their gaze while justifying confrontation and dominance. Topolski highlights the deliberate use of exoticism within this constructed image, showcasing how Saracen portrayals often blend descriptions of riches and

³⁰ Jessie Crosland, *The Old French Epic*, Oxford, Blackwell, 1951, p. 141.

³¹ John Victor Tolan, "Muslims as Pagan Idolaters in Chronicles of the First Crusade," in *Western Views of Islam in Medieval and Early Modern Europe: Perception of Other*, ed. by David R. Blanks and Michael Frassetto, New York, Palgrave Macmillan, 1999, p. 99.

³² Housley, "The Crusades and Islam," p. 197.

³³ Said, *Orientalism*, p. 332.

refinement with underlying connotations of threat and unfamiliarity.³⁴ This duality is further evident in narratives like *The King of Tars*, where, as Cichon and Purdie discuss, baptism becomes a tool to civilize the Saracen, physically transforming him from a monstrous foe into an idealized Christian.³⁵ However, this transformation rarely erases all traces of exotic difference, highlighting an underlying suspicion of the other that lingers even in scenes of conversion.

This deliberate ambiguity serves a key purpose within the romances' post-truth framework. The allure of the exotic, even in the context of violence, keeps the audience engaged and receptive to the narrative's core message. Meanwhile, the underlying threat and suspicion justify continued hostility toward the Islamic world, maintaining a sense of urgency and justification for continued Crusades-era conflicts. To effectively analyze these depictions, it is crucial to address the concept of post-truth.

By portraying a fanciful picture of total victory and demonizing Saracens, the Middle English romance from the fourteenth century justifies historical bloodshed and strengthens the idea that Christianity is superior. This chapter seeks to investigate how *The King of Tars* contributes to a discourse influenced by the fears and emotional manipulations of the Crusade era by emphasizing the emotional effect above historical authenticity. A relatively short Middle English romance, *The King of Tars* has 1241 lines and captures the intricate social, theological, and cultural milieu of the early 14th century. Composed amidst the continuous crusade, it creates a fictitious world heavily impacted by the conflicts between Christendom and the Islamic world.³⁶ The narrative revolves around themes of forced conversion, racialized portrayals of Muslims, and the manipulation of perception through religious spectacle.

The King of Tars depicts a symbolic union between a Muslim Sultan and a Christian princess. Their child is born as a lump of flesh, symbolizing the conflict between faiths and their apparent incompatibility, with a focus on highlighting Christianity's supposed superiority. The romance presents Christian beliefs about the miraculous power of baptism to support assertions of religious supremacy, implying transformations that defy logic. From this perspective, the romance captures how the European Christian audience struggled with the otherness of Islam. Their perceptions shaped

³⁴ Anya Topolski, "The King of Tars: A Medieval Rendition of Replacement Theories," in *The Politics of Replacement*, Routledge, 2023, pp. 274–78.

³⁵ Michael Staveley Cichon and Rhiannon Purdie, *Medieval Romance, Medieval Contexts*, Cambridge, DS Brewer, 2011, p. 108.

³⁶ Lilian Herlands Hornstein, "The Historical Background of the King of Tars," *Speculum* 16, 4, 1941, pp. 405–6.

by a narrative promote Christian dominance, stereotypes reflecting the fears, and a limited understanding of theology.

In recent decades, *The King of Tars* has garnered substantial scholarly attention, with numerous critics delving into the work's portrayal of racial and religious identities. The text's portrayal of the Saracen Sultan of Damascus' conversion to Christianity—accompanied by a miraculous transformation of his skin tone from black to white—has been the focus: His hide that blac and lothely was / Al white bicom thurth Godes gras.³⁷ Scholars have examined how this story presents a simplified relationship between biological identity markers and religious affiliation. According to Akbari, the Sultan's newly whitened flesh symbolizes the success of his conversion, confirming his faith in Christianity.³⁸ Cohen interprets it as an illustration of the unbreakable physical connection between Saracen masculinity and race.³⁹ Calkin makes a strong case that the text adopts a more complex and nuanced method of classifying and determining an individual's group connections.⁴⁰ The earlier portrayal of the formless, indeterminate lump born to the Christian princess and the Sultan before his conversion—a shapeless lump of flesh lacking blood, bone, or limbs—undercuts the apparent ease with which Sultan's conversion is signaled by his bodily transformation.⁴¹ This birth challenges the divisions between the Saracen and Christian communities by symbolizing a profound union of the two. According to Heng, the text presents Christianity as more than ordinary human biology. Thus, religion functions in an interzonal area where biology and culture merge.

This perspective portrays the romance as a fearful reaction to the alleged dangers of the undifferentiation and ambiguity symbolized by the lump's birth. This paper contends that *The King of Tars* represents what may be called a post-truth dynamic. The text first problematizes the relationship between categorization and physical appearance, but in the end, it fosters the idea that religion can be easily categorized based just on biology. This fluctuating, conflicting viewpoint aligns with modern post-truth narratives that subjectively rewrite the facts to produce consoling fictions that support intragroup cohesiveness.

This paper explores how the medieval poem references current polarization and the use of false information to support opposing group

³⁷ Chandler, *The King of Tars*, ll. 922–923.

³⁸ Akbari, *Idols in the East*, p. 109.

³⁹ Jeffrey Jerome Cohen, "On Saracen Enjoyment: Some Fantasies of Race in Late Medieval France and England," *Journal of Medieval and Early Modern Studies* 31, 1, 2001, p. 121.

⁴⁰ Siobhain Bly Calkin, "Marking Religion on the Body: Saracens, Categorization, and the King of Tars," *The Journal of English and Germanic Philology* 104, 2, 2005, p. 220.

⁴¹ Heng, *Empire of Magic*, p. 228.

identities. One could contextualize the romance's apprehensive attempts to maintain religious essentialization and identarian limits and hierarchies considering contemporary far-right discourses of white/Christian superiority and the racialization of the Muslim other. The ambiguous approach to understanding identities and distinctions in this Middle English text reflects the historical foundations of post-truth tactics and concerns about boundaries that still influence today's political and cultural landscape.

In the romance, there is an effort to emphasize the distinctions between Christian and Saracen identities. The ambiguous nature of the child born to the Christian princess and the Muslim ruler poses a potential challenge to Christian self-definition. Therefore, a post-truth analysis allows for re-evaluating how *the King of Tars* raises questions about and perpetuates the historical racialization of religious differences.

The 14th-century romance *The King of Tars* is intertwined with the complex history of the Crusades. During this time, the centuries-long battle of the Crusades began to diminish with the decline of the Crusader States and the loss of the Holy Land. Riley-Smith and Throop note that this loss was a genuine source of pain for several Christian groups, suggesting a deep and intricate emotional wound in the European psyche.⁴² Expanding upon Said's concept of Islam as a persistent trauma for Europe after the Crusades, *The King of Tars* employs religious conversion and war symbols instead of genuine battle representations to provide a consoling story that tackles this trauma.⁴³

The romance helps uphold a sense of Christian solidarity and the righteousness of people in positions of authority by depicting a straightforward victory over a demonized foe. The romance excuses previous atrocities and maintains a sense of Christian supremacy through post-truth elements. It simplifies the fight, demonizes Muslims, and offers a fanciful picture of total victory via conversion. Instead of complex historical descriptions, this limited portrayal uses emotional appeals and ideological victories to alter the audience's impressions of the Islamic world.

Although there is no denying that religious zeal drove the Crusades, to see them as only a conflict for religion would be oversimplifying them. Religious impulses were closely entwined with territory expansion, political ambition, and economic accumulation. Riley-Smith and Throop note that in addition to uniting Christians against a common enemy, the Crusades stoked rivalries for supremacy throughout Europe. Many monarchs utilized their desire to embark on crusades to bolster national identities and

⁴² Riley-Smith and Throop, *The Crusades*, p. 282.

⁴³ Said, *Orientalism*, p. 59.

enhance their authority.⁴⁴ Muslim leaders wanted to assemble power in the region, while European leaders wanted to dominate trade routes and grow their kingdoms. On both sides, this underlying power struggle resulted in horrific atrocities. Civilians were massacred, towns were besieged and destroyed, and prisoners were either sold into slavery or tortured. Housley provides a terrifying instance from that era. He talks about how the Mamluks brutally took Acre in 1291 and how King Charles II destroyed the Muslim minority in Lucera in 1300—an act driven more by political expediency and a desire to please the Pope than by pure religious hatred.⁴⁵ Texts like *The King of Tars* originate in these nuanced motivations and violent combat. The following sentences demonstrate that the romance does not overlook the brutality against the Saracens:

*Thritti thousande ther were take
Of Sarrains bothe blo and blac
And don in his prisoun.*

...
*And thai that wald be cristned nought,
Into a stede thai weren ybrought
A mile withouten the toun
And Cristen men withouten wene
Striken off her hevedes al bidene.*⁴⁶

While the romance openly admits to violence, it presents the killing as a morally righteous act. These killings appear both necessary and morally acceptable, based on the speed at which they are carried out (al bidene) and the lack of hesitation displayed by those carrying them out (withouten wene). There is no examination of the victims' humanity or recognition of the complicated ethical issues. This selective depiction hides the horrific reality of forced religious conversion and advances the notion that violence against people who reject Christian conversion is morally justified. *The King of Tars* is a post-truth novel in this way, carefully manipulating readers' perceptions to support a story of Christian supremacy and acceptable violence.

The Pope delivered a speech that most likely focused on Christ's death on the cross and described how a follower of Christ would serve and honor Him during his earthly ministry.⁴⁷ This officially sanctioned propaganda contributed to the start of the Crusades by presenting the conflict as driven

⁴⁴ Riley-Smith and Throop, *The Crusades*, p. 283.

⁴⁵ Housley, "The Crusades and Islam," pp. 190–91.

⁴⁶ Chandler, *The King of Tars*, ll. 1219–1229.

⁴⁷ Jonathan Phillips, *Holy Warriors: A Modern History of the Crusades*, New York, Random House, 2009, p. 167.

by moral virtue and intense religious devotion. According to Housley, the intentional strategy of portraying Muslims as a grave danger and demonizing them played a significant role, as people's views and treatment of Muslims were shaped by a belief in an evil and dehumanized Islamic identity.⁴⁸

The crusades framed the battle as a divinely sanctioned struggle against wickedness, downplaying the self-serving actions of Christian leaders. The overarching narrative of Crusade propaganda served to justify violence and garner support for a holy conflict, even though Christian voices occasionally questioned the true piety of those involved, as demonstrated by the quote, "For God's sake, good people, pray to our Lord, beg him to give the commanders of this host their hearts back."⁴⁹ This attempt to sway public opinion by emotive appeals and a sanitized, fear-mongering image of the other instead of a nuanced understanding of the conflict highlights a fundamental component of post-truth.

In the early 14th century, the Muslim world remained mysterious to most Europeans. Due to restricted cultural interchange, unsafe travel, and limited interaction, the average citizen rarely dealt directly with Muslims. As a result, stereotypes and skewed sources greatly influenced how Europe perceived Islam. Tolan contends that these depictions were frequently intentional methods for painting Islam as essentially at odds with Christian doctrine, far from being the result of simple ignorance. Travelers' stories dramatize the impact and portray the Islamic world as foreign, enigmatic, and dangerous.⁵⁰ Authors who had some familiarity with Islamic texts nevertheless employed erroneous portrayals, highlighting a deliberate attempt at demonization as opposed to a mere lack of understanding.⁵¹ This carefully crafted material strengthened a strong feeling of otherness, which served as justification for hostility and terror directed at Muslims. A post-truth analysis of *The King of Tars* reveals a romance heavily impacted by these pervasive prejudices. The narrative gives a distorted impression of Islamic practices and beliefs to achieve particular objectives amid the continuing religious and political tensions in Europe.

Throughout the Crusades, European illiteracy did not only contribute to the limited understanding of Islam; it was also frequently reinforced by a wilful distortion of fundamental Islamic doctrines. The basic principles were misunderstood or deliberately distorted to demonize Muslims and

⁴⁸ Norman Housley, *Contesting the Crusades*, Contesting the Past, Oxford, Blackwell, 2006, p. 37.

⁴⁹ Phillips, *Holy Warriors*, p. 47.

⁵⁰ John Victor Tolan, *Faces of Muhammad: Western Perceptions of the Prophet of Islam from the Middle Ages to Today*, Princeton, Princeton University Press, 2019, p. 37.

⁵¹ *Ibidem*.

promote Christian supremacy. A notable example is the derogatory term Mahound used to insult Prophet Muhammad. In addition to demeaning a figure in Islam, this insult spread a myth that Muslims are idolaters of polytheistic deities, which is a grave transgression according to Christians. The European misunderstanding of Islam's emphasis on a single God led to the belief that it involved idolatry.

Akbari notes that charges of idolatry sought to paint Muslims as polytheists who worship objects, drawing comparisons between them and the pagans and heathens of classical and biblical literature.⁵² Whether deliberate or not, this misinterpretation diminished the legitimacy of Islam and increased the apparent theological divide between the two religions. The Crusade's goal was furthered by this misconception, which portrayed Muslims as pagans and provided an easy excuse for violence.⁵³ The differences between Islam and Christianity are emphasized through religious teachings, distinct dietary restrictions, prayer rituals, and social norms.

This focus on otherness bred prejudice and fear, in line with the fundamental principles of post-truth, which involve disseminating false information to demonize an opposing group and defend violence committed in the name of purported religious superiority. Using the term Saracen further compounded the narrow and frequently biased understanding of Islam in Europe during the Crusades. It was initially reserved for specific Arabic groups, but Muslim opponents of the Crusades adopted it as a general term. This widespread implementation obliterated regional and cultural differences within the Islamic world and dehumanized a diverse population, creating the impression of a single, undifferentiated adversary.

Europeans contributed to the process of othering by obscuring the rich tapestry of Islamic civilization by lumping Arabs, Turks, Persians, and other people together under the umbrella term Saracen. Because of this purposeful simplicity, Muslims appeared fundamentally distinct, even foreign. The representation served the objective of the Crusade by legitimizing religious violence through the demonization of pagans.

Even though *The King of Tars* is a romance, it's important to remember that romances in this era served a purpose beyond escapism. For those who listened to them in courtly settings, these stories frequently mirrored the fears, social problems, and political realities of the times. Authors were affected by court patronage, which resulted in the incorporation of subjects that spoke to the ruling class and nobility. These stories can support established hierarchies, advance ideologies, or gently question the status

⁵² Akbari, *Idols in the East*, p. 206.

⁵³ John Victor Tolan, *Saracens: Islam in the Medieval European Imagination*, New York, Columbia University Press, 2002, p. 110.

quo. It's crucial to understand that literature, especially popular romances, actively shapes people's perspectives on the world rather than simply reflecting it. In the medieval age, romances play a role in helping audiences comprehend themselves and the world around them. *The King of Tars* could have been the source of knowledge for people with limited exposure to other cultures, providing insights into the Islamic world and Muslims. Considering the potential inaccuracies in the romance, this could have significant implications. This argument opposes simplistic theories like Southern's Age of Ignorance theory, demonstrating that even entertaining stories can perpetuate misconceptions about Islam and its practitioners.⁵⁴ According to Southern, the lack of direct exposure, reliance on interpretations from the Bible, and the instillation of fear in people living under Muslim rule all significantly affected the initial Western understanding of Islam as they knew virtually nothing about Islam as a religion.⁵⁵ Southern draws attention to how some Spanish writers viewed Islam in apocalyptic terms and how scholars used the figure of Ishmael to contrast Saracens with Christianity. Recognizing the intentional shaping of prevailing stories to instill harmful prejudices is crucial, as is acknowledging the obstacles it presents.

As Akbari points out, distortion was present in even popular forms: Muslim religion is the primary characteristic that distinguishes them from Islamic idolaters of polytheism in chansons de geste.⁵⁶ In addition, Tolan brought attention to this purposeful fabrication, demonizing Muhammad as a laughingstock, a sex maniac, a magician, and an astrologer to get his people to join a twisted and ludicrous cult using imagined miracles.⁵⁷ Information manipulation in engaging stories could shape worldviews and actions.

Romances were characterized by their use of spectacle, conflict, and the potential for miraculous events. These elements, which frequently prioritize emotions over critical reasoning, evoke a strong emotional response in readers. Previous iterations, like the one in the Reimchronik, were shorter and focused primarily on the conversion narrative.⁵⁸ However, the Middle English romance enlarges and beautifies the narrative, using details to arouse strong feelings and bolster a sense of Christian devotion. This change

⁵⁴ Richard William Southern, *Western Views of Islam in the Middle Ages*, Cambridge, Harvard University Press, 1978, p. 14.

⁵⁵ *Ibidem*.

⁵⁶ Akbari, *Idols in the East*, p. 206.

⁵⁷ John Victor Tolan, *Sons of Ishmael: Muslims through European Eyes in the Middle Ages*, Gainesville, University Press of Florida, 2008, p. 37.

⁵⁸ Laura Hibbard Loomis, *Mediaeval Romance in England: A Study of the Sources and Analogues of the Non-Cyclic Metrical Romances*, New York, Burt Franklin, 1963, p. 45.

is consistent with the way relationships can reinforce prejudices and distort views. Romances like *The King of Tars* might perpetuate a naive worldview that rationalizes violence and demonizes the other by depicting Muslims as only enemies and divine intervention as always favoring the Christian side. *The King of Tars* depicts the conflict between a Muslim sultan, his daughter, and a Christian king as a battle rooted in theological differences. The romance purposefully widens this gap by demonizing Islam with emotionally charged words and divisive terminology. This portrayal exemplifies the post-truth manipulation that characterized storytelling during the Crusades.

The romance emphasizes emotional impact over historical accuracy, distorts religious ideas, and simplifies complex issues. The romance creates a monstrous opponent by dehumanizing Muslim people, which bolsters Christian unity and justifies killing. Analyzing these modifications reveals how the text influences a larger discourse influenced by fears from the Crusade era:

*Thai seyde, "Sir, the king of Tars
Of wicked wordes is nought scars.
'Hethen hounde' he gan thee calle;
And ar he give his douhter thee tille,
Thine hert blod he will spille,
And thine barouns alle."
When the soudan this wordes herd
Also a wilde bore he ferd.
His robe he rent adoun;
His here he rent of heved and berd;
He schuld venge him with his sword,
He swore bi Seyn Mahoun.⁵⁹*

The romance's skewed depiction of Muslims as naturally violent and prone to excessive rage is reinforced by this moment. The Sultan's response is instinctive and entirely emotional, devoid of cool-headed diplomacy or the pursuit of explanation. He appears almost feral in his reaction to what he perceives to be an insult, as evidenced by his tearing of garments and hair, which represents an inability to control his wrath. Interestingly, the Sultan's oath references Saint Mahoun, a misinterpretation of the prophet Muhammad. This element demonstrates how the poem misrepresents Islam to its Christian audience. It gently links Islam to paganism to reinforce the Sultan's otherness in the eyes of the Christian audience. Within the text,

⁵⁹ Chandler, *The King of Tars*, ll. 91–102.

the line has a blatant propagandistic purpose by defending Christian violence as a fair response to the easily provoked, barbarous Saracen.

Metlitzki notes that the absence of direct interaction with Islamic cultures fuelled dependence on such tropes; this is consistent with the crass stereotypes of Muslims provided in Western popular literature.⁶⁰ religious vows emphasize the text's religious tension and strife between Christians and Muslims. A prime example of post-truth manipulation is the medieval romance *The King of Tars*, which creates an existential threat to Muslims and reinforces negative prejudices about them. The fabricated insult directed towards the King of Tars and the orchestrated exaggeration of the Sultan's fury in retaliation are clear examples of this deception. These misconceptions serve as what Metlitzki refers to as psychological warfare and propaganda, intentionally aligning with modern worries around the Crusades.⁶¹

The heroine, who graciously declines the Sultan's offering of conversion, is insulted in the romance, which creates a false pretext for hostility and feeds into the notion that Muslims are fundamentally antagonistic. This is consistent with a post-truth worldview appearing as though even cordial exchanges are evidence of innate Muslim aggressiveness. The romance incites anxiety and portrays the Muslim other as a threat because of the manufactured insults the messengers deliver, which is understandable given the audience's inadequate understanding of Islam. The portrayal of the Sultan's overwhelming anger reinforces the misconception that they are violent and irrational, tacitly condoning violence against them. The Princess rejects the Sultan in the lines that follow, which offer a skewed historical and cultural narrative essential to post-truth manipulation:

*Right, be the self messangers
That com fro the soudan fers
This wordes he him sent:
That sche leved nought on his maners,
Sche nold nought leten hir preiers
To God omnipotent.
He bad him tak another thought,
For of his douhter no tit him nought
For tresore no for rent.*⁶²

⁶⁰ Dorothee Metlitzki, *The Matter of Araby in Medieval England*, New Haven, Yale University Press, 1977, p. 167.

⁶¹ *Ibidem*, 188.

⁶² Chandler, *The King of Tars*, ll. 73–81.

This sequence serves as two examples of the potency of post-truth narratives. It first deceives the viewers into thinking that the Muslim Sultan is a violent person. To portray Muslims as fundamentally dangerous also purposefully fabricates a reason for animosity and increases emotional reactions. This would support the audience's Christian attitude during the Crusade era. Most readers probably hadn't interacted with Muslims directly. The poem perpetuates negative preconceptions by portraying them as violent and demonized Saracens, which impacts support for conflicts during the Crusade. This kind of literature essentially presents Muslims as an existential threat, which leaves readers open to arguments in favor of a violent defense of the Christian world:⁶³

*That blac hounde hir was folweing,
Thurth might of Jhesu, Heven king,
Spac to hir in manhede
In white clothes als a knight,
And seyde to hir, "Mi swete wight,
No tharf thee nothing drede
Of Ternagaunt no of Mahoun.
Thi Lord that suffred passioun
Schal help thee at thi nede."
And when the maiden was awaked,
For drede of that, wel sore sche quaked,
For love of her swevening.⁶⁴*

The dream sequence is a prime example of how Christianity is used to subtly portray Islam as the enemy and the only place to find solace and protection. This tactic reflects the widespread distrust of Islam during the Middle Ages in England, fueled by the Crusades and a lack of intercultural understanding. There is an apparent separation between the Christian and Islamic worlds, as evidenced by the frightening 'blac hounde' representing Islam and the kind Christ figure.⁶⁵ But as Chandler points out, this fearmongering is purposefully mixed with a thread of hope. Though not complete, the hound's metamorphosis suggests that salvation through conversion is possible.⁶⁶

⁶³ Norman Daniel, "Crusade Propaganda," in *A History of the Crusades. Volume 6: The Impact of the Crusades on Europe*, ed. by Harry W. Hazard et al., Wisconsin, The University of Wisconsin Press, 1989, pp. 39–97.

⁶⁴ Chandler, *The King of Tars*, ll. 445–456.

⁶⁵ Jamie Friedman, "Making Whiteness Matter: The King of Tars," *Postmedieval: A Journal of Medieval Cultural Studies* 6, 1, 2015, p. 57.

⁶⁶ Chandler, *The King of Tars*, p. 62.

This further coerces the Medieval audience into endorsing the Crusades by reinforcing the Christian worldview and the notion that Christianity is infallible. This deft manipulation highlights a crucial feature of tales that are post-truth. Although the poem openly denigrates Islam, the dream suggests that there is a way to find peace through conversion. This not only gives the spectator a sense of control over Christianity's domination but also serves to promote the idea that even the most heinous depictions of Islam are subject to the influence and control of the Christian faith.

The invention of Ternagaunt as a false deity and distorted portrayal of the Prophet Muhammad as Mahoun perpetuate a distorted us vs. them mentality typical in medieval Western discourse. As Loutchitskaja notes, chroniclers often used the comparison between Islam and paganism to denigrate Muslims and provide an excuse for the triumph of Christianity.⁶⁷ The Princess's fear of these invented figures, juxtaposed with the comfort Jesus offers in the dream, manipulates the reader's emotions. It suggests that even conversion to Islam cannot guarantee safety or peace, implicitly promoting Christianity as the superior religion. Furthermore, the portrayal of Christianity as the sole source of comfort plays on the anxieties of the lewed audience.⁶⁸ By suggesting that true peace is unattainable outside of Christianity, the text reinforces the idea of Islam as a threatening other:

*Than seyde the soudan to that may,
"Thou most bileve opon mi lay
And knele now here adoun
And forsake thi fals lay
That thou hast leved on mani a day,
And anour Seyn Mahoun!
And certes, bot thou wilt anon,
Thi fader Y schal with wer slon
Bi Jovin and Plotoun!
And bi Mahoun and Ternagant
Ther schal no man ben his waraunt
Empour no king with croun."⁶⁹*

The Sultan's demand that the princess abandons her fals lay in Christianity and worship Seyn Mahoun and other pagan gods underscores the coercive pressure she faces and serves as a prime example of the poem's manipulative portrayal of Islam. His demeaning language, labeling her faith as false, immediately establishes a hostile, biased perspective that

⁶⁷ Svetlana Loutchitskaja, "L'image des musulmans dans les chroniques des croisades," *Le Moyen Age CV*, 3, 1999, p. 721.

⁶⁸ Metlitzki, *The Matter of Araby in Medieval England*, p. 167.

⁶⁹ Chandler, *The King of Tars*, ll. 466–477.

demonizes her religious identity. This reflects the negative stereotypes of Islam prevalent during this period across much of Christian Europe.

Furthermore, the demand to forsake isn't simply about belief; it targets the Princess's entire Christian identity. This mirrors how propaganda manipulates identities within historical conflicts, aiming to replace the enemy's values with those of the dominant power structure. The act of kneeling signifies submission, forcing the Princess into a performance of conversion. This visual manipulation aims to convince the audience of her transformation into a Saracen, even if her inner beliefs remain unchanged.

The deliberate reference to Seyn Mahoun, likely intended to shock a Christian audience, demonizes Islam. This aligns with Tolan's analysis of how authors from this period misrepresented Islam to reinforce its vilification.⁷⁰ This scene exemplifies manipulative tactics common across propaganda. By establishing Islam as other, false, and threatening, the poem fuels fear and subtly justifies future conflict or aggression in the name of Christian dominance.

The deception depends on distilling intricate Islamic monotheism into a collection of readily demonized idols. The princess is coerced into performing the theatrical act of kissing the idols, setting the stage for further coerced actions. The forced performance by the princess emphasizes how deceptive the post-truth environment can be. Although her core convictions are still unclear, academics prioritized crafting a desired story over an accurate portrayal. Even if coerced, the public display of conversion influences the audience's perception, enhancing the Sultan's authority and the poem's condemning purpose.

With its emphasis on the theatrical act of kissing the idols, this purposeful misrepresentation of Islam takes advantage of the audience's ignorance. It strengthens the myth that Islam is an idolatrous and savage religion that is opposed to Christianity. By spreading misconceptions and partial truths, writers could influence public opinion and get support for their projects. This strategy of manipulating views through language is consistent with the way Islam is portrayed in *The King of Tars*. The religion and its adherents are demonized through skewed depictions of Islamic customs and beliefs. Manipulating language and imagery perpetuates biases and false assumptions, leading to a distorted narrative.

The romance continues with visceral imagery of the deformed lump child born to the Christian princess and Muslim sultan: "Bot as a rond of flesche yschore... / Withouten blod and bon."⁷¹ However, the text swiftly resolves this unsettling ambiguity through the transformative power of Christian baptism. After being christened, the lump regains corporeal

⁷⁰ Tolan, *Saracens*, p. 111.

⁷¹ Chandler, *The King of Tars*, ll. 577–579.

integrity, suddenly rendered: “Feirer child might non be bore.”⁷² This motif culminates in the sultan’s striking bodily transformation after converting: “His hide that blac and lothely was / Al white bicom thurth Godes gras.”⁷³ His newly whitened flesh quite literally represents the stripping away of the sultan’s Saracen race and Saracen masculinity - his spiritual rebirth overwrites his racial and religious identity. The text’s obsessive marking of religious differences through biological changes allows it to re-inscribe firm boundaries where the indeterminate “lump” had momentarily threatened ambiguity.

III. Conclusion

Such vivid imagery is a common post-truth tactic that asserts the dominance of Christian truth over Muslim falsehood through imaginative and emotionally manipulative displays. The poetry chooses sensationalistic bodily horrors and miraculous changes over thoughtful spiritual discourse. This paper contends that the Orientalist view of the Other as a degenerate, effeminized people in need of European civilization’s redemption is perpetuated by reducing Saracen’s masculinity to a racial category that Christian truth can vanquish and redeem. *The King of Tars* influences English perceptions of religion through vibrant spectacle, portraying a dramatic baptism as its turning point. The initial audience’s anti-Muslim feelings and prejudices were intensified by the romance’s emphasis on religious supremacy and physical transformation. The graphic depiction of the lump as a menace fueled concerns about an Islamic invasion and contamination of the Christian world. On the other hand, the spectacle of the sultan’s dramatic physical regeneration through baptism would have strengthened the case for Christianity’s legitimate dominance over Muslim nations and its inherent spiritual supremacy. By degrading Muslims as pagans and racially inferior Others, such symbolically charged imagery that linked theological truth with biological racial traits has contributed to religious persecution, expulsions, or even the continued brutality of the Crusades.

Although the influence on factual events is hard to assess, such graphic post-truth narratives have a powerful symbolic ability to sway public opinion in England. *The King of Tars* supports the interfaith union religious stance of the time. The princess’s forced conversion to a different religion before marriage highlights the concern about combining religious essences. These themes of interfaith strife and religious manipulation collectively highlight the poem’s intricate narrative technique. It simplifies doctrinal differences and feeds prejudice by portraying Islam as fundamentally

⁷² Ibidem, l. 775.

⁷³ Ibidem, ll. 922–923.

wrong. The romance's portrayal of religious strife illuminates the complexity of interfaith interactions during the Crusades and the medieval conception of faith.

The King of Tars exemplifies how medieval romances could function as powerful vehicles for post-truth narratives that manipulated audience perceptions of religious and cultural others. Through visceral imagery, symbolic distortions of Islamic beliefs and practices, and emotional spectacle, the poem constructs a simplistic, divisive portrayal of Christianity's inherent supremacy over the Islamic world. Its obsession with bodily transformations and the conflation of racial and religious identities reflects the era's anxieties surrounding boundaries, differences, and miscegenation.

Rather than nuanced engagement with complex theological and cultural distinctions, the text opts for sensationalistic fiction designed to elicit fear and justify prejudices. Its depiction of the monstrous lump child embodies the perceived threat of interfaith mixing. The Sultan's miraculous re-embodiment through baptism asserts Christianity's power to conquer and redeem the Muslim other. Such fantastical post-truth strategies likely resonated deeply with medieval audiences and shaped real-world attitudes toward Muslim communities. The scholarly analyses explored highlight how this romance exemplified tendencies to essentialize and racialize religious differences in service of bolstering in-group solidarity against a vilified, dehumanized Islamic enemy. Ultimately, *The King of Tars* reveals the historical roots of modern post-truth narratives trafficking in misinformation and spectacle to manufacture polarizing identities and cultural hostilities.

References:

Akbari, Suzanne Conklin, (2009), *Idols in the East: European Representations of Islam and the Orient, 1100–1450*, New York: Cornell University Press.

Akbari, Suzanne Conklin, (1998), "Imagining Islam: The Role of Images in Medieval Depictions of Muslims." *Scripta Mediterranea*.

Araújo, Carlos Alberto Ávila, (2020), "The Phenomenon of Post-Truth: A Literature Review on Its Causes, Characteristics and Consequences." *Revista ALCEU* 20, no. 41: 35–48.

Arendt, Hannah, (1968), *Between Past and Future: Eight Exercises in Political Thought*. New York: Viking Press.

Brahms, Yael, (2020), "Philosophy of Post-Truth." Institute for National Security Studies.

Calkin, Siobhain Bly, (2005), "Marking Religion on the Body: Saracens, Categorization, and the King of Tars." *The Journal of English and Germanic Philology* 104, no. 2: 219–39.

Chandler, John Henry, (2015), *The King of Tars*. New edition. Michigan: Medieval Institute Publications.

Cichon, Michael Staveley, and Rhiannon Purdie, (2011), *Medieval Romance, Medieval Contexts*. Cambridge: DS Brewer.

Claster, Jill (2009), *Sacred Violence: The European Crusades to the Middle East, 1095-1396*. Toronto: University of Toronto Press, Higher Education Division.

Cohen, Jeffrey Jerome, (2001), "On Saracen Enjoyment: Some Fantasies of Race in Late Medieval France and England." *Journal of Medieval and Early Modern Studies* 31, no. 1: 113–46.

Cordery, Leona, (2002), "The Saracens in Middle English Literature: A Definition of Otherness." *Al-Masāq* 14, no. 2: 87–99.

Crosland, Jessie, (1951), *The Old French Epic*. Oxford: Blackwell.

Daniel, Norman, (1989), "Crusade Propaganda." In *A History of the Crusades. Volume 6: The Impact of the Crusades on Europe*, edited by Harry W. Hazard, Norman P. Zacour, Kenneth Meyer Setton, Hans Eberhard Mayer, and Joyce McLellan. Wisconsin: The University of Wisconsin Press.

Daniel, Norman, (1980), *Islam and the West: The Making of an Image*. 3rd Edition, Revised. Oxford: Oneworld Publications.

Foucault, Michel, (1995), *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books.

Friedman, Jamie, (2015), "Making Whiteness Matter: The King of Tars." *Postmedieval: A Journal of Medieval Cultural Studies* 6, no. 1: 52–63.

Heng, Geraldine, (2003), *Empire of Magic: Medieval Romance and the Politics of Cultural Fantasy*. New York: Columbia University Press.

Hornstein, Lilian Herlands, (1941), "The Historical Background of the King of Tars." *Speculum* 16, no. 4: 404–14.

Housley, Norman, (2006), *Contesting the Crusades*. Contesting the Past. Oxford: Blackwell.

Housley, Norman, (2007), "The Crusades and Islam." *Medieval Encounters* 13, no. 2: 189–208.

Kritzeck, James Aloysius, (1964), *Peter the Venerable and Islam*. Princeton: Princeton University Press.

Loomis, Laura Hibbard, (1963), *Mediaeval Romance in England: A Study of the Sources and Analogues of the Non-Cyclic Metrical Romances*. New York: Burt Franklin.

Loutchitskaja, Svetlana, (1999), "L'image des musulmans dans les chroniques des croisades." *Le Moyen Age CV*, no. 3: 717-35.

McIntyre, Lee, (2018), *Post-Truth*. The MIT Press Essential Knowledge Series. Cambridge, MA: MIT Press.

Metlitzki, Dorothee, (1977). *The Matter of Araby in Medieval England*. 1st edition. New Haven: Yale University Press.

Munro, Dana Carleton, (1895), "Urban and the Crusaders." In *Translations and Reprints from the Original Sources of European History*, Vol. 1:2. Philadelphia: University of Pennsylvania Press.

Nicholson, Helen Jane, (2019), *Chronicle of the Third Crusade: A Translation of the Itinerarium Peregrinorum et Gesta Regis Ricardi*. Abingdon: Routledge.

Phillips, Jonathan, (2009), *Holy Warriors: A Modern History of the Crusades*. 1st ed. New York: Random House.

Reinhoud, Eline, (2019), "The Post-Truth Era: Crises of Truth in (Post) Postmodern Literature." Master's Thesis.

Riley-Smith, Jonathan, and Susanna Throop, (2023), *The Crusades: A History*. Fourth Edition. London: Bloomsbury Academic.

Said, Edward, (2003), *Orientalism*. Penguin Modern Classics. London: Penguin.

Scarfe Beckett, Katharine, (2009), *Anglo-Saxon Perceptions of the Islamic World*. Cambridge Studies in Anglo-Saxon England 33. Cambridge: Cambridge University Press.

Southern, Richard William, (1978), *Western Views of Islam in the Middle Ages*. Cambridge: Harvard University Press.

Stanley, Jason (2015), *How Propaganda Works*. Princeton: Princeton University Press.

Tesich, Steve, (1992), "A Government of Lies." *The Nation* 254, no. 1: 12–14.

Tolan, John Victor, (2019), *Faces of Muhammad: Western Perceptions of the Prophet of Islam from the Middle Ages to Today*. Princeton: Princeton University Press.

Tolan, John Victor, (1999), "Muslims as Pagan Idolaters in Chronicles of the First Crusade." In *Western Views of Islam in Medieval and Early Modern Europe: Perception of Other*, edited by David R. Blanks and Michael Frassetto, 97–117. New York: Palgrave Macmillan.

Tolan, John Victor, (2002), *Saracens: Islam in the Medieval European Imagination*. New York: Columbia University Press.

Tolan, John Victor, (2008), *Sons of Ishmael: Muslims through European Eyes in the Middle Ages*. Gainesville: University Press of Florida.

Topolski, Anya, (2023), "The King of Tars: A Medieval Rendition of Replacement Theories." Edited by Sarah Bracke et al., Routledge.

FROM “AL-HAWA” TO “AL-TAWQ” IN BLUE FLAME: THE LOVE LETTERS OF KAHLIL GIBRAN TO MAY ZIADAH

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Abstract: *Love is one of literature's favorite subjects. Ever since man has put pen to ink and paper, he has tried to give voice to this intensely felt and experienced feeling. From West to East and from South to North, world literature has introduced us to the written stories and to the pairs of lovers who, under the dictates of place and time, have or have not fulfilled their love. The Greeks bequeathed us a series of words to help us identify the type of love felt and experienced, while the Arabs, through their linguistic richness, have shown us that love is a gradual phenomenon, with stages of varying intensity. A.Z. Obiedat, through a linguistic analysis, identifies 14 such stages of love. The present paper thus aims to identify these stages in the love story between the Lebanese writer Kahlil Gibran and the Lebanese-Palestinian writer May Ziadah, as presented in the letters Gibran sent to the latter during their correspondence that spanned almost two decades.*

Keywords: *love, language, Arab world, correspondance, literature, Kahlil Gibran, May Ziadah.*

Introduction

It is often said that love is a universal language. Yet, very often, communication in the language of love is flawed. Why else would there be so many love stories with tragic endings? One potential answer would be the mismatch between how we feel and how we experience love.

Despite its definition, love is perhaps the only abstract concept for which the theory is redundant, because love is felt, not operated with, while

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often remaining not fully understood. Moreover, it is felt differently from individual to individual, depending on their psychological profile and the life experiences that have shaped them.

The individual's desire to put down on paper the thoughts and feelings that spring from love has given rise to the concept of "romantic love" and a vast literature. It is only when we have bent down to reading and analyzing this romantic love from various angles (literary, psychological, philosophical, etc.) that we have discovered similar themes of love stories (tragic love, platonic love, impossible love, love at first sight, faithful love, etc.) in completely different corners of the world. A recent study¹ shows that the theme of romantic love appears in Ancient Greece, in works such as *Leucippe and Clitophon*, but is also represented in other corners of the world, such as in the Chinese story *The Cowherd and the Weaver Girl*, *December Flower (Meng Jiang Nu)* and, later, in *caizi-jiaren*² stories, such as *Haoqiu Zhuan*. Equally relevant to support this idea are the love stories *Layla and Majnun*, *Antar and Abla*, written in Arabic, *Shirin and Khisrow* and *Zal and Rudabeh*, written in Farsi or *Taketori Monogatari (The Tale of the Bamboo Cutter)* written in Japanese. This study contradicts the idea put forward by Denis de Rougemont in *Love and the Western World*³ that romantic love at the heart of human existence emerged in France in the 12th century, and is therefore not a strictly Western phenomenon. Moreover, Julie Meisami⁴ also points out that there are edifying similarities in the emergence of romantic love, almost simultaneously, in Western and Eastern literature.

Literature thus proves that love is a universal feeling, felt worldwide. However, what differentiates these love stories is how they are experienced, as they reflect the period, the place and function that love plays, the values of the time, and cultural particularities⁵. Jackson states that love follows "culturally prescribed patterns"⁶, an important observation because these determine narrative forms which, inoculated from childhood, become reference points in defining and understanding love⁷.

¹ Nicolas Baumard, Elise Huillery, Alexandre Hyafil, Lou Safra, „The cultural evolution of love in literary history”. *Nature Human Behaviour*, 2022, 6(4), pp. 506-522.

² Caizi-jiaren are Chinese fictions which gained popularity during the late Ming dynasty and which usually present the love story between a beautiful young girl and a young scholar.

³ Denis de Rougemont, *Love in the Western World*, Princeton University Press, 1983.

⁴ Julie S. Meisami, *Medieval Persian Court Poetry*, Princeton University Press, 2014.

⁵ A.E. Beall, R.J. Sternberg, „The social construction of love”. *Journal of Social and Personal Relationships*, 12(3), p. 417.

⁶ S. Jackson, „Even sociologists fall in love: An exploration in the sociology of emotions”. *Sociology*, 27, 1993, p.213.

⁷ R. Barthes, *A lover's discourse: Fragments*. New York, NY: Hill and Wang, 1978.

Thus, as Shehabat argues, love evolves like any other phenomenon on the globe⁸, but it reflects, as Lawrence Stone rightly observes, “perhaps the most important change in mentality to have occurred in the Early Modern period, indeed possibly in the last thousand years of Western History”⁹. One only has to think of the already famous love stories from different periods, from *Odysseus and Penelope*, *Cleopatra and Mark Antony* to *Heloise and Abelard*, *Tristan and Isolde* or *Romeo and Juliet* and *Pride and Prejudice*, to confirm it. In the Orient, relevant are stories such as the already mentioned *Leyla and Majnun*, *Antar and Abba*, but also *Jameel and Bouthaina* or the more recent love stories between the poet Nizar Qabbani and Balqis or the subject of our paper, Kahlil Gibran and May Ziadah.

Love is diverse, and the Greeks bequeathed several terms that are still used today to distinguish between different types of love. *Eros* speaks of passionate, idealistic love; *philia* of platonic, affectionate love; *agape* helps us to describe altruistic, self-sacrificing love; while *storge* presents a familial, protective love¹⁰. Love, however, does not happen overnight, but is a process in which each stage, with its joys and sorrows, is experienced at its fullest intensity. While the Greeks helped us distinguish between different types of love, the Arabs have gone even further, to the credit of their language, by broadening the semantics of love to the 14 complex stages of what they consider a phenomenon.

Starting from these opening remarks, the present paper aims to identify the type of love born between the Lebanese writer Kahlil¹¹ Gibran and the Lebanese-Palestinian writer May Ziadah and its stages as revealed in the correspondence between the two from 1912 until the former died in 1931. The correspondence, translated from Arabic into English and edited by Suheil Bushrui and Salma Haffar al-Kuzbari, took the form of *Blue Flame: Love Letters of Kahlil Gibran to May Ziadah*¹². While at first the two, settled in different corners of the world, began their correspondence by exchanging opinions and views on each other's work, the exchange of views developed,

⁸ Abdullah K. Shehabat, „Depiction of the theme of Love in Arabic and English Literature Based on Sternberg’s Triangular Theory of Love”. *American International Journal of Contemporary Research*, 6(3), 2016, p. 83.

⁹ Lawrence Stone, *The Family, Sex and Marriage: In England 1500 – 1800*, Penguin, 1977.

¹⁰ Carter Lindberg, *Love: A brief history through western christianity*, Blackwell Publishing, 2008.

¹¹ While the transliteration of his name from Arabic (كحلِيل) to Latin alphabet would require to write is like this - Khalil (خ – kh), following the advise of his English teacher, the Lebanese writer changes from 1918 the writing of his name, presenting himself to the Western world as Kahlil.

¹² Suheil Bushrui, Salma Haffar Al-Kuzbari, *Blue Flame: The Love letters of Kahlil Gibran to May Ziadah*, Oneworld Publication, 1983.

letter after letter, into an exchange of feelings that evolved from admiration to friendship and, later, to love.

1. Love in the Arab world

1.1. Love in Arabic culture

During Greek and Roman civilization, love had a multifaceted nature. While the Greeks pursued physical beauty and intellectual connection, the Romans approached love in a much more pragmatic way, seeing it as a duty and a means to procreation. While both cultures viewed love through the prism of social norms and hierarchies, they did not ignore the complexity of human relationships and the depth of emotion. During the Middle Ages, love is portrayed as untouchable, with troubadours representing their beloved as an object of worship and devotion, love following the canons and hierarchies of feudal society. Honor and sacrifice are themes that necessarily accompany these stories. It is during this period that the concept of “marriage as friendship” emerges, promoting a relationship of equality and partnership between spouses, challenging the previously prevalent conceptions of marriage. The Enlightenment brought a new perspective on love, emphasizing reason, freedom, and individualism, leading to a reassessment of traditional ideas of romantic love. Romanticism, which emerged in response to Enlightenment ideas, promoted intense emotions, the beauty of nature, and imagination concerning love. In this context, the need arose to redefine love as an intimate, deeply personal experience, a source of personal development. The last two centuries have further changed how romantic love is perceived, influenced by technological, social, and cultural developments. As a result, young people are beginning to look for their soul mates guided by shared affinities and the desire for emotional fulfillment, breaking out of the paradigm of pragmatic love. Industrialization and later digitalization have increased the spread of modern conceptions of romantic love, leading to changing social norms and expectations. The search for the soul mate so much publicized by (social) media, cinema, but also literature has become deeply ingrained in the collective mind, but an idealized conception creates a gulf between reality and fantasy, between the real and the imaginary.

In the Arab world, how romantic love is represented, understood, and experienced follows the trends of the time, albeit sometimes with its particular chronology. The literature has leaned heavily on analyzing love through the historical, literary prism¹³, but the function of love in social

¹³ L.A. Giffen, *Theory of profane love among the Arabs: the development of the genre*, New York University Press, 1971; L. Abu-Lughod (Ed.), *Remaking women: Feminism and modernity in the Middle East*, Princeton University Press, 1998; Alireza Kirangy, Hanadi

relations remains a still generous topic¹⁴. However, romantic love in the Arab world is not unknown; the linguistic, literary, and artistic abundance is living proof of this claim¹⁵. Already famous stories such as *Arabian Nights* vividly depict love and romance in the Arab world, therefore this theme is not foreign to writers such as Kahlil Gibran either. Although less analyzed than in the West, romance stories in the Arab world present similar key elements, such as the nature of love, the role of marriage, the role of the family, and freedom of choice¹⁶.

According to Barakat, in Arab romantic relationships, from courtship to marriage, the family plays an important role¹⁷, and this is characteristic of collectivist societies¹⁸, such as those in the Arab region (Table 1). Geert Hofstede formulated the theory of cultural dimensions, initially identifying four, to which he later added two more to realize the cultural profile of a country¹⁹. These six dimensions correspond to six core values: power distance (hierarchy), individualism/collectivism (identity), motivation towards achievement and success (competitive spirit), uncertainty avoidance (truth), long-term orientation (efficacy), and indulgence (tolerance). The individualism/collectivism dimension refers to the degree of interdependence of the members of society, opposing the pronouns “I” and “we”. Individualist societies are focused on the good of self and family, whereas collectivist societies are those that value loyalty and are concerned with the good of the group. Moreover, Richard D. Lewis (2006: 426 - 427), analyzing the cultural profile of the world's countries, observes that in the West, the individual is the basic social unit, whereas, in the Arab world, the family is this fundamental unit; he also observes that, unlike Westerners, Arabs prefer intermediate marriages, which are more stable and involve mutual respect²⁰.

Al-Samman, Michael C. Beard (Eds.), *The Beloved in Middle Eastern Literatures*, Bloomsbury Publishing, 2017.

¹⁴ Michael J. Oghia, „Different Cultures, One Love: Exploring romantic love in the Arab world”. In Rana Raddawi (Ed.), *Intercultural Communication with Arabs: Studies in Educational, Professional and Societal Contexts*, Springer, 2015, p.2.

¹⁵ W. Armbrust, „Love live patriarchy: Love in the time of Abd al-Wahhab”. *History Compass*, 7(1), pp. 251 – 281.

¹⁶ Idem 14, p.4.

¹⁷ H. Barakat, *The Arab world\$ Society, culture and state*, University of California Press, 1993.

¹⁸ M. Dwairy, „Foundations of psychosocial dynamic personality theory of collective people”. *Clinical Psychology Review*, 22(3), pp. 343 – 360.

¹⁹ Geert Hofstede, *Culture’s Consequences: Comparing Values, Behaviors, Institutions, and Organizations across Nations*, Second Edition, Thousand Oaks CA, Sage Publications, 2001.

²⁰ Richard D. Lewis, *When Cultures Collide: Leading Across Cultures*, Nicholar Brealey International, Boston, London, 2006.



Table 1: Individualism/collectivism dimension values for Arab countries generated by Country comparison tool²¹

It is therefore self-evident, as Oghia correctly observes, that in collectivist societies personal choice is less important, including those referring to romantic love, with family relationships and tradition taking precedence²². This is also explained by the existence of a very rigid hierarchy, especially within the family. This brings in another dimension identified by Hofstede, distance from power, defined by the extent to which less influential members of institutions (including the family) and organizations accept the unequal distribution of power. According to him, this dimension has very high values in Arab countries (Table 2), implying less autonomy for members of the group at the bottom of the hierarchy.

²¹ Available at: <https://www.hofstede-insights.com/country-comparison-tool>

²² Michael J. Oghia, *op. cit.*, p.5.

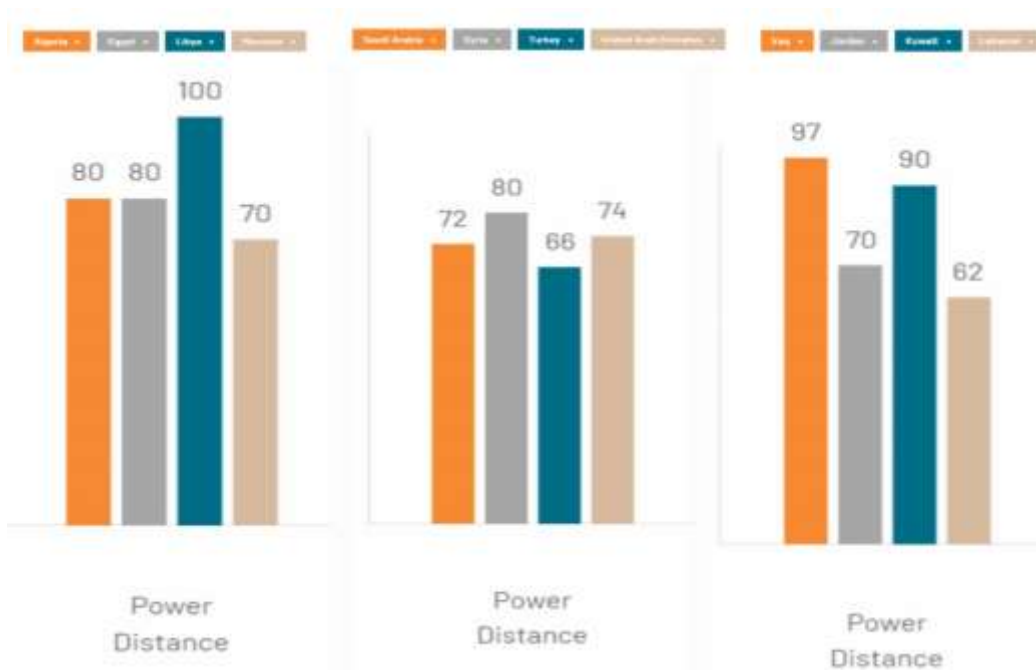


Table 2: Power distance dimension values for Arab countries generated by Country comparison tool²³

Although they can be accused of generalizing, that the world is much more complex and cannot be boxed and labeled, these studies help us understand the similarities and differences between us, facilitating interactions between people with different cultural backgrounds. They also help us better observe changes over time. These changes are already beginning to make their presence felt, as recent studies show that love has become increasingly important among young Arabs²⁴, that marriages based on love are on the rise²⁵, and that the influence of the extended family in the Arab world is declining²⁶.

²³ Available at: <https://www.hofstede-insights.com/country-comparison-tool>.

²⁴ H. Barakat, *The Arab world\$ Society, culture and state*, University of California Press, 1993.

²⁵ Y. El-Haddad, „Major trends affecting families in the Gulf Countries. United Nations Programme on the Family Division of Social Policy and Development, 2003, retrieved from <https://www.un.org/esa/socdev/family/Publications/mtelhaddad.pdf>.

²⁶ D.N. Farhood, *Family, culture, and decisions: A look into the experiences of university students in Lebanon* (Unpublished master's thesis), American University of Beirut, 2009.

1.2. Love in Arabic language

Arabic is said to be one of the world's most expressive languages. Some would even say it is the most expressive language, especially when it comes to feelings and emotions. We will leave this debate for another occasion, while confirming that, in terms of expressing the feeling of love and its various nuances, Arabic is indeed the gold standard.

In general, when we think of love, we recognize the feeling and move on, but a closer analysis of the semantics of love confirms and reconfirms the richness of the Arabic language. In Arabic, love is not something that happens overnight but is a gradual process involving different stages. It is not linear because these stages represent the various forms that love takes at different times and which are linguistically differentiated.

A simple search on the internet lists between 9 to 24 stages of love in Arabic, each with its name, very few of which are based on concrete studies but rather on oral tradition. However, according to Basma Dajani and Hala Khalidi²⁷, the first attempt to identify the stages of love belongs to Muhammad Ibn Daud Al Asbahani²⁸. In his work, *Al Zuhra*, he identified attraction (“al-hawa” – “الهوا”) as the first stage, which would evolve into affection (“al-wudd” – “الود”). The affection will gradually turn into love (“al-hubb” – “الحب”), which will strengthen the relationship between the two until a true friendship (“al-kholla” – “الخلة”) is born. It is not long before the spark of passion (“al-shaghaf” – “الشغف”) is ignited. Ibn Daud does this delineation of the different stages of love from a philosophical perspective.

The most recent study on the semantics of love in Arabic belongs to A.Z. Obiedat, who identifies 14 stages of this feeling, concluding that the semantic field of the word “love” represents a spectrum with two edges, each having different levels²⁹. His study goes beyond the psychological, literary or philosophical definitions of love, as he analyzes it from a linguistic point of view, identifying the stages of this feeling according to the semantic charge of the term. The first four stages coincide with those identified more than 1000 years ago by Ibn Daud, namely attraction („al-hawa” - „الهوا”), affection („al-wudd” - „الود”), love („al-hubb” - „الحب”) and passion („al-shaghaf” - „الشغف”). In Obiedat's view, the picture of love is not complete, which is why he identifies ten other stages according to the semantics of love. Passion is followed by a strong love („al-sababa” - „الصباية”) which soon

²⁷ Basma Dajani, Hala Khalidi, „The literature of love by three theologians in the Arab Islamic Tradition”. *Procedia – Social and Behavioral Sciences*, 2012, p.2.

²⁸ Lived between 255/297 BC - 868 /909 AD.

²⁹ A.Z. Obiedat, „The semantic field of Love in classical Arabic: Undersanding the subconscious meaning preserved in the Hubb Synonyms and Antonyms through Their Ethimology” in Alireza Kirangy, Hanadi Al-Samman, Michael C. Beard (Eds.), *The Beloved in Middle Eastern Literatures*, Bloomsbury Publishing, 2017, pp. 300 – 323.

turns into absolute love („al-ishq” - „العشق”). From here to obsessive love is only a step („al-walaa” - „الولاء”). A deep attachment („al-gharam” - „الغرام”) is followed by an intense love, borderline with madness („al-hiyaam” - „الهيام”). From this point on, the feeling of love is no longer felt as something positive, causing suffering rather than joy. Thus, this stage resembles enslavement, and bewitchment („al-taym” - „التيم”), followed by the feeling of loss of love, including reason („al-walah” - „الوله”). Grief is the immediately following stage („al-jawaa” - „الجوى”) which gradually leads to a consuming, burning love („al-fitna” - „الفتنة”). Love ends with the stage of longing and self-sacrifice („al-tawq” - „التوق”).

According to Obiedat, the first six stages can be considered the stages of positive love, in which feelings produce a state of well-being; everything is like the ascending slope of a mountain. From the seventh stage on, love becomes negative, the feelings cause suffering rather than joy, and the slope is now downward (Fig. 1).

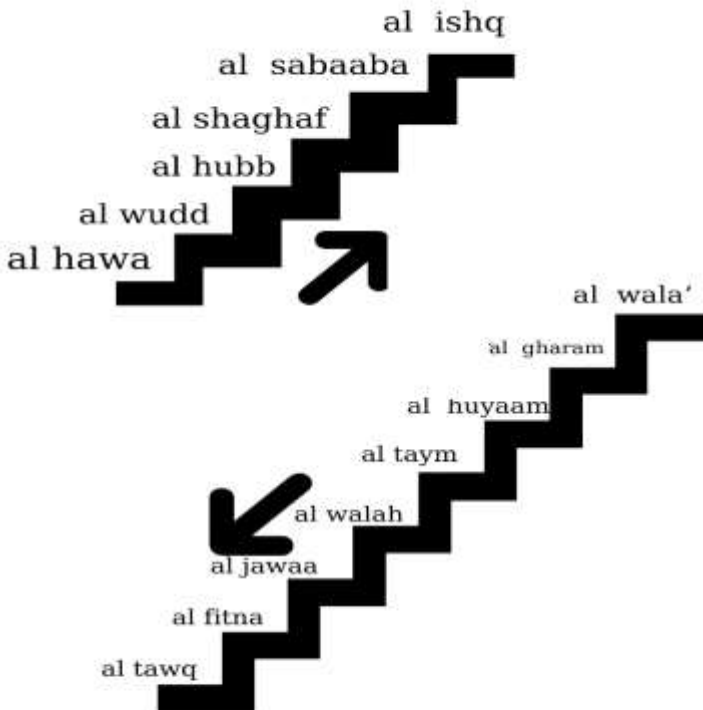


Fig 1: The stages of love according to the classification of A.Z. Obiedat

We will follow these stages in the love story between Kahlil Gibran and May Ziadah as depicted in their correspondence. However, as the editors and translators of the letters recognize, the richness of the Arabic language meant that certain terms could not be accurately translated into English. Still, they did try to preserve the oriental spirit. Moreover, as Anjad Mahasneh demonstrates in her study, translating emotions from Arabic into another language, especially English, is all the more difficult because words themselves have a rich semantic load, emphasized by the contexts in which they are used, all the more so if they are used connotatively³⁰. Although emotion is a biological fact, how we express it is a linguistic and, implicitly, a cultural fact, since language contains all our cultural values. As I. Alone observes, from a lexical point of view, the emotive meaning presupposes a hierarchy of emotions felt by the native language user when using the word in question, augmented by peripheral meaning (associates, connotations, metaphors, idioms, and even non-verbal communication)³¹. Obiedat also explains in his study the root meaning that generated these terms used metaphorically to name the stages of love.

2. Kahlil Gibran and May Ziadah: Blue Flame

2.1. The writers

Kahlil Gibran entered the list of the most important writers of the 20th century with the publication of the widely successful book *The Prophet*. Born in Lebanon in 1883, he emigrated at the age of 12 with his mother and siblings to the United States, initially settling in Boston.

Gibran's love for his country never left him, and he returned to his homeland in 1898 to consolidate his Arabic language skills. From 1901, for two years, he embarked on a European tour, spending time in Paris. Although he returned to Boston and later settled permanently in New York, he remained forever attached to the Land of the Cedars, which had a considerable influence on his literary and cultural activity.

In his literary work, critics note the influence of the philosopher Nietzsche, French symbolism, and the English poet William Blake. However, the traces left by the great mystic poets of the East, such as Al-Mutanabbi, Al-Maarri, Ibn Sina, Ibn Khaldun, etc., are also evident³².

³⁰ Anjad Mahasneh, „Arabic Language and Emotiveness's Translation". *International Journal of Social Science and Humanity*, 6(4), 2016, pp. 268-274.

³¹ I. Alone, „Towards a Palestinian Arabic emotive lexicon: An invitation for discussion". *Journal of the Royal Asiatic Society of Great Britain and Ireland*, vol. 15, 2005, pp. 1-13.

³² Homam Altabaa, Adham Hamawiya, „The Life and Work of Kahlil Gibran: A Critical Review". *Asiatic*, 13 (1), 2019, pp. 103-118.

Gibran wrote his works in both English and Arabic, and they have been translated into various languages, including Romanian. According to Suheil Bushrui and Salma Haffar al-Kuzburi, his literary work can be divided into two stages³³. In the first stage, from 1905 to 1918, his writings were mainly in Arabic. The main theme of his works from this period is the reform of society, with a critical approach to injustice against women and bigotry in society. Themes that would be developed towards the end of his literary activity, such as reincarnation, were also emerging at this time, taking the form of stories and later parables, allegories, and aphorisms. Some of the landmark works from this period are *Broken Wings* (1912) and *Spirits Rebellious* (1908). The second phase of his work spanned the period from 1918 until the end of his life in 1931 when he lost the battle with cirrhosis and tuberculosis. This second phase includes works written predominantly in English and is the period in which he published his best-known works, such as *The Prophet* (1923), *Sand and Foam* (1926), and *The Garden of the Prophet* (published posthumously). Gibran considered love to be the key to all things, and the theme runs through many of his works.

Throughout his life, Gibran was divided between his two homelands, his native one, Lebanon, and his adoptive one, the United States of America. Lebanon, with its landscapes, history, and culture, has always been the source of his longing and the backdrop to his writings, while the United States of America inspired his admiration because of its technological advances and concern for the welfare of its citizens. However, he also tried to imprint the mysticism of the Orient on the West, characterized in his view by materialism.

Kahlil Gibran was not only a writer. He was also a painter, studying the plastic arts in Paris from 1908 to 1910, inspired by Auguste Rodin. He published his collection of drawings in 1919 under the title *Twenty Drawings*. His letters to May Ziadah were often accompanied by drawings and sketches.

Kahlil Gibran corresponded for 19 years with May Ziadah, a Lebanese-Palestinian writer. Born in 1886 in Nazareth, Palestine, to a Palestinian mother and Lebanese father, she spent most of her life in Egypt, where she emigrated with her family in 1908 and where she established herself in the literary field. She published her first major work in 1911 in French, *Fleurs de rêve*, influenced by the French writer Lamartine. Like Gibran, she published in two languages, French and Arabic, and like him, she was also interested in social issues, in her case the Women's Emancipation Movement. Her literary work took the form of a series of articles, essays, reviews, translations, poems, and biographical studies, establishing her as

³³ Suheil Bushrui, Salma Haffar Al-Kuzbari, *op. cit.*, pp. XVII-XXII.

the most significant woman essayist in the Arab world in the first half of the 20th century³⁴.

May Ziadah's choice to revive the works of Aisha Taymur, Warda Al-Yaziji, and Malak Hifni Nassif is seen as a feminist act, as it lays the foundations for the historiography of writings belonging to Arab women. At the same time revives the memory of an earlier generation of pioneering women, thus providing a source of inspiration for future generations (Hala, 2018:275). Ziadah thus highlights important themes through a feminist lens, namely women's rights and gender roles, and emphasizes the concrete actions taken by these women. In portraying these three women, Ziadah breaks out of the paradigm of the "oriental woman" (oppressed, secluded and uneducated), opposing the model of the educated woman with intellectual affinities and interests³⁵.

Much of May Ziadah's writings have focused on women and their role in society, producing in her essay *The Woman and the Civilization* a foray into how women have been portrayed in literature over the centuries. She also spent time describing the feminist movement and the role of women in Arab countries, openly criticizing their apathy. The influence of the family on women's romantic choices is also a subject in Ziadah's works, questioning women's ability to become a good wife and a perfect mother, advocating the family, which she herself considers the center of social life, as long as it represses her desires and allows her interests and opinions to be ignored³⁶.

From a biographical point of view, it is important to mention that in the last four years of her correspondence with Gibran, between 1927 and 1931, May Ziadah faced the loss of her parents, her best friend, and finally the man she loved, namely Kahlil Gibran. What followed was a period dominated by pervasive episodes, suicidal attempts, and, eventually, a stay in a mental asylum in Lebanon in an attempt to get better. With the support of friends, she managed to rehabilitate herself and resumed her literary activities, but ended her life in 1941 in Cairo³⁷.

2.2. The lovers

The love story between Kahlil Gibran and May Ziadah is atypical in that it began, continued, and ended exclusively through correspondence, as the

³⁴ Suheil Bushrui, Salma Haffar Al-Kuzbari, *op. cit.*, pp. XVII-XXII.

³⁵ Hala Kamal, „Women's writing on women's writing: May Ziyada's literary biographies as Egyptian feminist history". *Women's witing*, 25(2), 2018, p. 280.

³⁶ Bedrettin Aytac, „The Question of Women in the works of Selma Riza and May Ziadeh". *Ankara Universitesi Dil ve Tarih-Cografya Fakultesi Dergisi*, 42 (1-2), 2002, pp. 67-77.

³⁷ Idem 34, pp. XX-XXI.

two did not see each other during the 19 years they exchanged letters. The only place they allowed themselves to meet was in imagination and dreams. The two shared a *philia* love, a tender, affectionate but platonic love.

Although May Ziadah was not the only woman in the Lebanese writer's life, she was certainly his soul mate, his link to the motherland, the embodiment of all that his soul yearned for³⁸. The Blue Flame, the eternal flame of reality, thus became the symbol of his eternal love for May, for together they set out on a spiritual procession towards it.

Their correspondence was at first of purely intellectual interest, initially merely an exchange of opinions and mutual criticism of each other's work or works in their area of interest. Letter after letter, the content became more personal and their relationship evolved from mutual admiration to friendship and later to love. Perhaps their interest in each other persisted for so long precisely because of the distance, because of the certainty of the impossible meeting.

It must be said that in this book *Blue Flame: The Love Letters of Kahlil Gibran to May Ziadah*, only the letters sent by Gibran are reproduced. Thus, the stages of love will be highlighted as experienced by Kahlil Gibran, as very few of the letters sent by May Ziadah saw the light of day, and only in Arabic, thus respecting the family's wishes.

The correspondence between the two began in 1912, yet the first letter presented in the book is dated January 2, 1914. Although two years had passed since the exchange of letters had begun, Gibran still addresses her formally - „Dear Miss Ziadah”. The translators of this correspondence clarify that the original Arabic way of addressing was even more formal, literally meaning „distinguished and virtuous writer”, an important observation that informs us of his appreciation of her as a writer. This first letter made available highlights the opinions and passions shared by the two: the favorable view of the periodical *al-Founoon*, considered by Gibran as the best periodical to appear in the Arab world, the love of music (in the absence of the ability to play any musical instrument), both Eastern and Western, the admiration for the Sphinx in Egypt and for the doctor Shibli Shumayyed. But there is something more personal in this letter, a wickedness that May Ziadah says exists in her soul, but of which Gibran says: „You will never be half as wicked as I, for I am as wicked as the specters that dwell in the caverns of Hell, nay, I am as wicked as the black spirit that guards the gates of Hell”. Gibran ends his letter formally, using the formula „Yours sincerely” and signing his full name.

The next letter is dated five years later, January 24, 1919, but the form of address is still the same, „Dear Miss Ziadah”. Despite the formalism, we see here the first signs of attraction („*al-hawa*” - „*الهوا*”), even if it seems

³⁸ Suheil Bushrui, Salma Haffar Al-Kuzbari, *op. cit.*, pp. XXIV-XXV.

rather intellectual. Gibran refers to her as a „good and beautiful spirit” and declares that he read her articles sent to him with „great pleasure and immense admiration”. His appreciation is underlined by the following words: „I found in your article a host of those tendencies and inclinations which for so long have surrounded my thought and followed my dreams”, and his regret at the impossibility of meeting again is expressed in the following lines: „But Cairo is in the distant East and New York far away in the West, and there is no way we can have the discussion I hoped and wished for”. Gibran does not hold back his praise of her: „Your articles clearly show you to be supremely talented, well-read and possessed of a refined taste in the selection and choice of your material, and in its organization”. However, Gibran seems interested in getting to know May the woman, not just May the writer, as he asks her a question as an invitation to open up to him and the world: „Might not the day perhaps come when your great talents would henceforth be dedicated to expressing the secrets of your inner Self, the particular experiences and the noble mysteries of that Self? (...) I feel that art (...) is more suited and conformable to your rare talents than research (...)”. Gibran justifies this invitation on purely intellectual grounds: „What I just said is nothing but an appeal in the name of art”. It is hard to believe, however, that this question-invitation was not also born of a more hidden (and perhaps not yet acknowledged) desire to know it on a level beyond the purely intellectual, for what speaks more about the human soul than poetry? Nevertheless, Gibran ends his letter just as formally.

February 7, 1919, is the date of the next letter, and even in the way, he addresses her, we can see affection and friendship („**al wudd**” - „الود”) - „My Dear Miss May”. She becomes „my dear” and chooses to address her by her first name this time. In the remainder of the letter, he calls her „my friend” and opens up to her, confessing that in their discontinuous dialog, mediated by pen and paper, he „used to find solace, companionship, and comfort”. In this letter, however, we also glimpse the first sparks of love („**al hubb**” – „الحب”), for his description of her goes beyond a purely friendly description: „There is, in the distant East, a maiden who is not like other maidens, who has entered the temple even before she was born, has stood in the Holiest of Holies, and has come to know the sublime secret guarded by „giants of the dawn. She has since adopted my country as her country and has taken my people to be her people”. The thrill he gets from receiving her writing is also greater than the thrill he would receive from a friend: „Do you know that I used to whisper this hymn in the ear of my imagination every time I received a letter from you?” Also in this letter, Gibran refers to May as a muse: „I shall write a poem on the smile of May, and if I had a picture of her smiling I would have done so today. But I must visit Egypt to see May and her smile”. The fact that he begins to feel more than friendship for May is also revealed by the

impact on him of her criticism of *The Madman*, in which he identifies „cruelty” and „dark caverns”: „What does it benefit a man if he gains the approval of the whole world and loses May's?” Despite a very long letter, Gibran admits that he did not dare to express his true thoughts and trust that the bond between them, which defies the boundaries of the physical world, will be enough for her to discern them: „I have reached this point in my letter without having said one word of what I meant to say when I began. Which one of us is capable of transforming this gentle mist into statues of sculptural form? But the Lebanese maiden who hears those sounds which are beyond sound shall discern both forms and spirits in the mist”.

After the letter of May 10, 1919, which is brief and accompanies a copy of his last work, *The Processions*, Gibran addresses her again in a long letter dated June 11, 1919. The correspondence between them becomes, for Gibran, the „treasure of treasures”, it becomes the way to circumvent the space and time that separates them: „Our dialog, which we have rescued from five years of silence, will never turn to recrimination or blame, for I accept all you say in the belief that it would not be coming to add even an inch to the seven thousand miles which separate us”. Despite the differences of opinion, Gibran sees in her letters „a river of nectar which flows down from the mountain-top and sings its ways into the valley of my dreams. Indeed, they are like Orpheus' lute, which attracts things that are far away and advances things that are near, and by means of its enchanted reverberations turns stones into glowing torches and boughs into agitated wings”. The oneiric becomes the place where Gibran becomes comfortable with his feelings, which, however, once back to ink and paper, he entrusts to May's power to sub understand: „How am I to continue our dialogue when my heart contains something which cannot flow in ink? Yet we must continue the dialogue. But you do understand what remains unsaid”. Love, for Gibran, seems to have a language he has not yet mastered, reaching a second time when he feels overwhelmed by its power.

The short letter of June 11, 1919, accompanies some newspaper clippings representing reviews of his work *The Madman*. Shortly afterward, on July 25, 1919, Gibran returned with another letter. Unlike the other letters, this one begins abruptly, with a statement that already betrays passion, and infatuation („**al shaghaf**” – „الشغف”): „You have been in my mind ever since I last wrote to you. I have spent long hours thinking of you, talking to you, endeavoring to discover your secrets, trying to unravel your mysteries. Even so, it is still surprising to me that I should have felt the presence of our ethereal Self in my study, watching the moves I make, conversing and arguing with me, voicing opinions on what I do”. Their love materializes in the imagination, perhaps in an alternative reality created by Gibran, but still the emotions, though experienced, are foreign to him,

misunderstood: „You will naturally be surprised to hear me talk like this; I, myself, find it strange that I should feel this urge and this necessity to write to you. I wish it were possible for me to comprehend the hidden secret behind this necessity, this urgent need”. But he recognizes the uniqueness of their bond: „I have recently established a bond, abstract, delicate, firm, strange and unlike all other bonds in its nature and characteristics, a bond which cannot be compared to the natural familial bonds, a bond which, indeed, is far more steadfast, firm and permanent event han moral bonds”. Gibran recognizes, however, that this bond will find its materialization in the oneiric plane, for this bond has existed between two people who were brought together by neither the past nor the present and who may not be united by the future, either. “In such a bond, May, in such a private emotion, in such a secret understanding, there exist dreams more exotic and more unfathomable than anything that surges in the human breast; dreams within dreams within dreams. Such an understanding, May, is a deep and silent song which is heard in the stillness of the night, it transports us beyond the realms of day, beyond the realms of night, beyond time, beyond eternity”. For the first time since the beginning of the correspondence, Gibran dispenses with the usual formal closing formula, signing himself “your true friend”. The very next day, Gibran sends her a new letter, this time a short one, accompanying a new newspaper clipping representing the introduction of Alice Raphael to Gibran's first art book, *Twenty Drawings*.

Gibran's candor in the earlier letter seems not to have been well received by May, who accuses him of „mild sarcasm” and „philosophical jokes,” as is evident from his letter sent on November 9, 1919: „You are angry and displeased with me, and you have every reason to be. (...) Why do you not believe in those things that fate places in the palm of your hand? And why do you not turn your gaze towards the inner beauty, which is truth, and away from the outward beauty, which is appearance?”

Two more letters are sent by Gibran to May, on November 15 and 30, both being invitations to an artistic banquet and to the MacDowell Club of New York where the Committee on Literature was organizing a reading session of Kahlil Gibran's work.

The letter from January 28, 1920, is the confirmation of the strong and steadfast love („**al sabaaba**” - „الصباابة”) of Gibran, even though his earlier confession had been received contrary to his expectations by May and called by her „a lyric poem”. Nevertheless, Gibran reconfirms his words thus: „How can I regret something which continues to exist in me now exactly as it did then? For I am not one of those who regret expressing what is within themselves. Nor I am one of those who reject in their wakefulness what they can affirm in their dreams, because my dreams are my wakefulness and my wakefulness is y dreaming; and because my life is not torn between taking

one step forward and two steps back". We can see that for Gibran the boundary between dream and reality is no longer so blurred, as his love accompanies him in both the dream and the reality. Gibran reconfirms what he had confessed in that letter in which he had finally ventured shyly into the language of love: „The so-called „lyric poem” is by me, from me and in me. It is as I was and as I shall be. The letter itself is as it was yesterday and as it will be tomorrow.” In addition, for the first time in their correspondence, Gibran confesses his love for her, even though he still refers to her as a friend: „the tone I chose to suit the character of the madman is not the tone I choose to adopt when sitting talking to a friend whom I love and respect.” The fact that May has become a constant presence in his life, that she dominates his thoughts at every moment, is evident from the following fragment: „You expressed your regret that you were unable to attend the artistic banquet, and your regret surprises me. Do you not remember that we were together at the exhibition? Have you forgotten the way we moved from picture to picture? Have you forgotten how we strolled around the vas hall, searching, criticizing, and exploring what lay behind the lines and colors of those symbols and meanings and purposes? Have you forgotten all that?” The distance she feels in her lines to him is also revealed in the following fragment: „I wanted to ask, for example, whether the word „sir” exists in the vocabulary of friendship. I searched for the word in my copy of the „dictionary” but could not find it, which left me somehow confused. I thought my copy was the standard edition - but I may be mistaken”. Without May's letters, it is difficult to say whether she shared his love, but from his lines to her we sense a slight disappointment, a slight fear that the link he had previously invoked, which unites the oneiric and the telluric, which destroys the boundary between the real and the imaginary, is only a figment of his Self. Yet, as in the past, Gibran is still trying to find the right words, for, despite the long letter, he admits as follows: „So far I have not said one word of what I wanted to say when I began my letter.”

The next letter is not written to May until late in the year, bearing the date November 3rd, 1920. For the first time since the beginning of the correspondence, he addresses her thus: „My friend May”. Also for the first time, Gibran expresses his confusion about their relationship: „My recent silence has been nothing but the silence of a man who is confused and puzzled; (...) I found nothing to say, May, because I felt you had left nothing to be said, and because I felt you wished to sever those unseen threads spun by the invisible hand that binds thought to thought, soul to soul”. But like a lover waiting for the slightest gesture to soothe his anxieties, Gibran finds in her letter the expected sign: „The sublime letter has turned my confusion into embarrassment. I am embarrassed about my silence, about being hurt, I am embarrassed by the pride in me that made me put my finger to my lips

and remain silent". However, he admits to her that he felt hurt that she dismissed his confession: „I had an experience last year - and it was an experience, not something I dreamt; I shared it with a female friend of mine. I shared it with her because I felt an urgent need to share it at that time. Do you know what my friend said to me? Immediately she said: „This is nothing but a lyric poem". However, this is also proof that his feelings are something real, something concrete, something that accompanies him at dawn, not just at nightfall. The strong love fills him with despair in front of her cold answer: „Of all the elements of the Self, nothing is more bitter than that of despair. Nothing in life is more difficult than declaring to one's Self: „You have been defeated". (...) Despair, May, is a voiceless feeling. That is why I sued to sit in front of you during those long months and gaze on your face for a king time without saying a word." And, behold, absolute love („**al ishq**" - „العشق") is revealed to May in the next paragraph: „What might I say of a man who is torn between two women: one weaving the hours of his waking out of his dreams; the other forming his dreams from the hours to his wakefulness? What might I say of a heart placed by God between two lamps?" As if trying to convince her that he is truly her soul mate, Gibran continues: „Are you not also a stranger in this world? (...) Tell me, tell me, May, are there many in this world who understand the language of your soul? How many times, I wonder, have you come across someone who listens to you in your silence, or who understands you in your stillness, or who accompanies you to life's Holiest of Holies while you sit in front of him in a house set in a row of other houses?" Yet, despite all the disclosures, Gibran concludes almost as always: „I have reached this stage in my letter without having said one word of what I wanted to say when I started the first page." Although he seems to have put his soul on a platter, it seems that the right words have not yet been invented to express his deep feelings. In addition, as a seal of their love, of the closeness of their souls despite the distance of space and time, for the first time, he signs simply, intimately, just „Gibran".

The letter of January 11, 1921, is perhaps the most beautiful description of the soul-pair, of a relationship, which, despite its absence on the physical plane, is coming to fulfillment on the spiritual plane: „We have surmounted a formidable obstacle, not without a certain amount of confusion. (...) I also confess that I have acted without wisdom in certain matters - are there not spheres of life, which are beyond the reach of wisdom? (...) I used to think, May, indeed I still think that some of our experiences cannot occur unless two people share in them jointly and simultaneously. This mode of thinking may have been the main reason why some of my letters have induced you into thinking that „we must stop here!" Thank God we did not „stop there". For life, May does not stop in one place, and that mighty procession with all its beauty cannot but march forward from one sempiternity to another. As

for you and me, for us who sanctify life and tend toward what is right, blessed, sweet, and noble in life with all our being, who hunger and thirst after the permanent and everlasting in life - we do not wish to say or do anything that breeds fear of „fills the soul with thorns and bitterness”. (...) And when we love a thing, May, we look at love as a goal in itself and not as a means to achieve some other end. (...) If we long for something, we consider longing a gift and a bounty in itself. (...) Moreover, we are capable of finding intellectual happiness in the simplest manifestation of the soul.”

In the letter of April 6, 1921, the relationship between the two becomes even more intimate, as Gibran chooses to address her by her original name, Mary (May being the name she chose for herself because she found it more poetic), and calls her „my companion” and „dear lady”. Later on, in a letter from May 21, 1921, Gibran declares to May once more his affection, as he calls it at the beginning of the letter: „You are May, a treasure among the treasures in life - nay, you are more than that - you are you. And I thank God that you are of that nation to which I, too, belong and that you live a time in which I live also. Whenever I imagine you living in the last century or next, I raise my hand and sweep the air like someone brushing a cloud of smile away from his face”. And yet, his last lines seem to prove once again that his too-full soul has not yet found the right words: „It is midnight, and until now, I have not put down on paper the word my lips pronounce, sometimes in a whisper and at other times in a loud voice. I place the world I wish to utter in the very heart of silence; for silence preserves all that we say with affection, with zeal, and with faith. (...). I shall tell you in my dreams what I have not spelled out on paper”. On the physical plane, Gibran seems to find only in silence the right place where his feelings find their lexical equivalents, but on the dream plane, they have already taken on a form ready to be released.

The letter of May 30, 1921, opens with the epistle „May, Mary, My friend”. Gibran seems to want to encapsulate in this form of address all that she represents for him. *May*, the writer, *Mary*, the person, *My friend*, his companion, his love, but at the same time it seems to be a desperate appeal. Gibran confesses to her in his letter that she appeared to him in a dream, wounded, and bloodied. However, above all, he declares his love: „But I forget my dreams unless they are about those whom I love.”

The next letter comes only a year later, on May 9, 1922, and opens with an unexpected formality, completely different from the forms of an address previously used: „My esteemed friend”. He goes on to address her as „madam”, the whole letter having an icy, at times ironic tone, sanctioning her curt reply, which had reproached him for „trying” to write to her for six weeks, as he had told her in a previous letter, unaware that he had been trying to hide a medical problem that prevented him from using his right

hand. And for the first time in a long time, he reverts to the formal closing formula „Yours sincerely”, signing his name.

Nearly a year and a half after the last letter, on October 5, 1923, Gibran writes to May again, betraying what seems to have evolved, in the interim, into an obsessive love („**al walaa**" - „الولاء"): „May God Forgive you, you have robbed me of my heart's tranquility, and had it not been for my steadfastness and obduracy you would have robbed me of my faith. Strangely, those nearest to us are (also) those most capable of confusing and disturbing our lives for us." On the other hand, Gibran seems to realize that to May in the oneiric space, „a sweet and kind maid who is conscious of all things and knows all things, who gazes upon life through God's light and who fills life with the light of her own spirit" corresponds, in the telluric space, reduced to ink and paper, a different May: „but whenever we meet in the blackness of ink and the whiteness of paper I find you and myself to be the most quarrelsome of adversaries engaged in a duel - a duel of the intellect consisting of nothing but finite measurements and limited results. (...) You and I have come to realize that friendship and rhetoric are not easily combined. The heart is simple, May, and the manifestations of the heart are rudimentary things, whereas rhetoric is a social vehicle". Gibran laments the lost time with „doubt, pain, regret, indignation, and vexation - vexations which turn the honey of the heart into bitterness, and the bread of the heart into dust." Is all the love that has taken root in Gibran's heart directed toward the May of Gibran's dream, which his mind has created from snippets of text taken out of context, or toward the May who, to his letters, responds, as Gibran rightly observes, with „doubt, caution, and irony." Gibran goes on to emphasize this duality of the woman who has gradually evolved from „Ms. Ziadah" into „My dear May": „So I wrote to you frequently and each time I received a cordial reply, but the reply came from someone other than the May I know. I used to receive those cordial replies from May's secretary, who is an intelligent young woman living in Cairo. (...) I received a reply, but not from the one „in whom I live and who lives in me", but from a woman who is cautious and pessimistic, and who gives and takes as if I were the accused and she the accuser". Gibran ends this letter by signing only his first name.

The following month, on November 3 and 8, Gibran sends May three more postcards, one depicting a Michelangelo sculpture, the other two faces of ancient Greek women. What stands out in this correspondence is the formula of address (one specific to Arabic culture, for which there is no English equivalent and which the translators have decided to render as „pretty face"). The appellation is proof of the closeness between the two (from Gibran's perspective).

The deep attachment („**al gharam**” - „الغرام”) permeates the letter of December 1, 1923, when, having returned from a trip of a few days, returns home and finds his letter, at which point, he says, „all other mail vanishes before my eyes when I receive a letter from my little beloved”. But over the next two days, he writes her two more letters, blurring the line between deep attachment, intense love/madness („**al hiyaam**” - „الهيام”) and enslavement/bewitchment („**al taym**” - „التيم”). Gibran addresses her with pathos, with alacrity, with a certain desperation: “At this hour you are with me, May. You are here, here, and I am talking to you, but with words better than these by far. I speak to your great heart in a language greater than this, and I know that you hear me, I know that we understand one another clearly and lucidly, and I know that we are nearer God's throne on his night than at any time in the past”. Gibran now has no more restraint, from the more intimate calls - „my sweet little one” - to the more open declarations: „Of all people you are the nearest to my soul and the nearest to my heart and our souls and hearts have never quarreled. Only our thoughts have quarreled and thought is acquired, it is derived from the environment, from what we see in front of us, from what each day brings to us; but soul and heart formed a sublime essence in us long before our thoughts.” Thus, she recognizes that their relationship has long gone beyond the intellectual level, becoming more spiritual, and more emotional, even if she sometimes finds it hard to understand the sources of her feelings: „I love my little one, but I do not know in my mind why I love her. I do not want to know in my mind, it is sufficient that I love her. It is sufficient that I love her in my soul and my heart”. In the imaginary, in a parallel universe in which they would not be separated by time and place, Gibran lives his love: „It is sufficient for me to rest my head on her shoulder when I am sad, lonely and in solitude, or when I am happy, entranced and full of wonder. It is sufficient for me to walk by her side to the top of the mountain and to tell her every now and then: „You are my companion, you are my companion!”. At the end of the letter of the first day of December, in which Gibran put his feelings on paper in the most direct way, he nevertheless concludes, as usual, by saying: “...we have said very little indeed of what we wish to say. Perhaps it is better to speak in silence until morning.” It seems that Gibran's feelings go beyond the lexical possibilities, as no words seem to be able to encompass and capture their intensity. Silence remains the place where the unspoken finds its voice.

As if in a trance, Gibran imagines December 2nd with May, whom he addresses as Miriam. He recalls a day spent dreaming, daydreaming, receiving guests, and speaking the language of silence, ending the evening gazing at the starry sky and walking among the galaxies. On the third day in December, Gibran talks about his book, *The Prophet*, but ends with an invitation that betrays his need to have her close: „Bring your forehead

neared, Miriam, bring it nearer, for there is a white rose in my heart which I wish to place on your forehead. How sweet love is when it stands trembling shyly before itself". On the last day of December, Gibran sends her a postcard of Mount Lafayette, New Hampshire, reminding her of the valleys of North Lebanon, which she cherishes but which, without her presence, would be worthless. Gibran sees May in everything and everything and longs for her presence in every experience of every day.

The year 1924 began with a letter dated January 17, which also contained three Pierre de Chavannes postcards, whom he considered the greatest painter of the 19th century because of the simplicity with which he conveyed profound messages. May becomes a constant presence in Gibran's life, as she accompanies him everywhere and at all times, but she becomes even more than that - she becomes part of him: „Today I am in Boston once more and have visited the library; I stood before these same paintings with my beloved Miriam at my side, and I see in them a beauty I have never seen in past years. But had my Miriam not been with me I would have seen nothing, for the eye without its light is but a cavity in the face, no more, no less".

In the absence of May's letters, we can only speculate about her feelings towards Gibran. However, from Gibran's correspondence, we could say that the recipient of his love was much more restrained in expressing her emotions and feelings towards Gibran, either because their nature was different from his, or because the social norms of the time imposed a certain restraint, especially on women in the Arab world, despite her pioneering role in promoting the feminist movement. This does not mean that she did not share her feelings. The only letter May wrote, reproduced in this volume, seems to prove us right: „But I know that you are my beloved and that I revere love. I say this in the full knowledge that the least love is great. (...) How do I dare to confess these thoughts to you? (...) I even blame myself for writing to you, for in writing I find myself taking too much freedom...and I am reminded of the words of the venerable men of the East: „it is better that a young woman should neither read nor write. (...) Whether I am right or wrong, my heart finds its way to you, and it is better that it should remain hovering around you for protection and tenderness to guard and cherish you." (Letter of May to Khalil Gibran, January 15, 1924, pp XXVI-XXVII). In his letter of February 26, 1924, Gibran wrote as follows: „You tell me that you fear love; why, my little one? Do you fear the light of the sun? Do you fear the ebb and flow of the sea? Do you fear the dawning of the day? Do you fear the advent of spring? I wonder why you fear love? (...) Oh, Mary, do not fear love; do not fear love, friend of my heart. We must surrender to it in spite of what it may bring in the way of pain, of desolation, of longing, and in spite of all the perplexity and bewilderment".

The lack of a reply from her makes him experience fear of loss („**al walah**” - „الوله”), which he shares with her in a letter dated November 2, 1924: „You know the reason for your silence, but I do not. And really is unjust for this state of incomprehension to be the source of the confusion that besets my days and nights. (...) Tell me, my beloved little one, what has become of you in the past year?” Her answer seems to reassure him, but the anxiety caused by the lack of clarification is still present in his letter of December 9, 1924: „But how strange the silence of my little beloved, how strange her silence! This silence is as long as eternity, as deep as the dreams of the gods. It is a silence that cannot be translated into any mortal tongue. (...) Have you forgotten that we had an agreement to embrace peace and concord before the night embraces the earth?”

The letter of January 12, 1925, confirms the observation made in the course of the essay that known languages do not have the right words to express the depth of Gibran's feelings: „On the sixth of this month I was thinking of you every minute and every second, and I was translating all that was said to me into the language of Mary and Gibran - a language which not one of the inhabitants of this earth can understand except Mary and Gibran.” As usual, May accompanies his moments, even more so on important days, January 6 being Gibran's birthday: „After the celebration we sat together, you and I, apart from the others and talked at length, saying to each other what cannot be spoken except by longing, and speaking what cannot be said except without hope. Then we gazed up at our distant star and were silent. After that, we resumed our talk until the dawn of the day, and your hand was placed on my throbbing heart until the morning broke.”

After a short letter accompanying a da Vinci postcard, sent on February 6, 1925, Gibran returns on March 23, 1925, giving the first signs of grief („**al jawaa**” - „الجوى”) and burning love („**al fitna**” - „الفتنة”): „So why do you question and doubt: Which one of us, Mary, is able to translate the language of the invisible world into that of the visible? Which one of us can say: „In my soul burns a white flame, and such and such are its causes, or such and such is its meaning, and such and such will be its effects?” On March 28, 1925, Gibran sent Mantegna a postcard, expressing his admiration for the artist and his wish that May would have the opportunity to enjoy his works in Venice, Paris, or Florence, and two days later he returned with a few lines, concluding with a wish to have her with him forever: „You will be with me on every one of the days of April, and you will remain with me after April - every day and every night”.

Her next letter dates from May 1927, in which she expresses her disappointment at the content of her last letter: „What can you say about a man who, when he wakes in the morning to find by his bedside a letter from a friend he loves, cries out in a loud voice: “Good morning! Welcome!”; and

then, when he opens the letter with all the impatience of a thirsty man who has found a water bottle, he finds no more and no less than a poem on geography by Shawqi Bey? (...) so what was I to do but bite my lip in fury (this being what some men do when they are angry), burst out in rage, shouting threats and filling my house with noise.”

The next letter comes only after more than two years, on December 10, 1929, in which Gibran expresses his regret and condolences over the death of her father: „But in my heart there is a strong desire to stand before you, and a longing to hold your hand in mine in silence, feeling all that fills your soul, inasmuch as he who is near to you and yet still a stranger is able to share in what you feel”.

With his last strength, four months before he died, on December 17, 1930, Kahlil Gibran sent a last message, a telegram: „Cannot write with sick hand. This message is of affection and wishes for Happy Christmas and singing New Year”. Even if their letters no longer bear witness to it, their story, ravaged by time and sickness, remains suspended in a longing love („**al tawq**” - „التوق”), a love story concretized in all its forms on the dream and imaginary plane, while on the telluric plane, it remains a platonic love, sacrificed in the name of an ideal.

Conclusions

There are love stories with a similar narrative thread, lived perhaps the same, in the light of times, but felt differently, in the light of their soul. Some souls are lucky enough to fulfill their love on earth, in this life, and grow up and grow old together. Other souls search but never find each other. There are also those souls who find themselves here on earth, but who fulfill their love in the dream or imaginary plane, separated in the telluric plane by physical time and space. Is this love any less true?

The writers Kahlil Gibran and May Ziadah experienced this kind of love, a love that we have only been able to know and understand, for the moment, through the letters that he wrote for almost 20 years to the woman who would become *Ms Ziadah, May, Mary, Miriam, My dear friend, my companion, my beloved one*. We will only know whether we have correctly interpreted the painting that depicts their love when we can read the letters that May wrote to her.

Following the narrative thread, as it unfolds from one letter to the next, their platonic love is materialized on the telluric plane only by the ink mark on the paper. Nevertheless, it knows all the stages of love as identified by A.Z. Obiedat, even if they were rather experienced in the oneiric and imaginary plane. There, Gibran met a May whom he often did not recognize in the real plane, a warm, loving May, sensitive to his emotions, different from the skeptical, sometimes icy, and slightly ironic May, as Gibran leaves

us to infer. In that plane, love is possible, time and space no longer matter, leaving souls to meet in the meaningful silence in which emotions find their unspoken equivalent, unlike the real plane, where Gibran, try as he might, fails to render their depth, for the right words have not yet been invented.

From “al hawa” to “al tawq”, the Blue Flame between Kahlil Gibran and May Ziadah was kept alive and will reignite once her letters see the light of day and let us look at this love story in a new light.

References:

Abu-Lughod, L. (Ed.), (1998), *Remaking Women: Feminism and Modernity in the Middle East*, Princeton University Press.

Alone, I., (2005), „Towards a Palestinian Arabic emotive lexicon: An invitation for discussion”. *Journal of the Royal Asiatic Society of Great Britain and Ireland*, vol. 15, pp. 1 – 13.

Altabaa, H., Hamawiya, A., (2019), „The Life and Work of Kahlil Gibran: A Critical Review”. *Asiatic*, 13 (1), pp. 103 – 118.

Armbrust, W., (2009), „Love live patriarchy: Love in the time of Abd al-Wahhab”. *History Compass*, 7(1), pp. 251 – 281.

Aytac, B., (2002), „The Question of Women in the works of Selma Riza and May Ziadeh”. *Ankara Universitesi Dil ve Tarih-Cografya Fakultesi Dergisi*, 42 (1-2), pp. 67-77.

Barakat, H., (1993), *The Arab world: Society, culture and state*, University of California Press.

Barthes, R., (1978), *A lover’s discourse: Fragments*, New York, NY: Hill and Wang.

Baumard, N., Huillery, E., Hyafil, A, Safra, L., (2022), „The cultural evolution of love in literary history”. *Nature Human Behaviour*, 6(4), pp. 506-522.

Beall, A.E., Sternberg, R.J., (1995), „The social construction of love”. *Journal of Social and Personal Relationships*, 12(3), pp. 417-438.

Bushrui, S., Haffar Al-Kuzbari, S., (1983), *Blue Flame: The Love letters of Kahlil Gibran to May Ziadah*, Oneworld Publication.

Dajani, B., Khalidi, H., (2012), „The literature of love by three theologians in the Arab Islamic Tradition”. *Procedia – Social and Behavioral Sciences*, pp. 1-7.

de Rougemont, D., (1983), *Love in the Western World*, Princeton University Press.

Dwairy, M., (2002), „Foundations of psychosocial dynamic personality theory of collective people”. *Clinical Psychology Review*, 22(3), pp. 343-360.

El-Haddad, Y., (2003), „Major trends affecting families in the Gulf Countries. United Nations Programme on the Family Division of Social Policy and Development”, retrieved from

<https://www.un.org/esa/socdev/family/Publications/mtelhaddad.pdf>.

Farhood, D.N., (2009), *Family, culture, and decisions: A look into the experiences of university students in Lebanon (Unpublished master's thesis)*, American University of Beirut.

Geert, H., (2001), *Culture's Consequences: Comparing Values, Behaviors, Institutions, and Organizations across Nations, Second Edition*, Thousand Oaks CA, Sage Publications.

Giffen, L.A., (1971), *Theory of profane love among the Arabs: the development of the genre*, New York University Press.

Jackson, S., (1993), „Even sociologists fall in love: An exploration in the sociology of emotions”. *Sociology*, 27, pp. 201-2020.

Kamal, H., (2018), „Women's writing on women's writing: May Ziyada's literary biographies as Egyptian feminist history”. *Women's writing*, 25(2), pp. 268-287.

Kirangy, A., Al-Samman, H., Beard, M.C. (Eds.), (2017), *The Beloved in Middle Eastern Literatures*, Bloomsbury Publishing.

Lewis, R.D., (2006), *When Cultures Collide: Leading Across Cultures*, Nicholar Brealey International, Boston, London.

Lindberg, C., (2008), *Love: A brief history through western christianity*, Blackwell Publishing.

Mahasneh, A., (2016), „Arabic Language and Emotiveness's Translation”. *International Journal of Social Science and Humanity*, 6(4), pp. 268-274.

Meisami, J.S., (2014), *Medieval Persian Court Poetry*, Princeton University Press.

Obiedat, A.Z., (2017), „The semantic field of Love in classical Arabic: Undersanding the subconscious meaning preserved in the Hubb Synonyms and Antonyms through Their Ethimology”. In Alireza Kirangy, Hanadi Al-Samman, Michael C. Beard (Eds.), *The Beloved in Middle Eastern Literatures*, Bloomsbury Publishing, pp. 300-323.

Oghia, J.O., (2015), „Different Cultures, One Love: Exploring romantic love in the Arab world”. In Rana Raddawi (Ed.), *Intercultural Communication with Arabs: Studies in Educational, Professional and Societal Contexts*, Springer, pp. 1-27.

Shehabat, A.K., (2016), „Depiction of the theme of Love in Arabic and English Literature Based on Sternberg's Triangular Theory of Love”. *American International Journal of Contemporary Research*, 6(3), pp. 83-88.

Stone, L, (1977), *The Family, Sex and Marriage: In England 1500 – 1800*, Penguin.

PROPOSITIONAL-FRAME ANALYSIS OF THE WORD-FORMATION NEST WITH THE TOP ‘ΝΟΣΟΣ’ (DISEASE) IN ANCIENT GREEK

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Abstract: *The article is written in the framework of the study of the propositional-frame structure of the concept “DISEASE” in the ancient Greek language. The basic name of the concept, recorded in the ancient Greek language in the form of a word-formation nest with the top νόσος was analyzed. The main methodological approach is cognitive modeling of derivatives, in particular, modeling of a lexical-word-forming nest with the semantics of “disease” as a frame. The units of the metalanguage of description are such terms and related concepts as frame, slot, propositional scheme and proposition, which, on the one hand, reflect the most general form of verbalization of knowledge, and on the other hand, represent as clearly as possible various ways of semantic derivation and nomination of derived words. It is derived words that provide an adequate description of those types of knowledge that a person relies on when forming derivatives; at the same time, this knowledge creates the most important information for a person as a representative of a specific cultural environment and society. Based on dictionary data and original ancient Greek texts, 51 lexemes formed on the basis of the noun νόσος “disease” were identified. The mentioned word-formation nest is represented by different parts of speech, including nouns, adjectives, verbs and adverbs belonging to different chronological sections and formed by prefixation (4 lexemes), suffixation (29 lexemes) and stemming (18 lexemes). The analysis made it possible to identify in the frame model of the aforementioned nest a deep level of abstraction represented by 7 slots (lack of health, intensity, soreness, pathological state of the organ, causation, eliminating disease, and diagnosis), which are based on the corresponding propositional schemes and propositions.*

Keywords: *frame, proposition, word-formation nest, propositional scheme, ancient Greek, the DISEASE concept*

Introduction. In recent years, linguistics has gained significant insights from numerous studies that adopt a cognitive approach to understanding linguistic phenomena. This approach has introduced a new conceptual framework, where one of the key elements is the idea of

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‘structured mental representations’¹. These representations can be described as “the basic units of consciousness, components of the “collective unconscious,” the operational semantic units of memory, the “brick” of the conceptual system that reflects man’s knowledge and experience in the form of “quanta” of knowledge; which is only partially verbalized by language in the form of its meaning, and contains a significant proportion of non-verbal information”.²

One of the universal concepts that has been extensively studied is the concept DISEASE, which is not only researched by linguists³, but also by professionals from various fields, including medicine⁴, cultural studies⁵, and philosophy⁶, among others.

In cognitive linguistics, it has long been a truism that concepts are verbalised in a language using keywords. For example, the concept DISEASE in English is verbalised by the words disease, illness, sickness, morbidity, infirmity, ailment, indisposition, complaint, disorder, malady, and badness, which denote a person's different physical or mental states. Such keywords with the meaning ‘disease’ in ancient Greek are ἡ νόσος/ τὸ νόσημα, ἡ ἀρρωστία/τὸ ἀρρώστημα, ἡ ἀσθένεια, which denoting the disease in general, differed somewhat in meaning, naming its various states, as well as ἡ μανία for mental disorder⁷. It is worth to say that in ancient Greek, the

¹ E. Margolis, S. Laurence, *Concepts*. Encyclopedia of Language and Linguistics, Amsterdam, Elsevier, 2006, p. 817.

² E.S. Kubryakova, *Concept. Conceptualization*. E. S. Kubryakova, V. Z. Demyankov al. The short dictionary of cognitive terms, Moskow, MGU, 1996, p.90. Cf.: “an operative unit of consciousness’ corresponding to a particular sign” (L. Manerko, *Concept understanding in cognitive linguistics and cognitive terminology science*. Languages for Special Purposes in a Multilingual, Transcultural World. Proceedings of the 19th European Symposium on Languages for Special Purposes, Vienna, University of Vienna, 2014, p. 471).

³ Z. Dubinets, *The concept of "disease" in the linguistic picture of the world of Ukrainians and Russians*. Bulletin of Lviv University, Philological series, Lviv, no 2, 2017, pp. 366-375.; O. Labenko, *The concept of DISEASE in Ukrainian, English and French: ethnolinguistic perspective*, Lviv Philological Journal, no 4, 2018, pp. 49-54.; Yu. Rozhkov, A.Syrotin, *Verbalization of the concepts of disease and animal disease in English*. Cogito. Multidisciplinary research Journal, vol. 13, no 4, 2021, pp. 224-233.

⁴ C. Helman, *Disease versus illness in general practice*. The Journal of the Royal College of General Practitioners, vol. 31, 1981, pp. 548-552.

⁵ L.Eisenberg, *Disease and illness. Distinctions between professional and popular ideas of sickness*. Culture, Medicine and Psychiatry, vol.1, 1977, pp. 9–23; A. Kleinman, *Patients and healers in the context of culture: An exploration of the Borderland between Anthropology*. Los-Angeles: University of California Press, 1980.

⁶ H. Fabrega, *Concepts of disease: Logical features and social implications*. Perspectives in Biology and Medicine, vol. 15, 1972, pp. 617-621; K.M. Boyd, *Disease, illness, sickness, health, healing and wholeness: exploring some elusive concepts*. Medical humanities, vol. 26, no. 1, 2000, pp. 9-17.

⁷ It is worth noting that in the minds of the ancient Greeks, the word μανία and its derivatives did not have a priori negative connotations, denoting any deviation from the

word πάθος (pathos) was also used with a similar meaning. As Galen notes, “The ancients used the word ‘pathos’ as well as the terms ‘ἄρρωστία’ (arrhōstia) and ‘ἀσθένεια’ (astheneia) to refer to a disease, as discussed in treatises on medical vocabulary” (Galen, *De methodo* 10, p. 91, 7-14).

Speaking about the key lexemes-verbalizers of the concept DISEASE in ancient Greek, it should be noted at once that, unlike to modern languages, in explanatory dictionaries the meaning of such lexemes are explained (cf. the definitions of the above-mentioned English words for disease in the Oxford English Dictionary⁸), we do not know the exact sense that the ancient Greeks put into them. Lexicographical sources point to synonymy (full or partial) of the first three words, cf. νόσος - sickness, disease; ἄρρωστία - weakness, sickness; ἀρρώστημα - illness, sickness; ἀσθένεια - want of strength, weakness, disease, sickness⁹. They are used in a similar sense in Galen's treatises¹⁰. It is worth noting that glossaries give νόσος and ἄρρωστία as equivalents of the Latin ‘morbus’¹¹.

Based on the scanty evidence, we can conclude that νόσος (νόσημα) and ἄρρωστία (ἀρρώστημα) differed in terms of ‘strength’ and ‘duration’: ἀρρώστημα ... ἐστὶ νόσημα μετὰ ἀσθενείας (Diog. Laert. VII, 115) “infirmity is meant disease accompanied by weakness”; ἄρρωστία σημαίνει μὲν πολλαχοῦ τὴν νόσον, ἀλλὰ καὶ διαφέρει, ὅτι ἢ μὲν νόσος ἐστὶ καὶ μακρὰ καὶ ὀλιγοχρόνιος, ἢ δὲ ἄρρωστία τὴν μακροχρόνιον (Phryn. Praep. soph. 10 B) “affliction (ἀρρωστία) often denotes disease (νόσον), but it also differs because disease is long and short-lived, and affliction is long-lasting”. Ammonius also points to a partial difference in meaning: ἀρρωστεῖν τοῦ νοσεῖν διαφέρει. ἀρρωστεῖ μὲν γὰρ ὁ καχεκτῶν τῷ σώματι, νοσεῖ δὲ ὁ κλινήρης (Ammon. Diff. 1, 79) ‘To be unwell’ (ἀρρωστεῖν) is different from “to be ill” (νοσεῖν), because the unwell are physically weak, while the ill are bedridden.”

A similar characterization is also found in Galen and his followers, who regarded powerlessness as a common feature of all disease states (πάθη): ... ἀσθένεια- κοινὴ ... κατὰ πάντα τὰ πάθη...(Gal. *De placitis* 4, 6, 14) “powerlessness is common ... to all diseases”; ἀρρώστημα ἐστὶ νόσημα

usual state of consciousness, including in a positive way. Cf. Pl. *Phdr.* 244 a-b: ...τὰ μέγιστα τῶν ἀγαθῶν ἡμῖν γίνεταί διὰ μανίας, θεῖα μὲντοι δόσει διδομένης τῶν παλαιῶν ... οὐκ αἰσχρὸν ἠγοῦντο οὐδὲ ὄνειδος μανίαν ‘...the greatest of blessings come to us through madness, when it is sent as a gift of the gods...those men of old ... thought that madness was neither shameful nor disgraceful’ (trans. H. N. Fowler).

⁸ *Oxford English Dictionary (OED)*. Retrieved from URL:

<https://www.oed.com/?tl=true>

⁹ H. G. Liddel, R. Scott, *A Greek-English Lexicon*. Oxford, Clarendon Press, 1983, s.v.

¹⁰ R. J. Durling, *A Dictionary of Medical Terms in Galen*, Leiden, Brill, 1993 s.v.

¹¹ G. Goetz, *Thesaurus glossarum emendatarum. Pars prior*. Lipsiae, B. G. Teubner, 1899, p. 710.

ἐγκεχροισμένον μετ' ἀσθενείας πλείονος. ἢ ἀρρώστημά ἐστι νόσημα ... ἐλαττοῦν τὴν δύναμιν (Ps.-Gal. Gal. Definitions 19, p. 390, 16-18) “sickness (ἀρρώστημα) is a prolonged illness (νόσημα) with greater impotence or sickness is an illness... that reduces strength” (cf. τὰ δὲ νοσήματα μετ' ἀσθενείας συμβαίνοντα ἀρρώστηματα καλεῖσθαι (Stob. Ecl. II, 93, 1) “diseases (νοσήματα) accompanied by weakness are called infirmities (ἀρρώστηματα)”).

According to G. Babiniotis, the terms ἀρρώστια (illness) and ἀσθένεια (disease) primarily denote long-term disabilities and weaknesses. The term νόσος (disease) is often used interchangeably with νόσημα (pathological condition) and can refer to both acute and chronic health issues¹².

In view of this complexity of the concept DISEASE¹³, it is reasonable to consider it as a macro-concept that encompasses various sub-concepts. I think that the ancient Greek language identifies the following sub-concepts: ΝΟΣΟΣ (general poor health influenced by negative factors on human being), ΑΣΘΕΝΕΙΑ (lack of strength)¹⁴, and ΜΑΝΙΑ (mental inadequacy).

The research of key lexemes of this concept can be undertaken by examining their paradigmatic and syntagmatic relationships, as well as considering their etymology and word formation.

This article aims to analyze and to model the propositional-frame structure of the word-formation cluster centred around the term νόσος from a cognitive perspective.

The selection of derivatives from the above-mentioned noun as the focus of study is based on several key reasons: 1) The primary meaning of 'disease' is fundamental to this lexeme, this denotative meaning preserving in its derivatives; 2) The terms νόσος and its variant νόσημα are the most commonly used among the words denoting disease as an abnormal state; 3) The word family derived from this noun is the most extensive; 4) Historically, νόσος (the Homeric νοῦσος) belongs to the oldest layer of the lexicon.

Methods. Within the cognitive approach, linguists focus on the study of derivatives. These derivatives do not only serve as a database that organizes a significant amount of information but also provide speakers

¹² Μπαμπινιώτης, Γ., *Λέξικο της νέας ελληνικής γλώσσας*, Αθήνα, Κέντρο λεξικολογίας 2002, p. 285.

¹³ J. Amzat, O. Razum, *Medical Sociology in Africa*, Cham, Springer, 2014, p. 21, 26.

¹⁴ In addition to the noun ἀσθένεια and its derivatives, the sub-concept is also expressed through words derived from the stem ἀρρωστ-. The term ΑΣΘΕΝΕΙΑ is used to name this sub-concept due to the higher frequency of derivatives from the ἀσθεν- stem.

with frameworks to integrate specific knowledge structures with word-formation patterns and mechanisms for modelling word formation¹⁵.

Researchers concentrate their attention on both individual derivatives and complex word formation units—including various types and nests of word formation—as tools for linguistically representing conceptual formations that emerge from our cognition and evaluation of the world. By combining words that share a common root, and thus a common semantic and formal component, researchers can effectively illustrate how word formation contributes to the processes of naming, as well as the broader processes of conceptualization and categorization of our surroundings and our place within it, using the national language¹⁶.

Conceptual derivation is a cognitive process in which the combination of concepts generates new knowledge structures. The concepts that emerge from cognitive activities are expressed in language, becoming integral to the conceptual system. However, these concepts also maintain a derivational connection to the original structures, serving as a foundation for further development of the system¹⁷.

The relationships between derivatives within the same family are reflected in the intentional use of common root words in a text and the creation of new words. Thus, the sequence and chronology of derivative word formation are not fundamentally significant.

Each common root lexeme within the word-formation continuum represents new cultural information, contributing to the establishment of a cohesive word-formation network (derivational framework). This framework forms a part of the linguistic picture of the world, where each fragment represents a word-formation family of shared root units. It reflects the semantic and cultural trends and directions in the development of all language units relevant to culture and society, considering their national, and ethnic significance, as well as mental value.

According to O. Selivanova, "the process of conceptual derivation ensures the combination of concepts into a conceptual structure that underlies the semantics of the derived word. This structure resembles a sentence, where each common root word in speech and thought interacts with another word in the nest, reflecting isomorphic relationships among

¹⁵ E.S. Kubryakova, *Language and knowledge: on the way of acquisition of knowledge about language. Parts of speech from the cognitive point of view*, Moskow, *Yazyki slavyanskoy kultury*, 2004, p. 393.

¹⁶ E.A. Karpilovskaya, *The nests in systematic organization of lexicon: possibilities of modelling and cross-linguistic comparison*. *Researches on Slavic languages*, vol. 12, 2007, p. 229.

¹⁷ O.O. Koliadenko, *Propositional-frame analysis of word-building paradigm of representative lexeme of the concept "FEAR"*. *Scientific transactions of the National University of Ostroh Academy, series "Philology"*, vol. 13, 2010, p. 318.

the components of the denotative situation. A complete description of these potentially typical role relations between common root allows us to view the nest as a complex situation or frame"¹⁸.

In this article, the key terms used in the meta-language of description are frame, slot, propositional structure, and proposition (definitions are provided below). These terms represent the most general forms of knowledge representation and illustrate the processes of derivation and nomination of derived words. Derivatives play a significant role in relevant describing of the knowledge that individuals rely on when creating them. This knowledge serves as a carrier of information that is important to a specific socio-cultural community.

M. Minsky describes a frame as a data structure used to represent a stereotyped situation conceptualized as a network of nodes or relations. The "top levels" of a frame are fixed and denote aspects that are always true about the assumed situation"¹⁹ [Minsky 1979: 1].

As Ch. Fillmore states, the lexical semantics of a word conveys a specific situation that is related to a frame by using a particular 'perspective' or focusing on its elements. Each frame includes various terminals that connect to other frames. The upper levels of a frame, known as its core, correspond to representations that are unique to a given situation²⁰.

A key component of a frame is a slot (referred to as a 'terminal' in Minsky's terminology) that is focused on specifying knowledge by filling it with 'specific instances or data'²¹. These slots, in turn, create propositional schemes based on predication, which consists of a predicate along with its actants. For instance, the term 'tenderfoot', meaning 'someone who has just started doing something,' corresponds to the proposition 'a person who is characterized by an organ.' This is an example of the propositional scheme 'subject-predicate-object'. In this case, the predicate is 'to start doing,' while the actants are 'someone' (subject) and 'foot' (object).

Filling the cells of the schemes mentioned above with a base word or its derivatives creates a specific proposition. This forms a scheme of elementary situations.²², representing a mental framework that exists in the

¹⁸ O. Selivanova, *Modern linguistics. Terminological encyclopedia*, Poltava, Dovkillya-K, 2006, p. 615.

¹⁹ M. Minsky, *Framework for Representing Knowledge*. Frame conceptions and texts understanding, Berlin; New York, de Gruyter, 1979, p. 1.

²⁰ Ch. J. Fillmore, *An Alternative to Checklist Theories of Meaning*. Proceedings of the First Annual Meeting of the Berkeley Linguistics Society, Berkeley, California, Berkeley Linguistics Society, 1975, p. 124.

²¹ M. Minsky, *Op. cit.*, p.1.

²² Cf. "Propositions are the linguistic meanings of the sentences we utter or write down, they are the contents of our sayings when we utter or write down those sentences,

mind of a language user. The frame model connects these situations into a cohesive network²³. The primary semantic function of a proposition is its ability to describe a "situation" or a "state of affairs," which are fragments of reality²⁴. A frame can encompass one or more propositions. Within the context of word formation, I consider a proposition as the fundamental complex unit at the word-formation level of a language—a nest of cognates. A proposition serves as the basis for isolating a situation within a frame.

Humans are born with an innate mechanism for abstract categories. These categories can either be immediately inherent to cognition or acquired in the early years of life, but they are fundamentally innate to all modern humans²⁵. Such categories are utilized in propositional structures, which, according to W. Chafe²⁶, involve selecting objects from events and situations and assigning syntactic roles to these objects. In the process of categorizing the world, propositional structures guide human thought towards the use of verbal hints (propositions). The organization of the derivational paradigm resembles the structure of a frame: derivational processes aim to fill the positions within this frame. Consequently, the products of derivation, known as derivational units, are grouped accordingly. The cognates indicate the positions of the subject, predicate, object, locative, and other elements relevant to the corresponding proposition.

Such approach to studying a concept is represented by a word formation structure—where the top element is the name of the concept—will enable us to reproduce the intra-systemic relationships between the components (or slots) of its frame structure. It will also help us to determine the directions in which the creation of derivative units verbalize the concept.

Material. This study was conducted by using authoritative dictionaries of the ancient Greek language²⁷. Additionally, a corpus of ancient Greek texts from the Perseus and Thesaurus Linguae Graecae databases was used.

and they are the contents of our thoughts" (S. Crawford, (2006). *Proposition*. Encyclopedia of Language and Linguistics, vol. 10, Amsterdam, Elsevier, 2006, p. 162).

²³ M.S. Kosyreva, *The categories of propositional analysis as forerunner and basis of frame modelling in derivatology*. Modern problems of science and education, vol. 6, 2008, pp. 169–173; E.S. Kubryakova, *Language and knowledge: on the way of acquisition of knowledge about language. Parts of speech from the cognitive point of view*, Moskow, Yazyki slavyanskoy kultury, 2004.

²⁴ L. Wittgenstein, *Tractatus Logico-Philosophicus*. London: Kegan Paul, Trench, Trubner & Co, 1922, p. 39.

²⁵ N. Chomsky, *Language and Mind*. Cambridge, Cambridge University Press, 2006.

²⁶ W. Chafe, *The Recall and Verbalization of Past Experience*. Current issues in linguistic theory, Bloomington: Indiana University Press, 1977, pp. 215-246.

²⁷ H.G. Liddel, R. Scott, *op. cit.*; F. Montanari, *The Brill Dictionary of Ancient Greek*, Leiden, Brill, 2015; J. Diggle, *The Cambridge Greek Lexicon*, Cambridge, Cambridge University Press, 2021.

Results of the Study. Before proceeding to model the propositional-frame structure of the verbalization of the sub-concept ΝΟΣΟΣ, it is important to characterize the word-formation network that develops around the base νοσ-.

The lexeme νόσος, which occupies the top position in this word-formation network, does not have a specific etymology. Based on the epic and Ionic form νοῦσος, the proposed etymon *νοσφος has been suggested²⁸. However, according to J. Wackernagel²⁹ νοῦσος may be incorrect spelling of νόσος and might instead represent the original form *νόσσοσ. Additionally, A. Willi considers the etymon to be the composite *n-osu-os, meaning 'devoid of health', derived from *(h₁)osu-, which means 'health'³⁰.

As the central element of the word-formation network, the lexeme νόσος is translated as 'sickness, disease, plague; distress, anguish; bane, mischief'³¹, or the root νοσ-, referred to as a 'morphologies metaconcept' (a term used by O. Garmash)³², serves as the source for several derivatives. This includes a total of 51 units, representing nouns, adjectives, verbs, and adverbs, which are in Table 1.

Table 1. The word-formation nest with the top 'νόσος'

| Noun | Adjective | Verb | Adverb |
|---|--|--|---|
| ἀνοσία «freedom from sickness», νόσανσις, νόσωσις «falling sick», νοσερότης «infirmities», νόσευμα, νόσημα, νοσήμη «sickness, | ἄνοσος «without sickness, healthy», ἐπινοσος «unhealthy», νοσακερός «liable to sickness, sickly», νοσερός (νοσηρός) «diseased, | νοσάζω «to be ill; produce sickness», νοσεύομαι «to be sickly», νοσέω «to be sick», νοσηλεύω | ἀνόσως 'healthy', ἐπινόσως 'like one who is sick', νοσερῶς 'unhealthy', νοσηματικῶς 'morbidly', |

²⁸ H. Frisk, *Griechisches etymologisches Wörterbuch. 2: Kr – Omega*. Heidelberg, Winter, 2006, p. 324; R. Beekes, *Etymological dictionary of Greek*. Leiden, Brill, 2010, p. 1024.

²⁹ J. Wackernagel, *Sprachliche Untersuchungen zu Homer*. Göttingen, Vandenhoeck & Ruprecht, 1916, p.86.

³⁰ A. Willi, *Nόσος and ὁσίη: etymological and sociocultural observations on the concepts of disease and divine (dis)favour in ancient Greece*. The Journal of Hellenic studies, vol. 128, 2008, pp. 153 – 171.

³¹ H. G. Liddel, R. Scott, *op. cit.*, s. v.

³² "Morphological metaconcept is a unit of metacognition, a constituent of the metacognitive level of the lingvo-mental setting and has such characteristics as: universality, dynamism, polarity, fractal determinacy, clustering, variability, bignerativity and reproducibility; consists of verbocentric, mentocentric and metacentric information" (O.L. Garmash, *English morphological metaconcepts in the processes of conceptual derivation (on the material of lingual innovations late XX – early XXI century)*). Thesis for the Doctoral Degree in Philosophy. Odesa, I. I. Mechnikov National University, 2017, p. 5).

| | | | |
|---|--|--|---|
| <p><i>disease</i>», νοσημάτιον «<i>little disease</i>», νοσηλεία «<i>care of the sick, nursing; sickness which needs tending</i>», νοσοκομείον «<i>infirmary, hospital</i>», νοσοκομία «<i>care of the sick</i>», νοσοκόμος «<i>sick-nurse</i>», νοσοτροφία «<i>nursing of disease</i>», νουσολύτης «<i>freeing from illness</i>» (Paean's epithet)</p> | <p><i>unhealthy</i>», νοσήλιος, νοσηλός, νοσηματικός «<i>of /for sickness, morbid, diseased</i>», νοσηματώδης, νοσώδης «<i>sickly, ailing, unwholesome, pestilential</i>», νοσητήριος «<i>unhealthy</i>», νοσηφόρος «<i>disease-bringing</i>», νοσογνωμονικός «<i>skilled in judging of diseases by their symptoms</i>», νοσοεργός, νοσοποιός «<i>causing sickness</i>», νοσόθυμος «<i>sick at heart</i>», νοσοβαρής «<i>caused by grievous disease</i>», νοσομελής «<i>with diseased limbs</i>», νοσαχθής «<i>affected with disease</i>», παυσίνοσος «<i>curing sickness</i>», Νόσιος «<i>Healer</i>» (Zeus' epithet)</p> | <p>νοσοκομέω «<i>tend a sick person</i>», νοσιζω «<i>make sick</i>», νοσολογέω «<i>explain a disease</i>», νοσοποιέω «<i>cause sickness</i>», νοσοτυφέω «<i>to be ostentatious in sickness</i>», έπνυσέω «<i>to be ill after</i>», έκνοσηλεύω «<i>cure completely</i>»</p> | <p>νοσηματωδώς, νοσωδώς «<i>unwholesome</i></p> |
|---|--|--|---|

Researchers studying word-formation processes typically distinguish between two main methods: derivation and word formation. Derivation refers to creating new words by adding affixes, while word formation involves combining two words or roots to form a new word³³. However, since both processes result in the creation of new words and are often

³³ A. Ralli, *Compounding versus derivation*. Cross-Disciplinary Issues in Compounding, Amsterdam, John Benjamins, 2010, p. 57. As R. Dearmond states "the term "derivation" is used in linguistics in two distinct ways. In one sense, it refers to the historical or diachronic development of a word, whether from an earlier form or through the addition of an affix to an existing word. In the second sense, derivation describes the synchronous formation of a word based on another word that is considered to "underlie" it" (R.C. Dearmond, *The Concept of Word Derivation*. *Lingua*, vol. 22, 1969, p. 329).

interconnected, we will treat them as part of a single derivation process, in line with the findings of A. Wouters and P. Swiggers³⁴.

Based on their formation methods, derivatives from the mentioned root can be categorized into several groups: those formed with prefixes, those formed with suffixes, and those created through compounding stems (Table 2). Among these groups, prefix formations are the least common, accounting for only 4 lexemes (8%). Meanwhile, suffixation is more prevalent, comprising 29 lexemes (57%), and stem formation represents a significant group as well, with 18 lexemes (35%).

Table 2. Word-formation types of derivatives from the root νοσ-

| Prefixation | Suffixation | Compounding |
|---|---|--|
| ἄνοσος, ἐπίνοσος, ἐπινοσέω, ἐκνοσηλεύω | ἀνοσία, νόσανσις, νόσωσις, νοσερότης, νοσήμη, νόσευμα, νόσημα, νοσημάτιον, νοσηλεία, νοσακερός, νοσερός (νοσηρός), νοσήλιος, νοσηλός, νοσηματικός, νοσηματώδης, νοσώδης, νοσητήριος, Νόσιος, ἀνόσως, ἐπινόσως, νοσερῶς, νοσηματικῶς, νοσηματωδῶς, νοσωδῶς, νοσέω, νοσάζω, νοσιζω, νοσεύομαι, νοσηλεύω | νοσοκομεῖον, νοσοκομία, νοσοκόμος, νοσοτροφία, νοσολύτης, νοσηφόρος, νοσογνωμονικός, νοσοεργός, νοσοποιός, νοσόθυμος, νοσοβαρής, νοσομελής, νοσοαχθής, παυσίνοσος, νοσοκομέω, νοσολογέω, νοσοποιέω, νοσοτυφέω, |

The lexemes derived from the root "νοσ-" belong to various chronological layers. Some of these, such as ἄνοσος, νόσημα, νοσηλεία, νοσοτροφία, and νοσώδης, can be traced back to authors like Homer, the tragedians, Herodotus, and Plato. In contrast, other terms—such as ἐπίνοσος, νοσηματώδης, νοσηματικός, and νοσακερός—emerged starting with Aristotle. Typically, compound words are dated to the Hellenistic-Roman period. However, as previously mentioned, the chronology and sequence of derivative formation are not crucial for our analysis.

The propositional-frame analysis will enable us to reconstruct the intra-systemic connections between the components (slots) of the frame structure within the word formation nest centred on the term νόσος. This approach will help us to identify the directions according to which derivational units are created. Following the widely accepted terminology³⁵, we will differentiate the following propositional sides:

- Subject (S) - the performer of the action

³⁴ A. Wouters, P. Swiggers, *Word Formation (Derivation, Compounding)*. Encyclopedia of Ancient Greek Language and Linguistics, vol. 3, Leiden, Brill, 2013, p. 521.

³⁵ O.O. Koliadenko, *Op. cit.*, p. 321; O. Oleksenko, *Propositional analysis as a method of modelling of word-building nest*. Grammatical Studies, vol. 2, Vinnytsia, DonNU, 2016, p. 9

- Object (O) - the object of the action
- Predicate (P) - the action or state inherent to the subject
- Locus (L) - the location where the action occurs
- Tempus (T) - the time when the action takes place
- Modus (M) - how the action is performed
- Result (R) - the consequences of the action
- Conjunctor (C) - a conditional unit symbolizing the overall situation
- Attribute (At) - an element that indicates a participant in the situation through a feature

In view of specifics of the word-formation nest we are studying, we will also include the position of state (St). However, the position of tool (I) - representing the instrument used in the action - is not present within this particular nest.

The meanings of the derivational units that comprise the studied word "nest" convey knowledge about the specific situation represented within the nest. The connections between the components of this situation are quite logical. Disease, as a pathological condition of the organism, is a response to a negative external influence (νοσίζω, νοσοποιέω). Therefore, in objective reality, there is someone or something that causes the disease (νοσοεργός, νοσοποιός) or helps eliminate it (νοσοκόμος, νουσολύτης, παυσίνοσος). The experiencer (whether being or non-being) is considered the bearer of the trait (νοσερός, νοσήλιος, νουσαχθής), and the object affected by the disease is represented by (νοσόθυμος, νουσομελής).

The frame structure of the nest, with "νόσος" as the central concept, is complex. Within it, we can identify seven slots represented by different propositional schemes (PropS) and, consequently, various propositions (Prop).

Slot 1: Lack of health

PropS: P (νοσέω, έπινοσέω³⁶ νοσάζω³⁷) — At (νοσερός/νοσηρός, νοσητήριος, νουσαχθής) — M (νοσερῶς/νοσηρῶς) — St (νόσος, νόσευμα, νόσημα, νοσήμη) — K (νόσανσις, νόσωσις).

Prop: 'Being in a state of illnesses.'

Slot 2: Intensity.

PropS: St_p³⁸ (νόσος, νόσευμα, νόσημα, νοσήμη) — St_{sec} (νοσερότης, νοσημάτιον) — At (νοσητήριος, νουσοβαρής)

Prop: 'The state is named by its intensity.'

³⁶ The verb έπινοσέω, meaning 'to be ill after,' combines the roles of 'predicate' (P) and 'time' (T).

³⁷ νοσάζω₁ 'to be ill'

³⁸ The abbreviations "St_p" and "St_{sec}" denote primary and secondary state, respectively.

The distinctive feature of this propositional structure is the lack of a predicate, since the scalar nature of the derivatives does not imply any action that would weaken the meaning of the source lexeme.

Slot 3. Sickness.

PropS: P (νοσεύομαι) – At (ἐπίνοσος, νοσακερός³⁹, νοσήλιος, νοσηλός, νοσηματικός) – M (ἐπινόσως, νοσηματικῶς).

Prop: 'a sign characterising a predisposition to disease'.

Slot 4. Pathological condition of an organ.

PropS: O (θυμός, μέλος) – P (νοσέω, νοσάζω₁) – At (νοσόθυμος, νοσομελής).

Prop: 'An object characterised by a state of illness'.

Slot 5. Causation.

PropS: P (νοσιζω, νοσοποιέω, νοσάζω₂) – At (νοσηματώδης, νοσώδης, νοσηφόρος, νοσοεργός, νοσοποιός) – M (νοσηματωδῶς, νοσωδῶς) – R (νόσος, νόσευμα, νόσημα, νοσήμη) – K (νόσανσις, νόσωσις).

Prop: 'That which causes disease'.

Similarly to slot 1, the subject in this sentence structure can be a substantive participles or adjectives.

Slot 6. Elimination of disease.

PropS: S (νοσοκόμος, νουσολύτης, Νόσιος) – P ((ἐκ)νοσηλεύω, νοσοκομέω) – At (παυσίνοσος) – L (νοσοκομείον) – R (ἀνοσία, ἄνοσος) – M (ἀνόσως) – K (νοσηλεία, νοσοκομία, νοσοτροφία).

Prop: 'The one who helps to get rid of the disease'.

Slot 7. Diagnosis of an illness.

PropS: P (νοσολογέω) – At (νοσογνωμονικός).

Prop: the ability to recognise or explain an illness.

A characteristic feature of most propositional structures (except for the one represented in slot 6) is the absence of derivatives from the root "νοσ-" to indicate the subject. This role can be filled by a substantivated participle. For example, ὁ ... νοσῶν (S) εἰς πολλὰ καὶ φαρμάκων καὶ χειρουργίας καὶ διαίτης δεόμενος εἰς οὐδὲν δεῖται γυμνασίων, ὁ δ' ὑγιαίνων ἀκριβῶς γυμνασίων μὲν χρήζει καὶ διαίτης τινός, οὔτε δὲ φαρμάκων οὔτε χειρουργίας προσδεῖται (Gal. Thrasyb. 34)"...a patient who needs a lot of medicine, surgery, and diet does not require gymnastics at all; conversely, a healthy person undoubtedly engages in gymnastics and follows some form of diet but needs neither medicine nor surgery."

Additionally, it is important to note that adjectives derived from "νοσ-" are not found in the subject function.

³⁹ νοσακερός₁ 'liable to sickness'

The same lexemes can serve different roles in a proposition depending on its context. For instance, in the first position (slot 1), the words νόσος, νόσευμα, νόσημα, and νοσήμη represent a state, while in the fifth position (slot 5), they indicate a result.

Conclusions. The analysis of the derivatives associated with the term "νόσος" reveals that there are both semantic and word-formation relationships among them within its context. All derivatives maintain a strong semantic connection to the root lexeme, gradually linking their meanings to create a logically structured representation of the linguistic worldview. The proposed analysis of the word-formation nest with the top "ΝΟΣΟΣ" allows us to identify seven slots in its frame structure: lack of health, intensity, soreness, pathological state of the organ, causation, eliminating disease, and diagnosis. These slots reflect the gradual progression of a frame that shows the occurrence of a disease, its presence, and elimination, while also illustrating the formation of derivative units.

Representing the analyzed word-formation nest as a frame enables us to identify its structural components: slots, propositional schemes, and propositions. The most productive slots — those most represented by elements of propositional schemes and their corresponding lexemes — are slots 1, 5, and 6, leading us to consider them as core components. In contrast to slot 7 has the fewest elements and thus occupies a peripheral position. Slots 2 - 4 hold an intermediate status, each represented by three elements of propositional schemes and approximately the same number of lexemes. The analysis established that in the vast majority of slots (with the exception of slot 2) the propositional scheme 'Predicate — Attribute' is implemented. Depending on the semantics of the lexemes it can be extended with other elements such as Modus, Object, Conjunction etc. The different times of derivatives' emergence and their diversity demonstrate the progressive development of knowledge from elementary to complex as well as visualise different ways of semantic derivation and nomination.

The treating of the word formation "nest" as a frame is quite perspective. This approach offers a clear categorization and semantic organization of linguistic and cultural knowledge regarding base and derivative words. It enables to assess the derivational potential of a word, which largely depends on how relevant the concepts and realities represented by the base words and their derivatives are relevant to native speakers.

PRIMARY SOURCES

Fowler, H.N. (Transl.) (2005), Plato. *Eutyphro. Apology. Crito. Phaedo. Phaedrus*. Cambridge, MA: Harvard University Press.

Helmreich, G. (Hrsg.) (1893), *Claudii Galeni Pergameni Scripta Minora*. Vol. 3. Leipzig: Teubner.

Hense, O., Wachsmuth, C. (Hrsg.), (1974), *Ioannis Stobaei Anthologium*. Vol. 1. Berlin: Weidmann.

Johnston, I., Horsley, G.H.R. (Eds.), (2011), Galen. *Method of Medicine*, Vol. III: Books 10-14. Cambridge, MA: Harvard University Press.

Kühn, K.G. (Hrsg.) (1821-1833), *Claudii Galeni Opera Omnia*. Leipzig: Knobloch.

Marcovich, M., (Hrsg.) (1999), *Diogenes Laertius. Vol. I. Libri I-X*. Berlin, Boston: B. G. Teubner.

Nickau, K., (Hrsg.) (1966), *Ammonii Qui Dicitur Liber De Adfinium Vocabulorum Differentia*. Leipzig: Teubner.

von Borries, J., (Hrsg.) (1911), *Phrynichi Sophistae Praeparatio sophistica*. Leipzig: Teubner.

References:

Amzat, J., Razum, O., (2014), *Medical Sociology in Africa*. Cham: Springer.

Beekes, R., (2010), *Etymological dictionary of Greek*. Leiden: Brill.

Boyd, K.M., (2000), *Disease, illness, sickness, health, healing and wholeness: exploring some elusive concepts*, Medical humanities, vol. 26 (1), pp. 9-17.

Chafe, W., (1977), *The Recall and Verbalization of Past Experience*, Current issues in linguistic theory. Bloomington: Indiana University Press, pp. 215-246

Chomsky, N., (2006), *Language and Mind*, Cambridge, Cambridge University Press.

Crawford, S., (2006), *Proposition*. Encyclopedia of Language and Linguistics, vol. 10, Amsterdam, Elsevier, pp. 162-166.

Dearmond, R.C., (1969), *The Concept of Word Derivation*. Lingua, vol. 22, pp. 329-336.

Diggle, J., (2021), *The Cambridge Greek Lexicon*, Cambridge, Cambridge University Press.

Dubinets, Z., (2017), *The concept of "disease" in the linguistic picture of the world of Ukrainians and Russians*. Bulletin of Lviv University, Philological series, Lviv, no 2, 2017, pp. 366-375.

Durling, R.J., (1993), *A Dictionary of Medical Terms in Galen*, Leiden, Brill.

Eisenberg, L., (1977), *Disease and illness. Distinctions between professional and popular ideas of sickness*. Culture, Medicine and Psychiatry, no 1, pp. 9-23.

Fabrega, H., (1972), *Concepts of disease: Logical features and social implications*. Perspectives in Biology and Medicine, no. 15, pp. 617-621.

Fillmore, Ch. J., (1975), *An Alternative to Checklist Theories of Meaning*. Proceedings of the First Annual Meeting of the Berkeley Linguistics Society, Berkeley, California, Berkeley Linguistics Society, pp. 123-131.

Frisk, H., (2006), *Griechisches etymologisches Wörterbuch*, 2: Kr – Omega. Heidelberg: Winter.

Garmash, O.L., (2017), *English morphological metaconcepts in the processes of conceptual derivation (on the material of lingual innovations late XX – early XXI century)*. Thesis for the Doctoral Degree in Philosophy, Odesa, I. I. Mechnikov National University.

Goetz, G., (1899), *Thesaurus glossarum emendatarum*. Pars prior, Lipsiae, B.G. Teubner.

Helman, C., (1981), *Disease versus illness in general practice*. The Journal of the Royal College of General Practitioners, no 31, pp. 548-552.

Karpilovskaya, E.A., (2007), *The nests in systematic organization of lexicon: possibilities of modelling and cross-linguistic comparison*. Researches on Slavic languages, vol. 12, pp. 229–243.

Kleinman, A., (1980), *Patients and healers in the context of culture: An exploration of the Borderland between Anthropology*, Los-Angeles, University of California Press.

Koliadenko, O.O., (2010), *Propositional-frame analysis of word-building paradigm of representative lexeme of the concept “FEAR”*. Scientific transactions of the National University of Ostroh Academy, series “Philology”, vol. 13, pp. 317-323.

Kosyreva, M.S., (2008), *The categories of propositional analysis as forerunner and basis of frame modelling in derivatology*. Modern problems of science and education, vol. 6, pp. 169–173.

Kubryakova, E.S., (1996), *Concept. Conceptualization*. Kubryakova E. S., Demyankov V.Z. The short dictionary of cognitive terms, Moskow: MGU, pp. 90-94.

Kubryakova, E.S., (2004), *Language and knowledge: on the way of acquisition of knowledge about language. Parts of speech from the cognitive point of view*, Moskow, Yazyki slavyanskoy kultury.

Labenko, O., (2018), *The concept of DISEASE in Ukrainian, English and French: ethnolinguistic perspective*. Lviv Philological Journal, no 4, pp. 49-54.

Liddel, H.G., Scott, R., (1983), *A Greek-English Lexicon*. Oxford, Clarendon Press.

Manerko, L., (2014), *Concept understanding in cognitive linguistics and cognitive terminology science*. Languages for Special Purposes in a

Multilingual, Transcultural World. Proceedings of the 19th European Symposium on Languages for Special Purposes, Vienna, University of Vienna, pp. 471-483.

Margolis, E., Laurence, S., (2006), *Concepts*. Encyclopedia of Language and Linguistics, vol. 2, Amsterdam, Elsevier, pp. 162-166.

Minsky, M., (1979), *Framework for Representing Knowledge*. Frame conceptions and texts understanding, Berlin, New York, de Gruyter, pp. 1-25.

Montanari, F., (2015), *The Brill Dictionary of Ancient Greek*, Leiden, Boston, Brill.

Oleksenko, O., (2016), *Propositional analysis as a method of modelling of word-building nest*. Grammatical Studies, vol. 2, Vinnytsia, DonNU, pp.96-101.

Oxford English Dictionary (OED). Retrieved from URL: <https://www.oed.com/?tl=true>

Ralli, A., (2010), *Compounding versus derivation*. Cross-Disciplinary Issues in Compounding, Amsterdam, John Benjamins, pp. 57-74.

Rozhkov, Yu., Syrotin, A. (2021), *Verbalization of the concepts of disease and animal disease in English*. Cogito. Multidisciplinary research Journal, vol. 13, no 4, pp. 224-233.

Selivanova, O., (2006), *Modern linguistics. Terminological encyclopedia*, Poltava, Dovkillya-K.

Wackernagel, J., (1916), *Sprachliche Untersuchungen zu Homer*, Göttingen, Vandenhoeck & Ruprecht.

Willi, A., (2008), *Νόσος and όσίη: etymological and sociocultural observations on the concepts of disease and divine (dis)favour in ancient Greece*. The Journal of Hellenic studies, vol. 128, pp. 153 – 171.

Wittgenstein, L., (1922), *Tractatus Logico-Philosophicus*, London, Kegan Paul, Trench, Trubner & Co.

Wouters, A., Swiggers, P., (2013), *Word Formation (Derivation, Compounding)*. Encyclopedia of Ancient Greek Language and Linguistics, vol. 3, Leiden, Brill, pp. 521-529.

Μπαμπινιώτης, Γ., (2002), *Λέξικο της νέας ελληνικής γλώσσας*. Αθήνα: Κέντρο λεξικολογίας.

POSTCOLONIAL PERSPECTIVES ON HAWAII AND INDONESIA: A COMPARATIVE ANALYSIS OF MAHELE O MAUI AND LEMAH TANJUNG

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Abstract: *This paper critiques the impact of development and the Anthropocentric mindset on postcolonial landscapes in Hawaii and Indonesia, focusing on the novels Mahele o Maui and Lemah Tanjung. The narratives represents the far-reaching consequences of modernization, deforestation, and loss of green areas, leading to a longing for traditional sustainable lifestyles. Nakkim and Ibrahim contextualize the differing historicity of Hawaii/Indonesia concerning the issue of indigeneity, sovereignty, and political aspirations. While Hawaii's history is marked by settler colonialism and the struggle for Indigenous self-determination, Indonesia's postcolonial condition is shaped by internal political and economic transformations that have affected local communities differently. The analysis highlights shared themes of critique towards development and Anthropocentrism, as well as the distinct elements of Native Hawaiian Indigenous resistance (Aloha' Aina) and dialectics of land ownership portrayed in each novel. This comparative study of Indonesia/Hawaii emphasizes how two distinctive literary traditions criticize the impact of Western Anthropocentrism through agency and resistance.*

Keywords: *Anthropocentrism; comparative literatures; Indonesian literature; Hawaiian literature; postcolonial ecocriticism*

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Introduction

Current postcolonial critique emphasizes the enduring impacts of colonialism and imperialism across different contexts, focusing on power dynamics and the persistence of colonial legacies¹. This discourse highlights how national and transnational politics continue to be influenced by historical injustices, examining these influences through cultural representations and knowledge production in both colonial and postcolonial settings. Postcolonial ecocriticism, a subfield within this discourse, extends these critiques by examining environmental aspects in literary works². It investigates the connection between literature, the physical environments of postcolonial societies, and the intertwined social and environmental injustices. Authors from postcolonial regions often portray ecological transformations as connected with colonial expansion, capitalist industry, and globalization³. Additionally, contemporary literature is scrutinized for its exploration of settlement histories, conservation efforts, ecological disasters, and the inequitable distribution of resources and waste.

Postcolonial ecocriticism also aims to reframe canonical environmental texts by expanding beyond Anglo-American nature discourse. As Lemenager, Shewry, and Hiltner⁴ note, European literature offers a limited view of environmental imagination, which is broadened through the engagement of scholars and activists with alternate traditions and histories, particularly from the Global South. This perspective contrasts sharply with the Euro-American environmentalism of the 1960s and 1970s, which Buell⁵ describes as the "environmental imagination" of privileged northern hemisphere subjects. Over the past three decades, the concepts of "empire" and "environment" have become increasingly intertwined, especially in how colonial powers have used these ideas to legitimize their exploitative actions on natural resources. Postcolonial writers cannot afford an ahistorical view of the landscape, as their narratives are interwoven with the traumatic

¹ A. Vadde, "The Backwaters Sphere: Ecological Collectivity, Cosmopolitanism, and Arundhati Roy," *MFS Modern Fiction Studies* 55, no. 3 (2009): 522–544, p. 167

² U.K. Heise, "Postcolonial Ecocriticism and the Question of Literature." In *Postcolonial Green: Environmental Politics and World Narratives*, ed. B. Roos & A. Hunt, University of Virginia Press, 2008, 251-258, p. 235.

³ E. DeLoughrey, J. Didur, and A. Carrigan, "Introduction: A Postcolonial Environmental Humanities," in *Global Ecologies and the Environmental Humanities: Postcolonial Approaches*, ed. E. DeLoughrey, J. Didur, and A. Carrigan, Routledge, 2015, 1-32, p. 8.

⁴ S. LeMenager, T. Shewry, and K. Hiltner, *Environmental Criticism for the Twenty-First Century*, in *Environmental Criticism for the Twenty-First Century*, Routledge, 2011, p. 8

⁵ L. Buell, *The Future of Environmental Criticism: Environmental Crisis and Literary Imagination*, Blackwell Publishing, 2005, p. 5.

histories of their environments.⁶ Thus, the portrayal of nature in the Global South is grounded in a spatial imagination informed by lived experiences. Postcolonial approaches to Global South authors delineate how writers and artists address various regions' violent material, environmental, and cultural transformations.

This study examines how postcolonial perspectives influence the depiction of nature in two novels set in Indonesia and Hawaii. It offers a comparative analysis of Lynn Kalama Nakkim's *Mahele o Maui* (1984) and Ratna Indraswari Ibrahim's *Lemah Tanjung* (2003), focusing on the recurring themes of development and land dispossession. In *Mahele o Maui*, the Piilani family, an esteemed *Kānaka* (Native Hawaiians) lineage, struggles against the encroachment of American corporations and sugar plantation owners to preserve their land inheritance on Maui Island. The novel spans decades, illustrating the transformation of Maui's landscape under Western industrial and tourism influences. Differently, *Lemah Tanjung* explores the complexities of a land dispute in Malang City, where development threatens scarce vegetation, native species, and a vital water spring. Both works highlight the fragility of land ownership and the destructive impact of development on local communities and ecosystems. Nakkim's novel underscores the *Kānaka*'s need to reclaim their heritage through land ownership, while Ibrahim's narrative emphasizes the environmental crisis resulting from land conversion for residential purposes, advocating for sustainable development and conservation. The analysis reflects on the recurring themes of development and Anthropocentrism while highlighting the distinct historical contexts of Indonesia, Hawaii, and *Kānaka* indigeneity.

Positioned as postcolonial spaces due to their colonial encounters, Indonesia and Hawaii highlight the complex interplay of history, culture, and power dynamics. This process illustrates how spaces were "deterritorialized, stripped of their preceding significations and then reterritorialized according to colonial and imperial discourses⁷". These discursive spaces reveal the legacies of ecological exploitation, the imposition of the Anthropocentric paradigm, and the socio-political inequalities left by colonialism and neo-colonialism. The importance of space and spatiality is central to discussing the postcolonial condition. Understanding the interconnectedness of the colonial world and the culture

⁶ D. Arnold, "Narrativizing Nature: India, Empire, and Environment," in *Global Ecologies and the Environmental Humanities: Postcolonial Approaches*, ed. A. Deloughrey, E.M. Didur, and J. Carrigan Routledge, 2015, 35–50, p. 50

⁷ D. Harvey, *The Condition of Postmodernity: An Enquiry Into the Origins of Cultural Change*, Blackwell, 1990, p. 264.

of the colonized requires a comprehensive grasp of the spatial relationships that shape these intertwined worlds, as noted:

The complexity of global environmental knowledge, traditions, and histories in a way that moves far beyond the discourses of modernization theory on the one hand, which relegates the global south to a space of natural poverty, and the discourse of colonial exploitation on the other, which relegates the global south to a place without agency, bereft of complicity or resistance⁸.

In postcolonial literature, geographical spaces delineate the continuous history of colonialism and inequality rooted in marginalization and domination. These spaces, whether physical or symbolic, are actively shaped by social change and serve as dynamic agents in the narrative of societal transformation. Their representation through cultural productions such as literature encapsulates the complex interplay among culture, place/environment, and narratives, as seen in Hawaiian and Indonesian literature.

Hawaiian literature emerged as *Kānaka* writers sought to tell their own stories, countering the dominant narratives of idyllic tropical islands created by outsiders like Mark Twain, Robert Louis Stevenson, Jack London, and W. Somerset Maugham⁹. Following the Hawaiian Renaissance of the 1960s, contemporary Hawaiian literature, as described by Ho'omanawanui, encompasses themes such as *Aloha' Āina* (love for the land) and *ku'e* (resistance), incorporating *mo'olelo* (traditional stories) and *'ike* (knowledge) while challenging stereotypes of Hawaiians and the Hawaiian Islands¹⁰. This preservation of indigenous knowledge serves as *Kānaka's* active resistance against Western domination, cultural appropriation, and the forced displacement of ancestral lands¹¹. Critics and academics like Māhealani Dudoit and Haunani-Kay Trask view contemporary Hawaiian literature as a form of resistance and a means of cultural and spiritual healing.

Contemporary Indonesian literature has gradually incorporated environmental themes, forming a movement known as *Sastra Hijau* or Green Literature, reflecting a growing ecological consciousness. This trend dates back to the early 20th century with Muhammad Yamin's poetry, which

⁸ E. DeLoughrey and G.B. Handley, *Postcolonial Ecologies: Literature of the Environment*, Oxford University Press, 2011, p. 18.

⁹ M. Sugano, "Hawai'i's Local Literature," *Meridians* 1, no. 1 (2000), 123–127, p. 124.

¹⁰ K. Ho'omanawanui, "Hawaiian Literature," in *Ethnic American Literature: An Encyclopedia for Students*, ed. E. S. Nelson, Santa Barbara, 2015, 227–232, p. 227.

¹¹ K. Ho'omanawanui, "Ha, Mana, Leo (Breath, Spirit, Voice): Kanaka Maoli Empowerment through Literature," *The American Indian Quarterly* 28, no. 1, 2004, 86–91, p. 88.

celebrates the beauty of nature and the homeland in works like "Bukit Barisan," "Gembala," "Tanah Air," and "Indonesia Tumpah Darahku"¹². Pioneered by authors like Ahmad Tohari and Korrie Layun Rampan, *Sastra Hijau* addresses critical environmental issues in Indonesia. Tohari's novel *Di Kaki Bukit Cibalak* (1994) depicts deforestation in the imagined region of Bukit Cibalak in Central Java caused by human actions¹³. This movement continues to evolve with the publication of novels such as Ayu Utami's *Bilangan Fu* (2008), *Manjali dan Cakrabirawa* (2010), and *Maya* (2013). Indonesian Green Literature highlights concern about the degradation of the earth, exploitation of natural resources, and the resulting impact on humans and animals. It strives to influence societal attitudes and behaviors toward environmental conservation and the liberation of the earth from destruction. The rise of environmental issues in Indonesian literature parallels Hawaiian literature, as both critique the impact of development and the prevailing Anthropocentric paradigm.

This comparative study in postcolonial ecocriticism analyzes *Mahele o Maui* and *Lemah Tanjung* through two primary arguments. First, it examines the commonalities between the two literary traditions, highlighting their shared critique of development, anthropocentric worldviews, and significant environmental changes. Second, it emphasizes the unique aspects of each work, focusing on the theme of indigenous resistance and the concept of *Aloha' Aina* in *Mahele o Maui* while exploring the complexities of land ownership and the sense of place in Indonesian literature. By examining these postcolonial narratives, the study aims to reveal how each novel addresses environmental issues within its specific historical and cultural context.

Critiquing Development and Anthropocentric Mindset

Positioning Indonesia and Hawaii as postcolonial spaces highlights their shared experiences with Western Anthropocentrism and its impact on the natural environment. Therefore, space in both works of literature functions to uncover the "normalized quiet of unseen power"¹⁴, revealing the mechanism and effect of imperial authority by analyzing how space is altered and transformed. Before further discussing Nakkim and Ibrahim's fiction, this paper contextualizes a brief review of postcolonial ecocriticism, an intersection between ecocriticism and postcolonial studies. This critique

¹² N. Dewi, "Ekokritik dalam Sastra Indonesia: Kajian Sastra yang Memihak," *Adabiyāt: Jurnal Bahasa Dan Sastra* 15, no. 1, 2017, 19–37, p. 26

¹³ W. Wiyatmi, "Ekokritik dan Ekofeminis sebagai Kajian Sastra Interdisipliner," in *Sastra Hijau di Indonesia dan Malaysia dalam Kajian Ekokritik dan Ekofeminis*, ed. W. Wiyatmi, N. Dewi, and M. D. M. Safei, 2021, 13–22, p. 9

¹⁴ E.W. Said, *Humanism and Democratic Criticism*, Columbia University Press, 2004, p. 135.

challenges anthropocentric views by emphasizing the connection between human and non-human entities. It also advocates for representing marginalized communities in ecological narratives. This lens shows how Indonesian and Hawaiian literature addresses environmental preservation and sustainable development, particularly under colonial and neo-colonial pressures.

Postcolonial ecocriticism foregrounds the "cultural politics of representation and the mediation process that function as an anti-colonial critique"¹⁵. It scrutinizes how postcolonial literature represents and mediates minority communities, serving as a critique of colonialism. This literature reflects the historical dimensions of colonialism, illustrating how the marginalization of indigenous populations is linked to the exploitation of nature to benefit colonizing powers. The concept of space and place adds a cultural dimension to the narrative discussion¹⁶. In postcolonial literature, resistance often manifests through articulating non-Western perspectives that challenge the Western anthropocentric paradigm. Both Nakkim and Ibrahim employ this form of critique and resistance in their narratives, addressing these themes throughout their works.

Mahele o Maui and *Lemah Tanjung* contextualize the transformative impact of development and Anthropocentric ideology toward the landscape in the Hawaiian isle of Maui and Malang City in Indonesia. *Mahele o Maui* is presented from the viewpoint of Mahele, the matriarch of the Piilani family and her descendants, who were subjected to legal dispossession of their ancestral land due to the scheme of Western corporations. The novel provides a compelling window into how the landscape of Maui transforms under the influence of diverse settlers, highlighting the far-reaching impact of development on the island. Similarly, *Lemah Tanjung* underlines the titular location, an actual location in Malang, once teeming with water catchment areas and thriving ecosystems, now bears witness to the encroachment of luxury housing developments. Ibrahim represents the contrasting dialectics of two contradictory groups, conservationist/activist and government/capitalist. These shared themes resonate with the broader discourse of Hawaiian literature and Indonesian Green Literature, raising critical issues concerning development and its detrimental environmental consequences.

¹⁵ C. Cilano and E. DeLoughrey, "Against Authenticity: Global Knowledges and Postcolonial Ecocriticism," *Interdisciplinary Studies in Literature and Environment* 14, no. 1, 2007, 71–87, p. 79.

¹⁶ K. Indriyanto, "Spatializing Narrative: Postcolonial Spaces of Oswald Andrew Bushnell's *Ka'a'awa*," *Journal of Language and Literature* 23, no. 1, 2023, 197–208, p. 199.

Both narrations depict the impact of modernization on the natural environment, spanning multiple decades. In *Mahele o Maui*, set from the mid-1850s to the mid-1940s, the narrative delineates the historical context of the Hawaiian island of Maui, highlighting the transformation of the landscape caused by the establishment of sugar plantations¹⁷. During this historical stage, foreigners did not purchase land from the Hawaiians but instead obtained leases to utilize the land. However, even at this early stage, the impact of deforestation is already becoming evident, leaving its mark on the environment. A study by MacLennan summarizes the problems of drought and deforestation due to the sugar plantation in 1860s Hawaii

, where the country was undergoing the process of denudation. Non-resident landlords, large landholders, have, in most cases, leased out their lands by long leases to vandal-like tenants, who are making the most of their time and their bargain by cutting down the forests and supplying the sugar mills, shipping, and even Honolulu with wood. Sixteen years ago, where beautiful kukui groves gladdened the scene, it is now a barren plain¹⁸.

On the other hand, *Lemah Tanjung* contextualizes the economic exploitation of Malang City in the late 1980s, focusing on the transformation of previously green zones in Ijen, Wilis, Pahlawan Trip Street, Pulosari, and around the State University of Malang¹⁹. While the Malang City government attempted to create a small urban forest in the Malabar area to address public dissatisfaction, it failed to match the more enormous green land transformations with higher conservation value, leading to an imbalanced city ecosystem. In the 1980s, Malang experienced no floods, indicating effective surface water absorption; however, the loss of green open spaces due to rapid urbanization hindered the city's ability to handle surface water, resulting in frequent flooding²⁰. These issues underscore the consequences of development on the natural environment of both Hawaii and Indonesia.

The loss of green spaces and the erosion of traditional, sustainable lifestyles evoke longing and nostalgia. As noted by Sharpley, western development models often overlook the importance of local knowledge and

¹⁷ L.K. Nakkim, *Mahele O Maui*, The Seahorse Press, 1984, p. 36.

¹⁸ MacLennan, C. (1997). Hawai'i Turns to Sugar: the Rise of the Plantation Centers, 1860-1880. *Hawaiian Journal of History*, 31(1997), p. 107

¹⁹ L.K. Nakkim, *Mahele O Maui*, p. 68.

²⁰ Y. Fajar and D. E. Hapsari, "Relasi Manusia dan Alam; Budaya Melestarikan Alam dan Mengeksploitasi Alam dalam Novel Lemah Tanjung Karya Ratna Indraswari Ibrahim," in *Representasi dan Dialektika Dunia Kosmopolitan: Himpunan Pemikiran Sastra Budaya dan Bahasa*, 79–116, Aditya Media Publishing, 2016.

cultural values²¹. In *Mahele o Maui*, set in the 1850s around Kipahulu on Maui's East Coast, the island's initial isolation is disrupted by the arrival of a nearby sugar mill, ranch, and plantation. Nakkim critiques how the presence of *haole* (White people) transforms *Aloha' Āina*, shifting the familial bond with the land to a relationship driven by material value and capitalist perspectives. The novel captures the impact of Westernization on Hawaii through this lamentation:

With the coming of the haole hordes, what is left of our traditional ways? Who worships still the gods of our ancestors, Kane, Kanaloa, and Lono? Moreover, while taro patches fall in disrepair, growing rocks and mud instead of food for man, we lend our weight to planting the useless cane for the white man's sugar²².

Similarly, Ibrahim's novel expresses nostalgia and longing for the lost connection to nature. She laments the effects of modernity, which has led to the destruction of the last green space in Malang City due to relentless development. The Anthropocentric paradigm separates the city—and, by extension, its culture—from its role as part of the natural world, creating a divide explored by Raymond Williams in *The Country and the City*²³. This reflection on urban transformation is poignantly captured in the following excerpt:

From the car, Malang City has undergone significant changes. As a child, we could still see the blue mountains from Jalan Kayutangan. However, the mountains are no longer visible since many old buildings have been turned into plazas. The coolness of the air has diminished, perhaps due to the increasing population or the emergence of factories. The former city park, Indrokilo, has been transformed into extravagant houses with ostentatious architecture²⁴.

Both novels foreground the interwoven nature between entitlement and affective ties to land and place based upon emotional attachment. This sense of cultural identity based upon attachment to the land often represents the ontological basis of their territorial claims to belonging. Entitlement is a legislative mechanism acknowledging emotional connections to land and

²¹ R. Sharpley, "On the Need for Sustainable Tourism Consumption," *Tourist Studies* 21, no. 1, 2021, 96–107, p. 97.

²² L.K. Nakkim, *Mahele O Maui*, p. 97.

²³ R. Williams, *The Country and the City*, Oxford University Press, 1975, p. 8.

²⁴ R.I. Ibrahim, *Lemah Tanjung*, Gramedia, 2003, p. 223.

place, validated by the historical continuity of association²⁵. These affective ties are central to understanding the impact of development and the Anthropocentric mindset on the natural environment and cultural heritage. In *Mahele o Maui*, conflict arises over the inheritance of the Piilani *ahupua'a*, encompassing one thousand thirty-two acres around Kipahulu. This term refers to the traditional land division in pre-modern Hawaii, where land was distributed from the chief to the *maka'ainana* (commoners). The Piilani family refuses to part with their ancestral land inheritance due to their familial connection with *āina*. It was only in the 1920s that the David Thayer Corporation acquired the entire thirty-two acres through a legal claim of quiet title:

All the legal steps have been taken," said the blond man. "We are the attorneys for the buyers, and you are trespassing on their land. They bought the interests of Joseph Piilani and the heirs of Kane Piilani Kakai, Keokeo Piilani Junio~ and others. Notices have been in the paper. The court awarded Thayer the property when no one came forward, and no one responded to the legal notices²⁶.

This conflict illustrates how using entitlement as a legal land ownership can supersede and diminish the emotional attachment to a place and turn it into a mere commodity. The Piilani family is forced to relinquish their inheritance, as they are no longer recognized as rightful owners under the Western legal system. Instead, they are considered mere trespassers on the land legally owned by the Whites.

Similarly, Lemah Tanjung holds a significant green heritage for Malang and elicits an emotional connection among the locals. Ibrahim underlines how "Residents of Malang who have emotional ties will view places like Lemah Tanjung as historical monuments in their lives²⁷. Conversely, the Anthropocentric mindset of capital owners, seeking to exploit nature, is predominantly motivated by pursuing long-term investment profits. Lemah Tanjung's strategic location in the heart of Malang City, combined with its green status, attracts affluent individuals who see the potential for residential, commercial, and business purposes, in line with the capitalist pursuit of profit expansion and consolidation. In collaboration with the government, leading developers distanced those who supported Lemah Tanjung's existence by putting up fences. "The developers have erected iron

²⁵ T. Griffiths, "Ecology and Empire: Towards an Australian History to the World," in *Ecology & Empire: Environmental History of Settler Societies*, ed. T. Griffiths and L. Robin, 1–18, Keele University Press, 1997.

²⁶ L.K. Nakkim, *Mahele O Maui*, p. 116.

²⁷ R.I. Ibrahim, *Lemah Tanjung*, p. 17.

fences as a sign of their victory²⁸. The act of fencing the area, symbolizing victory for the developers, further exemplifies the exploitative nature of human culture and its tendency to prioritize economic gains over affective ties to the land. As Marzec points out, enclosure originated in England and spread worldwide and contains a "mechanism of control necessary for establishing a new system of widespread administration of humanities and the environment²⁹".

This subsection explores three main arguments. Firstly, it critiques the impact of development and the Anthropocentric mindset on the landscapes of Maui and Malang City as depicted in *Mahele o Maui* and *Lemah Tanjung*. It highlights how Western development models often disregard local knowledge and cultural values, leading to environmental degradation and loss of green spaces. Secondly, the authors examine the theme of nostalgia and longing for transformed landscapes. In both novels, characters express an emotional attachment to their ancestral homes, evoking a sense of loss and yearning for past heritages. Lastly, the analysis addresses the concept of entitlement based on emotional and legal claims. In *Mahele o Maui*, the Piilani family's emotional connection to their ancestral land clashes with the legal claim of quiet title, resulting in the loss of their inheritance. This conflict illustrates how legal entitlement can override emotional attachment, reducing landscapes to mere commodities.

The following section extrapolates both authors' agencies and resistance strategies. It foregrounds how *Mahele o Maui* focuses on Hawaiian indigeneity and Kanaka's struggles for sovereignty, while *Lemah Tanjung* emphasizes political activism in response to development and environmental degradation. These distinct approaches illuminate the complex and multifaceted responses to the challenges posed by development and the Anthropocentric mindset rooted in differing historical and cultural contexts.

Narratives of Resistance in Two Novels

The representation of nature in literary works often legitimizes the anthropocentric principle of human sovereignty over nature. This conception construes how the representation of nature in language is frequently seen as a manifestation of an anthropocentric, human-oriented perspective³⁰. In other words, the representation of nature through language serves as a means for humans to position themselves as subjects

²⁸ R.I. Ibrahim, *Lemah Tanjung*, p. 100.

²⁹ Robert P. Marzec, "Speaking Before the Environment: Modern Fiction and the Ecological," *MFS Modern Fiction Studies* 55, no. 3 (2009), 419–442, p. 422.

³⁰ S. Oppermann, "The Ecocriticism Reader: Landmarks in Literary Ecology", *Interdisciplinary Studies in Literature and Environment*, 5, 1, (1999), 1–16, p. 4

and nature as an object. In contrast, Nakkim and Ibrahim's fiction reconceptualizes nature as an active setting and participant in social changes. Both authors depict the land as a contested object of discursive management and material control while presenting narratives of loss (land, language, cultural heritage) alongside stories of resistance, renaissance, and reclamation. Land ownership emerges as a central theme in these novels, highlighting the Hawaiian indigenous struggle for sovereignty and the dialectics of Anthropocentrism within the Indonesian government.

In *Mahele o Maui*, Native Hawaiians' struggle for greater autonomy and eventual sovereignty from the United States government is a central theme, calling for resistance through cultural revitalization and political activism. A key figure in this resistance is Abraham Kakai, a descendant of the Piilani family and grandson of Mahele. Kakai's symbolic rejection of his imposed biblical name in favor of his Hawaiian name, Akamai, meaning learned, underscores the connection between *Kānaka*, their environment, and their ancestors. Reclaiming traditional names highlights the resilience of Indigenous survival within the dominant Western discourse. Western naming patterns fail to reflect Hawaiian culture's close bond between places and people³¹. Kimura delineates how Hawaiian place names conjure *Aloha' Āina*/the love of the land through the emotive bond between people, nature, and culture³². Reclaiming traditional naming patterns is crucial for preserving Native Hawaiian culture and reaffirming ties to the land and ancestors. The subsequent passage highlights reclaiming heritage as a form of resistance:

We must fight back now, and to fight back, we must reconnect our ties to our ancestors; we must relearn the names of our grandfathers and grandmothers and the names of their grandparents and teach those names to our children³³.

Reclaiming cultural heritage brings the question of land ownership to the forefront, emphasizing its significance in ensuring the continuity of an indigenous way of life rooted in environmental sustainability. The resilience of *Kānaka* indigeneity in *Mahele o Maui* emerges as a response to the historical marginalization and oppression imposed on Native Hawaiians during white settler domination. Fanon underscores the paramount importance of land in postcolonial societies, noting that "land has the

³¹ M.K. Pukui, S.H. Elbert, and E.T. Mookini, *Place Names of Hawaii: Revised & Expanded Edition*, University of Hawai'i Press, 1974.

³² L.L. Kimura, "The Hawaiian Language," in *The Association of American Geographers on the Culture, Needs, and Concerns of Native Hawaiians*, 173–203, Native Hawaiian Study Commission, 1983, p. 178.

³³ L.K. Nakkim, *Mahele O Maui*, p. 172.

essential value, as the land will bring them bread and dignity³⁴". For Native Hawaiians, the struggle for land ownership has become a defining theme in their quest for sovereignty, a point emphasized by several *Kānaka* scholars such as Haunani-Kay Trask, Ho'omanawanui, and Noenoe Silva. Trask articulates how "the issues before Hawai'ians are those of indigenous land, cultural rights, and survival as a people"³⁵. Similarly, Ho'omanawanui argues how "*Kanaka Maoli* have always maintained a position of *ma hope o ka 'aina*, standing firm behind the land and our right to manage it."³⁶ Asserting their claim of land ownership enables *Kānaka* to live in harmony with nature, fostering a self-sufficient lifestyle based on familial kinship and reciprocity. The novel contextualizes how land ownership is integral to preserving Hawaiian indigeneity, demonstrating the connection between land and cultural identity.

I think that whatever they are not using, they should let us have back. To use. Not to divide into tiny house lots, haole style," said Akamai. "Just let a guy go live on the beach at Honomanu or Makena and fish if he wants to. Give us back, Kahoolawe. Anything." "Not to sell again, but in the old style, just to live on, build a house, use the land, you mean³⁷?

In the broader context of Hawaiian struggles for sovereignty, the pursuit of independence, autonomy, or self-governance remains a complex and contested issue. Native Hawaiians stand unique among indigenous groups in the United States, as they have yet to receive compensation or restitution for the lands seized and historical injustices endured, unlike other ethnicities such as Native Americans³⁸. Even today, the land that the independent Hawaiian government once governed remains under the control of the United States Federal Government and the State of Hawai'i Legislature. *Mahele o Maui* and other Native Hawaiian literature depict the traumatic legacy of loss and dispossession while showcasing the resilience of Hawai'ian cultural heritage in the face of Western domination. This line of argumentation echoes McDougall's argumentation that

³⁴ F. Fanon, *The Wretched of the Earth*, Grove Press, 1963, p. 155.

³⁵ H.-K. Trask, "Settlers of Color and 'Immigrant' Hegemony," *Amerasia Journal* 26, no. 2, 2000, 1-26, p. 23.

³⁶ K. Ho'omanawanui, "Kanaka Maoli versus Settler Representations of Aina in Contemporary Literature of Hawai'i," in *Asian Settler Colonialism: From Local Governance to the Habits of Everyday Life in Hawai'i*, ed. C. Fujikane and J. Y. Okamura, 116-149, University of Hawai'i Press, 2008, p. 123.

³⁷ L.K. Nakkim, *Mahele O Maui*, p. 281.

³⁸ J.Y. Okamura, *Ethnicity and Inequality in Hawai'i*, Temple University Press, 2008, p. 88-89.

ue and *ku'e*, or grief and resistance, are themes that pervade much of contemporary *Kanaka Maoli's* literature, as these themes punctuate our history as a nation occupied³⁹.

Different from the theme of sovereignty and indigeneity underlined in *Mahele o Maui, Lemah Tanjung* focuses on the political agency by activists, lecturers of *Akademi Penyuluh Pertanian* (APP), residents and conservationists to preserve the last green area in Malang City. The residents around APP are accustomed to utilizing the land for cultivation and planting of crops; however, as private developers now claim the land, the residents were accused of land plundering. The novel conjures the theme of resistance against land ownership claims and the impact of development on communities. It presents a specific example of how the lecturers and employees of APP actively resist the legal claim by choosing to remain in the disputed area:

In 1995, all the residents of APP were forced to move to Randu Agung by several armed individuals. Their houses were demolished. I do not know how Bu Indri felt at that time. But, in any case, Mr Rahmat and Bu Indri persisted in Lemah Tanjung until now⁴⁰.

The environmental activist movement was founded in 1995 against the authorities and developers who sought to convert the city forest land, where the APP campus was located, into residential areas. Amidst the backdrop of the oppressive era of Soeharto's New Order⁴¹ regime, this movement garnered widespread sympathy, especially among the youth and various civil society organizations, who later joined her cause. Numerous Non-Governmental Organizations (NGOs) became instrumental in advocating for the cancellation of the city forest development project. This act of resistance continues into the legislative sector through the House of Representatives/*Dewan Perwakilan Rakyat* (DPR).

The debate over the existence of Lemah Tanjung highlights the dialectics of land ownership and criticizes development through an emotional sense of place. The Department of Agriculture negotiates alternative land with the winning developer, PT Bangun Kerta, but the offered land in Randu Agung on the outskirts of Malang is deemed inadequate and incomparable to the historically and environmentally

³⁹ B.N. McDougall, "From Ue to Ku'e: Loss and Resistance in Haunani-Kay Trask's *Night is a Shark Skin Drum* and Matthew Kaopio's *Written in the Sky*," *Anglistica* 2, 2010, 51-62, p. 52.

⁴⁰ R.I. Ibrahim, *Lemah Tanjung*, p. 6.

⁴¹ E. Aspinall and G. Fealy, "Introduction: Soeharto's New Order and Its Legacy," in *Soeharto's New Order and Its Legacy*, ed. E. Aspinall and G. Fealy, 1-14, The Australian National University, 2010, p. 4-5

significant APP land. As Thayer Jr argues, "Planners often forget that each of us constructs his or her reality, sense of place, feeling of well-being, and cultural identity as a combination of responses to physical characteristics of the land⁴²." The DPR (House of Representatives) and the Minister of Environment recognize that Lemah Tanjung, home to rare plants, should be preserved for educational purposes. However, they lack the authority to cancel the development project because the Department of Agriculture owns the land. This conflict is exemplified in the following quote:

Ilham's head shook in disappointment, "They say only the authorities can cancel the development project. We have taken this issue to the DPR (House of Representatives). Both the *DPR* and Sarwono, the Minister of Environment at that time, acknowledged that this land, abundant with rare trees, should remain an educational medium." I could see the frustration in Ilham's expression as he spoke those words⁴³.

The Central House of Representatives was expected to help resolve the issue but focused on pragmatic matters, neglecting substantive environmental concerns. DPR members only inquired about compensations and land replacements for the new APP campus, ignoring the necessity of conservation amidst a potential ecological crisis in Malang City. The city's only lung, the forest, is at risk of disappearing, and thousands of rare plant and bird species face extinction—the dialectics of land ownership function as a contested space where different spatial fantasies and paradigms are presented. The debate concerning the existence of Lemah Tanjung underscores an anthropocentric worldview. This perspective places human interests at the center of decision-making processes, neglecting the intricate interplay between human activities and the natural environment⁴⁴. Moreover, technology is often blamed for creating a divide between humans and nature. Technological advancements are seen as the catalyst for humans acting unfairly towards other members of the ecosystem, as seen below:

But I often think that humans nowadays separate themselves from nature, even though we are a part of it."

Technology makes our lives easier, but at the same time, it distances us from nature," said Bu In⁴⁵.

⁴² R.L. Thayer Jr., *LifePlace: Bioregional Thought and Practice*, University of California Press, 2003, p. 180.

⁴³ R.I. Ibrahim, *Lemah Tanjung*, p. 133.

⁴⁴ F. Waage, "Exploring the 'Life Territory': Ecology and Ecocriticism in Appalachia," *Journal of Appalachian Studies* 11, no. 1/2, 2005, 133–163, p. 140.

⁴⁵ R.I. Ibrahim, *Lemah Tanjung*, p. 168.

Mahele o Maui and *Lemah Tanjung* underscore the complexity of landscapes as postcolonial spaces, highlighting the differing historicity of Indonesia and Hawaii while conveying the idea of resistance. *Mahele o Maui* focuses on Native Hawaiians' fight for sovereignty, highlighting the reclamation of cultural heritage and land ownership as essential to preserving their identity and survival. The novel showcases the resilience and renaissance of indigenous heritage in resisting dominant Western epistemology and furthering political goals. In contrast, *Lemah Tanjung* explores political resistance against the Anthropocentric inclinations driving development and land disputes in Malang City. Through the voices of activists, lecturers, and residents, the novel highlights the dialectics of land ownership, presenting contrasting views of development and natural conservation. Despite their differing contexts, both narratives underscore the importance of agency and the preservation of cultural heritage and natural resources. The narration is loaded with the thematic framework of resistance against Anthropocentrism.

Conclusion

In conclusion, the analysis of *Mahele o Maui* and *Lemah Tanjung* highlights the transformative impact of development and Anthropocentrism on postcolonial landscapes in Hawaii and Indonesia. Both novels delineate the consequences of modernization, deforestation, and loss of green areas, evoking a longing for traditional, sustainable ways of life. These themes align with the broader discourse of Hawaiian and Indonesian Green Literature, raising critical concerns about development and its environmental impacts. These narratives portray landscapes in Indonesia and Hawaii as postcolonial spaces, reflecting their unique ecological histories. *Mahele o Maui* focuses on Native Hawaiians' struggle for sovereignty through reclaiming cultural heritage and land ownership. In contrast, *Lemah Tanjung* depicts political activism against development and environmental degradation. Despite their different contexts, both novels underscore the importance of agency and resistance in preserving cultural and natural heritage. They urge readers to reconsider the impact of Anthropocentrism and advocate for more sustainable and inclusive approaches to development.

References:

Arnold, D., (2015), "Narrativizing nature: India, empire, and environment". In A. Deloughrey, Elizabeth M. Didur, Jill. Carrigan (Ed.), *Global Ecologies and the Environmental Humanities: Postcolonial Approaches* (pp. 35–50). New York: Routledge.

Aspinall, E., & Fealy, G., (2010), "Introduction: Soeharto's New Order and Its Legacy". In E. Aspinall & G. Fealy (Eds.), *Soeharto's New Order and its Legacy* (pp. 1–14). Canberra: the Australian National University.

Buell, L., (2005), *The Future of Environmental Criticism: Environmental Crisis and Literary Imagination*. Malden: Blackwell Publishing. <https://doi.org/10.1353/wal.2007.0011>

Cilano, C., & DeLoughrey, E., (2007), "Against Authenticity: Global Knowledges and Postcolonial Ecocriticism". *Interdisciplinary Studies in Literature and Environment*, 14(1), 71–87. <http://isle.oxfordjournals.org/>

DeLoughrey, E., Didur, J., & Carrigan, A., (2015), "Introduction: A Postcolonial Environmental Humanities". In E. DeLoughrey, J. Didur, & A. Carrigan (Eds.), *Global Ecologies and the Environmental Humanities: Postcolonial Approaches* (pp. 1–32). New York: Routledge. <https://doi.org/10.4324/9781315738635>

DeLoughrey, E., & Handley, G.B., (2011), *Postcolonial Ecologies: Literature of the Environment*. Oxford: Oxford UP.

Dewi, N., (2017), "Ekokritik dalam Sastra Indonesia: Kajian Sastra yang Memihak". *Adabiyāt: Jurnal Bahasa Dan Sastra*, 15(1), 19–37. <https://doi.org/10.14421/ajbs.2016.15102>

Fajar, Y., & Hapsari, D.E., (2016), "Relasi Manusia dan Alam; Budaya Melestarikan Alam dan Mengeksploitasi Alam dalam Novel Lemah Tanjung Karya Ratna Indraswari Ibrahim". In *Representasi dan Dialektika Dunia Kosmopolitan: Himpunan Pemikiran Sastra Budaya dan Bahasa* (pp. 79–116). Malang: Aditya Media Publishing.

Fanon, F., (1963), *the Wretched of the Earth*. New York: Grove Press.

Griffiths, T., (1997), "Ecology and Empire: Towards an Australian History to the World". In T. Griffiths & L. Robin (Eds.), *Ecology & Empire: Environmental History of Settler Societies* (pp. 1–18). Edinburgh: Keele University Press.

Harvey, D., (1990), *The Condition of Postmodernity: An Enquiry Into the Origins of Cultural Change*. Cambridge: Blackwell.

Heise, U.K., (2008), "Postcolonial Ecocriticism and the Question of Literature". In B. Roos & A. Hunt (Eds.), *Postcolonial Green: Environmental Politics and World Narratives* (pp. 251–258). Charlottesville: University of Virginia Press.

Ho'omanawanui, K., (2004), "Ha, Mana, Leo (Breath, Spirit, Voice): Kanaka Maoli Empowerment through Literature". *The American Indian Quarterly*, 28(1), 86–91. <https://doi.org/10.1353/aiq.2005.0011>

Ho'omanawanui, K., (2008), "Kanaka Maoli versus Settler Representations of Aina in Contemporary Literature of Hawai'i". In C. Fujikane & J.Y. Okamura (Eds.), *Asian Settler Colonialism: From Local Governance to the Habits of Everyday Life in Hawai'i* (pp. 116–149).

Honolulu: University of Hawai'i Press. <https://doi.org/10.1021/cen-v077n022.p035>

Ho'omanawanui, K., (2015), "Hawaiian Literature". In E.S. Nelson (Ed.), *Ethnic American Literature: An Encyclopedia for Students* (pp. 227–232). Santa Barbara: Greenwood.

Ibrahim, R.I., (2003), *Lemah Tanjung*. Jakarta: Gramedia.

Indriyanto, K., (2023), "Spatializing Narrative: Postcolonial Spaces of Oswald Andrew Bushnell's Ka'a'awa". *Journal of Language and Literature*, 23(1), 197–208. <https://doi.org/10.24071/joll.v23i1.5455>

Kimura, L.L., (1983), "the Hawaiian Language". In *the Association of American Geographers on the Culture, Needs, and Concerns of Native Hawaiians* (pp. 173–203). Native Hawaiian Study Commission.

LeMenager, S., Shewry, T., & Hiltner, K., (2011), *Environmental criticism for the twenty-first century*. In *Environmental Criticism for the Twenty-First Century*. New York: Routledge.

<https://doi.org/10.4324/9780203814918>

MacLennan, C., (1997), "Hawai'i Turns to Sugar: the Rise of the Plantation Centers", 1860-1880. *Hawaiian Journal of History*, 31(1997), 97–124.

Marzec, Robert P., (2009), "Speaking Before the Environment: Modern Fiction and the Ecological". *MFS Modern Fiction Studies*, 55(3), 419–442. <https://doi.org/10.1353/mfs.0.1632>

McDougall, B.N., (2010), "From Ue to Ku'e: Loss and Resistance in Haunani-Kay Trask's Night is a Shark Skin Drum and Matthew Kaopio's Written in the Sky". *Anglistica*, 2, 51–62.

Nakkim, L.K., (1984), *Mahele O Maui*. Honolulu: the Seahorse Press.

Okamura, J.Y., (2008), *Ethnicity and inequality in Hawai'i*. Philadelphia: Temple University Press.

<https://doi.org/10.1177/009430610903800126>

Oppermann, S., (1999), "The Ecocriticism Reader: Landmarks in Literary Ecology". *Interdisciplinary Studies in Literature and Environment*, 5(1), 1–16. <https://doi.org/10.1093/isle/5.1.124>

Pukui, M.K., Elbert, S.H., & Mookini, E.T., (1974), *Place Names of Hawaii: Revised & Expanded Edition*. Honolulu: University of Hawai'i Press.

Said, E.W., (2004), *Humanism and Democratic Criticism*. Columbia University Press. <https://doi.org/10.2307/3196732>

Sharpley, R., (2021), "On the need for sustainable tourism consumption. *Tourist Studies*, 21(1), 96–107.

<https://doi.org/10.1177/1468797620986087>

Sugano, M., (2000), "Hawai'i's Local Literature". Source: *Meridians*, 1(1), 123–127.

Thayer Jr, R.L., (2003), *LifePlace: Bioregional Thought and Practice*. Berkeley: University of California Press.

Trask, H.-K., (2000), "Settlers of Color and "Immigrant" Hegemony". *Amerasia Journal*, 26(2), 1–26.

<https://doi.org/10.21313/hawaii/9780824830151.003.0001>

Vadde, A., (2009), "The Backwaters Sphere: Ecological Collectivity, Cosmopolitanism, and Arundhati Roy". *MFS Modern Fiction Studies*, 55(3), 522–544. <https://doi.org/10.1353/mfs.o.1628>

Waage, F., (2005), "Exploring the "Life Territory:" Ecology and Ecocriticism in Appalachia". *Journal of Appalachian Studies*, 11(1/2), 133–163. <http://about.jstor.org/terms>

Williams, R., (1975), *The Country and the City*. Oxford: Oxford UP. <https://doi.org/10.2307/j.ctvs09r93.6>

Wiyatmi, W., (2021), "Ekokritik dan Ekofeminis sebagai Kajian Sastra Interdisipliner". In W. Wiyatmi, N. Dewi, & M.D.M. Safei (Eds.), *Sastra Hijau di Indonesia dan Malaysia dalam Kajian Ekokritik dan Ekofeminis* (pp. 13–22). Yogyakarta: Cantrik Pustaka.

THE ROLE OF SHINTOISM IN JAPANESE SOCIO-CULTURAL LIFE AND ITS REFLECTIONS ON DAILY LIFE¹

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Abstract: *It is a well-known fact that belief systems play a significant role in the cultural development and transformation of societies. In the case of Japan, where diverse beliefs such as Shintoism, Buddhism, and Christianity coexist, it is intriguing to explore how religion has influenced the cultural development of the country and how they have preserved their culture despite such a wide range of beliefs. Under the framework of religious freedom, which is recognised by law, individuals are free to embrace any belief they choose. In fact, the number of people who hold multiple beliefs or consider themselves non-religious is quite high. Although Shintoism, known as the indigenous Japanese ethnic religion, emerged in the early periods of Japanese history, it remained unnamed until the 6th century. Despite the various religions embraced throughout the history of the country, Shintoism has managed to maintain its presence. Shintoism is depicted as a form of nature worship with no sacred book, teacher, or saints, and it is based on the belief in numerous Kami, which are considered sacred. This belief can be interpreted as an expression of the Japanese national character and vital emotions. Shintoism, which has been passed down through generations via social rituals, emphasises faith in Kami, visits to shrines, and the preservation of purity. The goal is to maintain harmony between nature and humans without disruption. This study will examine the role of Shintoism in Japanese socio-cultural life, despite undergoing numerous changes and transformations throughout history, with examples of its reflections in daily life through individuals and new religious concepts.*

Keywords: *Japanese culture, belief, Shintoism, Kami, nature*

¹ This article is adapted from the author's unpublished dissertation entitled "Two Beliefs at the Foundation of Turkish and Japanese Culture: Sky God and Shintoism" ("Türk ve Japon Kültürünün Temelinde İki İnanış: Gök Tanrı ve Şintoizm"), Department of History, Erciyes University.

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Introduction

Throughout history, societies that have been located in the same or different geographical areas have influenced each other in many ways. Japan, which has attracted global attention both for its ability to preserve its cultural identity and for its economic development, despite being an island nation with an isolated structure, has continuously maintained contact with other countries, especially its close neighbours China and Korea. Like any other country, Japan has experienced changes and developments through interactions with different cultures. When looking at the origins of Japan's religious freedom, it is evident that the influence of various cultures has been significant.

Starting from the 6th century, Buddhism and Confucian philosophy, which were introduced to Japan through China and Korea, and then Christianity brought by Jesuit missionaries in the 16th century, and Shintoism, known as the indigenous Japanese religion, all stand as the main pillars of the Japanese belief system. Considering the influence of religion on cultural formation, Shintoism is believed to have been the most influential in shaping Japanese culture. This is because Shintoism emerged alongside Japanese history, and although it sometimes came into conflict and at other times coexisted with different beliefs introduced to the country, it has managed to maintain its vitality. In our study, which aims to explain the role of Shintoism in Japanese socio-cultural life, it is necessary to first discuss the position of Shintoism within the historical process.

Shintoism in the Historical Process

Shintoism continues its existence to the present day by constantly changing in terms of meaning, purpose and content in the Japanese historical process, reconceptualised through those involved in the process or combined with new values entering the country. When we examine the origin of the Shinto belief, which we can describe as the national religion of the Japanese, it is seen that its existence was mentioned even in very early periods. According to S.D.B. Picken, female figures depicted on small stones in archaeological finds from the first known period of Japanese history (the Jomon Period), between 7000-250, were associated with the Japanese Sun Goddess Amaterasu Ōmikami (天照大御神). He also states that the two stone circles called Ōyu Kanjōresseki (大湯灌頂歴石), formed by the arrangement of horizontal stones surrounding an upright stone, resembling a sundial and containing tombs underneath, were thought to be places where common religious ceremonies were held.²

² S.D.B. Picken, *Essentials of Shinto: An Analytical Guide to Principal Teachings*, Greenwood Press, 1994, p. 7.

According to Eberhard, when Japan was not yet acquainted with different religions and Shintoism was the only faith, Kamis were seen in all forms of nature. Simple prayer rituals, which were first performed by turning natural forces such as trees and stones with ropes made of straw, were gradually moved to shrines with simple structures. In shrines built for the shelter of the gods and the preservation of sacred relics such as mirrors and swords, prayers and sacrifices are offered to the Kamis in accordance with the principles of cleanliness. The sacrifices offered are food consisting of harvested fruits and vegetables and sake. Bloody sacrifices are not offered as they are considered incompatible with the Shinto belief in cleanliness.³ In the Shinto faith, which we can express as a nature religion, it is believed that every being in nature has a soul. Within the framework of this belief, it is observed that the respect for nature has been maintained from the past to the present.

The word Shinto is chosen to correspond to the nomenclature of Buddhism (仏教 Bukkyō - Teachings of the Buddha), which became influential in the Japanese world by the 6th century.⁴ In this context, the words god (神) and way (道) are combined and called Shinto, meaning the Way of God/Gods (神道).⁵ The support of the palace and the efforts of the sect leaders to equate the Shinto Kamis with Buddhas rather than suppress them yielded positive results, and Buddhism and Shintoism were associated with each other for many years.⁶ By imperial decree, Japanese historical documents called *Kojiki* (古事記) were created in 712 and *Nihon Shoki* (日本書紀) in 720.⁷ Although these documents contain historical and political information, they are seen as important sources for Shintoism, which has no holy book, in terms of mythological information.

Shinto and Buddhist syncretism, which began in the 6th century during the Heian period, continued, the teachings of the two faiths respectfully nurturing each other. In 1274 and 1281, during two attempted Mongol invasions, temples all over the country prayed for the destruction of the enemy and the peace of the nation with a growing sense of nationalism. The term Kamikaze (神風), Kami's wind, arose from the idea that in response to these prayers, divine power destroyed large enemy fleets with a violent

³ W. Eberhard, *En Eski Devirlerden Zamanımıza Kadar Uzak Doğu Tarihi*, Türk Tarih Kurumu Yayınları, 2019, pp. 31-32.

⁴ J. Hendry, *Understanding Japanese Society*, Routledge Taylor and Francis Group, 1995, p. 117.

⁵ H.I. Senavcu, Japon Dinleri. S. Gündüz (Edt.), *Dünya Dinleri* (pp. 262-82). MilelNihal Yayınları, 2019, p. 263.

⁶ H. Shimada, *Nihonjin no Shinto*, Chikuma Shobo, 2022, p. 181.

⁷ K.G. Henshall, *A History of Japan: From Stone Age to Superpower*, Palgrave Macmillan, 2004, p. 6.

storm.⁸ The term was later used to refer to Japanese suicide pilots who deliberately crashed their ammunition-laden planes into enemy targets on the Pacific Front in World War II.⁹ This term can be interpreted as an example of the Japanese Shinto belief that everything good or bad happens through the Kamis.

Matsunosuke states that during the Edo period, prayers to the kami took on a different dimension with pilgrimages to shrines in the foothills or in remote areas for worship. It is also noteworthy in the context of the importance given to the Shinto faith in the Edo period that the public showed great interest in the fairs where sacred treasures and religious symbols from distant shrines were brought to Edo city and exhibited.¹⁰ During this period, when the syncretism of Shintoism and Buddhism continued, the oppressive attitude of feudal lords towards the people, combined with the Portuguese introducing Christianity to Japan along with firearms, increased political and religious turmoil in the country, and Christianity was banned.¹¹ In order to prevent religious or political uprisings across the country and to restore domestic tranquility, the Edo government introduced religious and commercial bans, ushering in a period of closure in Japanese history. It aimed to preserve its sense of national identity and political authority by purifying itself of foreign influences and promoting the Shinto faith.

The Meiji government, which ended the Edo period, ended the period of closedness in order to build a strong state in accordance with the requirements of the age and saw Shintoism as a tool to consolidate obedience to the concept of empire.¹² A decree is issued to separate Shinto and Buddhism in order to return to local beliefs and traditions free from foreign influences.¹³ Itō gives information about the religious situation during the Meiji period in his book explaining the Shinto faith. According to this information, despite the lifting of the ban on Christianity imposed during the Edo period, the government's attempts to prevent the spread of beliefs other than Shinto continued throughout the country, and the situation caused the reaction of not only the people but also foreign countries. Although the policy of oppression of other religions was abandoned in attempts to establish Shintoism as the state religion,

⁸ Ichigaya Kamegaoka Hachimangu, *Shintō ni tsuite*, Muromachi Chūsei e.

⁹ J. Gillan, *Kamikaze – The Divine Winds that Saved Japan*, 2022.

¹⁰ N. Matsunosuke, *Edo Culture: Daily Life and Diversions in Urban Japan, 1600-1868*, Translated by: Gerald Groemer, University of Hawaii Press, 1997, p. 91.

¹¹ Ichigaya Kamegaoka Hachimangu, *Shintō ni tsuite*, Sengoku/ Edo/ Meijiishin.

¹² N. Wakamatsu, *Zukai Nipponshi*, Seitosha, 2010, p. 62.

¹³ W.E. Deal and B. Ruppert, *A Cultural History of Japanese Buddhism*, Wiley Blackwell, 2015, pp. 211-12.

sanctions such as requiring people to register at Shinto shrines continued.¹⁴ In this period when a new page was opened in the history of the country, it is seen that the government took advantage of the Shinto faith to make it easier for the people to adopt the new regulations made in the name of modernisation.

The efforts to revive the Shinto faith and spread it throughout the country again took on a different dimension with World War II, and Japan, which was defeated in the war, was exposed to American pressure. Under American influence, state support for Shintoism was abolished, and the principle of freedom of religion was added to the constitution.¹⁵ Although the influence of the ancient Japanese faith of Shintoism has diminished with these new regulations, the rituals and traditions of this faith remain popular among the people.

Shintoism as an Element of Spiritual Culture

Shintoism is a belief in understanding, protecting and respecting nature. In Japan, an agricultural country, the majority of Kamis are associated with nature, and the Kamis aim for people to live in harmony with nature. Purity and cleanliness are at the forefront of the Shinto faith, which is maintained through rituals and traditions thought to be divine or ancestral. In the light of the knowledge passed on by Shinto priests and elders, there is a judgment that crimes that lead to the disruption of individual purity and consequently the social order will result in divine punishment of the whole society. In a society where morality, religious practices, laws and traditions are intertwined, beliefs are transmitted through traditions.¹⁶

In today's Japanese society, which embraces the principle of freedom of religion, Shintoism, as an element of faith, can be considered equivalent to other faiths. But when we consider it as an element of spiritual culture, the effects of the Shinto faith can still be seen in Japan's ethical rules, behaviours and traditions. Spiritual elements such as respect and devotion to the imperial family and nature, participation in festivals held throughout the year even by those who have different beliefs or express non-belief, and taking off shoes when entering the house with the understanding of keeping the body, home and environment clean all continue to exist today with the influence of Shinto belief.

¹⁴ S. Itō, *Shintō to wa Nani ka*, Chūōkōron Shinsha, 2020, pp. 1-6.

¹⁵ B.W. Andaya, Christianity in Asia, *Oxford Research Encyclopedia of Asian History*, 2018, p. 20.

¹⁶ M. Anesaki, *History of Japanese Religion*, Charles E. Tuttle Company, 1923, pp. 35-36.

The Relationship between Kami and Nature

Kami (神), translated from Japanese into other languages as god or deity, does not necessarily mean the great creative power of monotheistic religions. The best explanation of the concept of Kami is given by the philologist Motoori Norinaga, who has done important studies on Japanese classics, as anything that is superior to human beings, extraordinary, and has admirable characteristics. And it is not only good things like nobility, goodness or merit that qualify as Kami. Bad or strange things that arouse extraordinary admiration or fear are also sufficient to qualify as Kami.¹⁷ In this context, emperors who contribute to and protect the civilisation and culture of the country earn the title of Kami for their goodness and virtue. Conversely, political or religious figures who frustrate their nation by working for their own benefit rather than for their country during their time in office earn the title of Kami with the idea that they will continue their evil deeds and harm the country when they die. The good Kamis are prayed to protect the country and to be instruments of health, prosperity and beauty, while the bad Kamis are prayed not to be angry. This is because events such as earthquakes, storms, floods, and famines that cause damage to the country are attributed to the anger of the Kamis.¹⁸

In the Shinto faith, where the number of kami is expressed in millions, anything living or non-living that is considered to have superior qualities than humans can be characterised as kami.¹⁹ In the Shinto faith, the Kamis work in harmony and cooperation with each other in justice, order and divine grace, enabling people to live in harmony and cooperation in the world. In Shintoism, there is no absolute god who is the creator and ruler of everything. The creative functions of the world are carried out by the Kamis cooperating with each other to fulfil their respective tasks. In this context, even the Sun Goddess, who is considered the ancestor deity of the Imperial Family and who illuminates the world, seeks the opinions of other Kamis, seeks their help, and cooperates with them.²⁰

In Shintoism, the Kamis of nature are thought of as living beings. For example, Amaterasu, the Sun Goddess, is not only a being who leaves the world in darkness when she retreats into a cave or the source of the light needed for food but also a queen who disagrees with her brother, speaks and fights. The Kamis, who have human characteristics but are invisible to those

¹⁷ L.M. Meyer, *The Goryo Cult in Heian Period Japan: A Study in History, Religion, and Culture*, Senior Thesis, Boston University, 2004, pp. 3-4.

¹⁸ H. Pluts, and P.G. O'Neill, *Matsuri The Festivals of Japan*, Roudedge Taylor and Francis Group, 1996, pp. 16-17.

¹⁹ M. Takemitsu, *Issatsu de Wakaru Shintō to Nihon Shinwa*, Kawade Shobo Shinsha Co., 2013, pp. 16-29.

²⁰ S. Ono, *Shinto The Kami Way*, Tuttle Publishing Company, 1962, p. 27.

who pray to them, are believed to protect the land by residing in their shrines built for them.²¹

Each Kami has its own mission, capacity and specialty. Some are in charge of water distribution, some of medicine making, and some of crop fertility.²² From the national to the village level, there are many famous or anonymous Kamis. Regardless of their social hierarchy and size, it can be said that in Japan, a society based on rice cultivation and agriculture, the majority of Kamis are associated with nature.²³

When we look at the hierarchical ranking of the Kamis, it is possible to divide them into four main categories. These are:

- National gods
- Gods of country and province
- Shrine gods
- Village gods

Nature gods such as the Sun Goddess Amaterasu, mountain, water, moon, storm, and tree have the national title of Kami, as they are considered to ensure the continuity of vital values. While mountains and trees are depicted as the dwelling places of nature gods, other nature gods are also important in Shinto belief in terms of providing people's vital needs such as nutrition, shelter and cleanliness. It is believed that mountain and water gods descend on the fields to fertilise and bless the crops. The sun, moon and storm gods have the identity of national gods, as they are seen as the ancestor gods of the empire in addition to being nature gods.²⁴ Amaterasu, the sun goddess, who is seen as the most important of the national gods, is at the top of this hierarchical structure, but her connection with other gods continues. In other words, although she is the god of gods, she cooperates with the Kamis below her.²⁵

However, the more geographically demarcated Kamis, who are dominant throughout the country, are local or provincial deities. Local deities, called Ujigami (氏神), are worshipped as the guardians of social groups based on kinship and have the status of protectors of clans. The names of these gods are often the same as the names of the regions where they are worshipped. The territory of the regions dominated by local deities

²¹ W.G. Aston, *Shinto, The Ancient Religion of Japan*, A. Constable and Co., 1907, pp. 12-17.

²² S. Ono, *Shinto The Kami Way*, Tuttle Publishing Company, 1962, p. 27.

²³ Y. Kawabata, Chūsei Nihon no Mizu to Jinja Saishi, *Bunka Kōshō ni yoru Hen'yō no Shosō*, 2010, pp. 100-102.

²⁴ H. Plutschow, and P.G. O'Neill, *Matsuri The Festivals of Japan*, Roudedge Taylor and Francis Group, 1996, pp. 11-12.

²⁵ S. Ono, *Shinto The Kami Way*, Tuttle Publishing Company, 1962, p. 27.

is considered sacred land under the protection of that deity.²⁶ Clans have special shrines where they worship their guardian Kamis, and these shrines can be found almost everywhere in the country. Today, with the gradual disintegration of clans, the sense of shared community has become more important, but the sense of ancestry is still strong, and clan members regularly return to their hometowns to attend the festivals of their guardian Kamis.²⁷

At the third level of the hierarchy are the shrine gods. These are known as gods specific to shrines and are believed to live in that shrine. In the Middle Ages, with the influence of Buddha statues in Buddhism, various statues symbolising the shrine gods were made and kept in the inner room of the shrine. Although the earlier perception that the Kamis were invisible to people or that people should not see the Kamis has changed somewhat with these statues, the statues of the Kamis are not openly displayed in places of worship. There are many stories that the sight of the statues angered the Kamis and had a negative impact on people's lives. Even in the picture rolls that are offered to people visiting shrines as objects of worship, even if the shrine Kamis are depicted in human form, their faces are not clear.²⁸ There are also shrines dedicated to soldiers who lost their lives defending their homeland in war and reached the status of Kami in the Shinto faith. These shrines, of which there are estimated to be about 50 today, are different from the shrines of other religions in that they do not contain the ashes or belongings of the soldiers.²⁹

Village gods are the gods that feed on nature itself and the ancestor spirits of the villages that are considered sacred. These gods are worshipped in shrines built in mountain and forest areas or in the open. Local people are responsible for the maintenance and repair of the shrines, which are usually named after villages. In these shrines, prayers are made for the fertility of the soil and the peace of the village people, and ancestor spirits are worshipped to protect the village from diseases, natural disasters, etc.³⁰

As can be seen, there is no difference in the way the Kamis worship them although there are differences at the hierarchical ranking of the Kamis. In accordance with Shinto worship rituals, prayers and offerings are made to the Kamis in the name of protection from evil, peace and tranquillity in a general or local framework, with respect. In addition, there are mass

²⁶ H. Plutschow, and P.G. O'Neill, *Matsuri The Festivals of Japan*, Roudedge Taylor and Francis Group, 1996, pp. 11-12.

²⁷ S. Ono, *Shinto The Kami Way*, Tuttle Publishing Company, 1962, pp. 29-30.

²⁸ Y. Yamamoto, Mite wa naranai Kamigami no Hyōgen to Juyō-Nihon no Kamigami wa Dono yō ni Arawasarete Kita ka-, *Waseda Rilas Journal* 4, 2016, pp. 283-89.

²⁹ Irei, *Nihonjin no Seishin-sei*, 2016, p. 6.

³⁰ T. Fukuhara, Morigami Shinkō to shite no Satogami, *Kokuritsu Rekishiminzokuhakubutsukan Kenkyū Hōkoku* dai 69-shū, 1996, pp. 241-68.

differences in worship in shrines or in open spaces depending on the location and whether it is public or private.

In Shintoism, the prerequisite for being recognised as Kami is not only to belong to nature or to be derived from nature. Extraordinary events, locations, situations or creatures are also included in this category. Takemitsu's example that a dog that runs very fast can become a dog god is an indication that besides nature and local gods, animals can also be Kami.³¹ Plutschow and O'Neill mention that the idea of hearing the voices of ancestors in the cries of deer, monkeys and birds is common in Japanese mythology. He also states that the legend of the spirit of Yamato Takeru, the heroic warrior who is believed to have conquered parts of Japan in ancient times, appearing as a white bird and then disappearing, is also based on this understanding.³² It is conceivable that birds were also given the title Kami because they live in the mountains and have the ability to fly, which humans do not have.

For the Japanese, who believe that they are descended not only from natural beings and animals but also from gods, the emperors who rule the country and provide communication between gods and humans also gain Kami status as ancestor spirits after their death.³³ In addition to emperors, the Kami ancestor spirits also apply to family elders. Family elders are believed to protect and watch over their families and homes even after death.³⁴ The difference is that the emperor, considered to be a descendant of the Sun Goddess Amaterasu, is the Kami of the entire Japanese nation, while the elders of the family are only the Kami of the family to which they belong. In addition, Ono states that the spirits of national heroes, people with extraordinary virtues, those who contributed to civilisation, culture and the welfare of humanity, and those who died for the state or society are also included in the status of Kami, and the guardian spirits of the land and professions are also accepted as Kami.³⁵

On the other hand, not all of the countless Kamis in Shintoism are good. The spirits of those who, during their lifetime, succumbed to their ambitions and high social or political ranks, did not die naturally or died prematurely, are also considered to be evil Kamis who seek to harm people. Most, if not all, political victims in Japanese history, including emperors, princes,

³¹ M. Takemitsu, *Issatsu de Wakaru Shintō to Nihon Shinwa*, Kawade Shobo Shinsha Co., 2013, pp. 16-29,

³² H. Plutschow, and P.G. O'Neill, *Matsuri The Festivals of Japan*, Roudedge Taylor and Francis Group, 1996, p. 15.

³³ A. Gordon, *A Modern History of Japan: From Tokugawa Times to the Present*, Oxford University Press, 2003, p. 58.

³⁴ F. Masao, *Bukkyō Minzoku-gaku to Sosen Sūhai ni Yosete, Hikaku Minzoku Kenkyū for Asian Folklore Studies*, 25, 2011, pp. 1-4.

³⁵ S. Ono, *Shinto The Kami Way*, Tuttle Publishing Company, 1962, p. 26.

priests, high government officials, priests, and warriors, are feared as evil spirits, and their spirits are prayed to for protection from their evil. Throughout their history, the Japanese have attributed natural and human disasters such as earthquakes, floods, famines, wars, and uprisings to these spirits. But not all such spirits are worshipped. Many political sacrifices have never been worshipped.³⁶

Generally speaking, there are differences between the concept of kami today and the concept of kami in antiquity. Although it remains essentially the same, the Kami phenomenon is also subject to great changes over time.³⁷ In addition to changes in the concept, there are also changes in the Kamis that are given importance according to the needs of people throughout history. For example, in the early stages of Japanese history, fire Kamis were the most important Kamis, while in later periods, with the changes in people's lives, sun and water Kamis became the most important Kamis for the Japanese, who started to deal with agriculture.³⁸

Examples of Shinto Rituals Reflected in Daily Life

It can be said that Shintoism is an influential spiritual element in Japanese culture. This is most evident in the naming of the Japanese country, the choice of the national flag and the Japanese national anthem. The word Japan (日本), pronounced Nihon or Nippon in Japanese, is a combination of the characters for sun (日) and root (本).³⁹ The sun symbol in the Japanese flag, which started to be used in the military field during the Heian Period, became the official seal of the shogunate in the Edo Period and was designated as the national flag by the Meiji government in 1898, comes from the Sun Goddess Amaterasu, who represents peace and fertility.⁴⁰ The origins of Japan's national anthem also go back to ancient times. In the *Kojiki* and *Nihon Shoki*, the main sources of Shintoism and Japanese mythology, a 1,200-year-old ancient folk song written for the emperor, who is descended from gods, was composed during the Meiji period and adopted as the national anthem. The three-legged crow depicted in the same mythological works as Jimmu (神武天皇), Japan's first emperor, is now used as the emblem of the Japanese football federation.⁴¹

³⁶ H. Plutschow, and P.G. O'Neill, *Matsuri The Festivals of Japan*, Roudedge Taylor and Francis Group, 1996, pp. 16-17.

³⁷ S. Ono, *Shinto The Kami Way*, Tuttle Publishing Company, 1962, p. 27.

³⁸ M. Takemitsu, *Issatsu de Wakaru Shintō to Nihon Shinwa*, Kawade Shobo Shinsha Co., 2013, pp. 16-29.

³⁹ B. Bocking, *A Popular Dictionary of Shinto*, Curzon Press, 2005, p. 53.

⁴⁰ H. Onishi, *Wagakuni no Kokki to Kokka no Rekishiteki igi to Sono Hōteki Ichitzuke, Kokusai Kōkyō Seisaku Kenkyū* 14 /1, 2009, p. 79.

⁴¹ J. Clements, *A Brief History of Japan*, Tuttle Publishing, 2017, pp. 34-35.

According to *Nihon Shoki*, one of the oldest documents in Japanese history, when the Sun Goddess Amaterasu sent her grandson Ninigi no Mikoto to rule the Japanese islands, she gave him ears of rice to plant in the soil. The cultivation and yield of the land can only be achieved through harmony with nature. In this context, the harmony between agriculture and nature, which has been important since the early period of the Japanese islands, can be associated with Shintoism. The support of nature during the cultivation of the soil can be depicted as the Shinto belief. Weeds growing in the field along with the sown crop must be removed as they represent evil. It is also possible for the crops to be productive with the help of the Kamis, that is, to receive the necessary water and sun.⁴² Based on this depiction, which is associated with the most basic needs of humans, such as nutrition, we can say that respecting nature, land, the emperor, the homeland, and the Kamis, staying away from evil by maintaining purity, are the basic teachings of Shinto belief. The Japanese understanding of cleanliness, which developed within this framework, is dominated by the idea that people can prosper by keeping their bodies, homes and countries clean. Cobbold states that although the understanding of cleanliness that has settled in Japanese culture through the Shinto faith has been formalised with various laws by prioritising the cleanliness of the body and the environment, the important thing is the cleanliness of the conscience and heart of the individuals.⁴³ Nitobe states that although Buddhism, especially Zen Buddhism, which began to spread in Japan as of the 9th century, was very effective in the military field, soldiers were instilled with the teachings of loyalty to the Emperor, and respect for the past and ancestors, which are the basic principles of Shintoism, and their loyalty to the state was ensured.⁴⁴

For the Ainu, the first known inhabitants of the Japanese islands, Kami worship is extremely important. They believe that the bigger, stronger and more honourable a Kami is, the more distant he is from humans and the more he communicates with small intermediary Kamis.⁴⁵ In Ainu Kami worship, the tangible object is the inau (イナウ), which is branches, usually made of willow or dogwood, with a thin layer of shaved wood. The inau, whose materials, construction methods or shapes vary depending on the formality and expected role, is used as an object of worship for a certain period of time and kept in the eastern part of the house. When it is too dry

⁴² T. Mitsuhashi, *Shinto no Hon*, Seitosha Co., 2019, p. 10.

⁴³ G.A. Cobbold, *Religion in Japan: Shintoism—Buddhism—Christianity*, Society For Promoting Christian Knowledge, 1905, p. 9.

⁴⁴ I. Nitobe, *Bushido The Soul of Japan*, Kodansha, 2012, p. 40.

⁴⁵ J. Batchelor, *The Ainu of Japan: The Religion, Superstitions and General History of The Hairy Aborigines of Japan*, Spottiswoode and Co., 1892, pp. 86-98.

to be used, it is burned in the fire of the house with prayers.⁴⁶ These tree branches are called ōnusa (大幣) in today's Shinto faith.⁴⁷ Kami worship, which started in the early periods of Japanese history, became an indispensable phenomenon of Japanese daily life over time. Worshipping Kamis in shrines or homes becomes an important part of Japanese culture as daily rituals.

The Shinto faith, which is an ethnic religion unique to the Japanese and started as a worship of nature, emphasizes the laws of nature and takes root in the daily lives of the Japanese. In the Shinto faith, worship or rituals become traditions and customs, and are strongly felt in the ordinary movements and actions of the people. In addition to shrines, which are indispensable places of worship, there are also prayer corners called Kamidana in homes and workplaces.⁴⁸ The prayer corners on the ground floor of homes, workplaces or factories are revered in the belief that the Kamis live in these spaces. Rice, water, salt and sake are left in front of the kamidana as offerings to the kami. Evergreen plants, rolls of paper on which wishes are written and mirrors are important objects found in Kamidanas. The mirror allows the worshipper to see themselves in their purest form during worship, and is instrumental in suggesting the moral harmony of the Japanese, who are thought to be the descendants of the kami.⁴⁹

Until the 10th century, there are differences in the way nature Kamis and spirits of the dead are worshipped. The spirits of nature are worshipped outside the home in front of symbols or in shrines, while the spirits of the dead are worshipped in homes or cemeteries. This tradition changed in the 10th century with the introduction of rituals for avenging spirits, known as Goryō (御霊).⁵⁰ The term Goryō first appears in the *Nihon Sandai Jitsuroku* (日本三代実録), a Japanese historical record. According to these records, the first Goryō ceremony in Japanese history was held at the imperial compound in 863, in response to the deaths of many peasants due to an epidemic. Apart from this ritual, imperial banquets were suspended to stop the epidemic, food was distributed to starving people, offerings were made

⁴⁶ R. Sakaguchi, *Hokkaidō Ainu no Kōshō Bungei ni Miru Inau no Reikon*, *Nihon Kōshō Bungei Gakuai*, 42, 2019, p. 33.

⁴⁷ J. Batchelor, *The Ainu of Japan: The Religion, Superstitions and General History of The Hairy Aborigines of Japan*, Spottiswoode and Co., 1892, pp. 86-98.

⁴⁸ T. Mitsuhashi, *Shinto no Hon*, Seitosha Co., 2019, p. 8.

⁴⁹ N. Watahiki, Luiza Gatan, Cristian Vlad, Nitin Hingarh, and Saddam Iqbal, "In-House Shrines in Japanese Corporations and Their Background," *Analele Universității din Oradea, Seria Relații Internaționale și Studii Europene*, TOM XVI, pp.202-04.

⁵⁰ H. Plutschow, and P.G. O'Neill, *Matsuri The Festivals of Japan*, Roudedge Taylor and Francis Group, 1996, p. 10.

to the Kamis at shrines, and prayers were offered for the end of the epidemic and abundant crops.⁵¹

We should also mention the term *yōkai* (妖怪), which we can describe as the supernatural creatures of Japanese folklore. The term, which is a combination of the words *yō* (妖), meaning fascinating, and *kai* (怪), meaning strange, is equivalent to monsters, demons, goblins or spirits in other cultures but is actually quite different. *Yōkai* is one of the words associated with Japanese culture, such as samurai, geisha, ninja, and sushi, and is a broad concept that encompasses kami, ghosts, magical animals, transformed people, urban legends, and many more bizarre phenomena. *Yōkai* first appeared in books and scrolls cataloguing the legends and folklore of Japan after the 8th century. By the 19th century, these works, which were created by adding to the oral traditions of rural Japan, had grown in popularity and led to an unprecedented development in Japan's culture and arts. After disappearing in World War II, *Yōkai* reappeared in the 20th century, influencing books, movies, animation, product design, video games, and more. Its influence will only grow with the globalisation of Japanese culture.⁵²

Shrines and Shinto Rituals

Kamis are worshipped in Shinto shrines, houses, cemeteries and open spaces, which are considered to be the habitats of the gods. Early worship took place outdoors in sacred places, in the form of prayers and offerings to the Kami after purification by sprinkling water or waving branches of evergreen trees.⁵³ Shinto shrines, called *Jinja* (神社), are wooden structures with very simple architecture that emerged with the desire to preserve divine symbols such as swords and mirrors.⁵⁴ The mirror in the shrines is considered as the reflection of the god and emphasizes the importance of spiritual purity of people.⁵⁵ Protective forests surround the shrine. Entrance to the shrine is through gates called "Torii", which represent the passage to the sacred realm. Generally, shrines consist of an inner sanctum, where

⁵¹ K. Toshio, *The World of Spirit Pacification Issues of State and Religion*, *Japanese Journal of Religious Studies* 23/3-4, 1996, p. 323.

⁵² M. Meyer, *The Night Parade of One Hundred Demons a Field Guide to Japanese Yōkai*, 2015, p. 13.

⁵³ *Jinja Honchō Kenshūjo, Wakariyasui Shintō no Rekishi*, *Jinja Shinpōsha*, 2015, pp. 40-42.

⁵⁴ J. Finegan, *The Archeology of World Religions III Shinto, Islam, Sikhism*, Oxford University Press, 1965, p. 437.

⁵⁵ I. Nitobe, *Bushido The Soul of Japan*, Kodansha, 2012, p. 40.

relics are kept and only the emperor's family and priests are allowed to enter, and an outer sanctum where the public worships.⁵⁶

When examining the prayer rituals in the shrines, it is notable that respect and etiquette are emphasised. Upon passing through the entrance gate of the shrine, one bows as a gesture of greeting. During visits, attention is paid to the cleanliness of attire, and wearing open clothes or hats is considered inappropriate. Although there is no specific time designated for shrine visits, it is preferred to go in the morning. In the shrine garden, purification is performed by washing the hands and face in a water basin located near the entrance. Upon reaching the tomb, a bell hanging in front is rung to attract the attention of the shrine's Kami. After placing a wish note, one bows again to the Kami. To ward off evil spirits and show devotion to the Kami, one claps hands twice. As an offering, spiritual money is thrown, hands are clasped in prayer to the Kami, and the ritual concludes with a farewell bow.⁵⁷

Due to the large number of Kami, there are many shrines throughout the country. The Japanese believe that the Kami of different shrines assist people in various aspects of life, and they visit different shrines to pray to the Kami for specific purposes. For example, the Izumo Shrine in Shimane Prefecture is believed to have a Kami that helps strengthen marriages, and it is frequently visited by young married couples. Shrines dedicated to Kami believed to aid in learning are also visited by students and their parents.⁵⁸

In Shinto belief, death, injury, illness, menstrual blood, and childbirth are considered sources of pollution. To protect against this impurity, a white paper is hung on the Shinto altar in homes with a deceased person, and a warning notice is placed on the outer door of the house until the mourning period ends. During this time, the bereaved avoid visiting shrines to pray. Like death, childbirth is also considered an impure condition. Although the duration of this impurity period varies by region, it typically lasts for about 30 days, during which time the new mother and baby are expected to refrain from visiting shrines. The responsibility of praying to the Kami for the health of the mother and baby before and after birth is left to the grandmothers.⁵⁹

In Japanese society, where it is believed that humans have responsibilities toward the Kami and the Kami have responsibilities toward humans, people pray to the Kami for gratitude or purification from sins,

⁵⁶ G.A. Cobbold, *Religion in Japan: Shintoism—Buddhism—Christianity*, Society For Promoting Christian Knowledge, 1905, pp. 11-12.

⁵⁷ E.W. Clement, *A Handbook of Modern Japan*, A. C. McClurg and Co., 1913, p. 288.

⁵⁸ J. Hendry, *Understanding Japanese Society*, Routledge Taylor and Francis Group, 1995, p. 118.

⁵⁹ *Ibid*, pp. 119-35.

viewing the Kami as the source of abundance and peace. Worship of the Kami for reasons such as prosperity, abundance, well-being, happiness, health, and natural beauty has, over time, evolved into well-known festivals celebrated by the Japanese.⁶⁰

Festivals (Matsuri)

In Shinto festivals, the most important ones are those held at the palace with the emperor's priesthood. These rituals, performed to honour the ancestral Kami of the Japanese nation and the imperial family, aim to strengthen the emperor's political and divine authority.⁶¹ The palace rituals, which begin on January 1st with *Shihohai* (四方拝), continue throughout the year. During the Meiji period, a national festival calendar was established, focusing on the nation and the imperial palace. With the creation of this calendar, ceremonies that were previously held only at the palace began to spread throughout the nation, simultaneously observed at the palace, Ise Shrine, and other shrines. According to this calendar, the palace rituals conducted throughout the year are as follows.⁶²

The January 1 *Shihohai* (四方拝) is held in the palace garden at sunrise on the first day of the year. In the festival, which became widespread during the Heian period, the emperor wears a yellow oak-coloured robe and carries a scepter. On a screen set up in the eastern part of the palace garden, he prays on behalf of his country to the four directions of heaven and earth for peace, happiness, prosperity, and protection from evil spirits.⁶³

January 3 *Genshisai* (幻視祭) is the New Year festival celebrating the sacred origin of the imperial family. It is held simultaneously at three important imperial shrines, *Kashiko-dokoro* (賢所), *Korei-den* and *Shinden*. The festival is attended by members of the imperial family, high-ranking officials and nobles, who pray to ancestral spirits for the new year to bring happiness and prosperity.⁶⁴

January 5 *Shinnen enkaï* (新年会) is a banquet given to members of the court and foreign ambassadors in celebration of the New Year.⁶⁵

⁶⁰ S. Ōno, *Nihonjin no Kami*, Kawade Shobo Shinsha Co., 2014, pp. 33-35.

⁶¹ I. Noriyuki, *Shintō no Yukue, Matsuyamadaigaku Ronshū*, 31/1, 2019, p. 59.

⁶² H. Hardacre, *Shinto and the State, 1868-1988*, Princeton University Press, 1989, pp. 100-102.

⁶³ L.S. Ai, *Nihon no Heian Jidai ni Okeru (Shihōhai) no Gishiki ni tsuite, Chéng dà zōngjiào yǔ wén huà xué bào dì sì qī*, 2004, pp. 207-10.

⁶⁴ M. Toshio, *Revision of The National Holidays in Post-War Japan*, *Osaka University Law Review*. 4, 1957, p. 1.

⁶⁵ *Ibid*, pp. 1-2.

January 30 Komei Tennosai (孔明天王祭), a festival in memory of previous emperors.⁶⁶

February 3 Tenchosetsu (天長節)/ Tennō Tanjōbi (天皇誕生日) is a celebration of the Emperor's birthday, imported from China (Tang Dynasty) and involving the entire nation as of 1868.⁶⁷ Although celebrated since 1868, it was not until 1945 that the palace was opened to public visits. While the imperial family and high-ranking officials attend the ceremonies held inside the palace, the general public visit takes place in the east garden of the palace. The Emperor and his family greet the people from the balcony of the palace and make a speech. Today, the palace balcony used for this ceremony is covered with bulletproof glass as a precaution against any assassination attempt.⁶⁸

February 11 Kigensetsu (建国記念の日) is a festival to celebrate the founding of the Yamato Dynasty, the first Japanese state, by Emperor Jimmu in 660 BC. The festival was abolished by the occupation forces in 1948 after the war. After 1950, attempts to revive it by Shinto shrine priests, mayors of towns and villages, and conservative politicians resulted in 1966, and it began to be celebrated as National Foundation Day.⁶⁹

February 17 Kinensai (記念祭), when shrine priests offer rice to the Sun Goddess Amaterasu with prayers of gratitude for the year's harvest and wishes for a good year ahead.⁷⁰

The Spring Equinox Shunki Koreisai (春分の日) is a festival of praising nature, respecting living things, visiting parks and gardens, and going to cemeteries to remember and pray for ancestral spirits on March 20 or 21, when day and night are equalised. The date of the festival is determined according to the calendar guide published by the National Astronomical Observatory of Japan in February each year.⁷¹

⁶⁶ H. Hardacre, *Shinto and the State, 1868-1988*, Princeton University Press, 1989, pp. 100-102.

⁶⁷ K. Inoue, 1868 nen no Ten'nōtanjōbi no Shukusai Kindai Seiritsu-ki no Kokumin Tōgō ni Tsuite, *Shigakukenyukai Shirin* 72/3, 1989, p. 50.

⁶⁸ Kunaicho, The Imperial Household Agency, Ten'nōtanjōbi Shukuga. <https://www.kunaicho.go.jp/about/gokomu/kyuchu/sanga/shukugao2.html>

⁶⁹ A. Gordon, *A Modern History of Japan: From Tokugawa Times to the Present*, Oxford University Press, 2003, p. 287.

⁷⁰ J. Breen, and M. Teeuwen, *A New History of Shinto*, Wiley-Blackwell Publishing, 2010, p. 111.

⁷¹ Seifu Kōhō Onrain. Ashita no Kurashi o Wakari Yasuku, 2024-Nen no Shukujitsu wa? Shitte Sōde Shiranai “Kokumin no Shukujitsu” to Sono Shushi ya Ikisatsu, 2024. <https://www.gov-online.go.jp/useful/article/202112/3.html>

April 3 Jimmu Tennosai (神武天皇祭), the anniversary of the death of Emperor Jimmu.⁷²

The Autumnal Equinox Shuki Koreisai (秋分の日) can be explained as a day of respect for ancestors and remembrance of the deceased, held on September 22 or 23, when day and night are equalised. Its date is determined according to the calendar guide published by the National Astronomical Observatory of Japan in February each year.⁷³

October 17 is Kannamesai (神嘗祭), the presentation of the first fruits of the harvest by the emperor to the Kamis of Ise Jingu.⁷⁴

On November 23, Niinamesai (新嘗祭), the first fruits of the harvest are presented by the emperor to the Kamis and eaten by the emperor himself. In this context, Daijosai, the enthronement ceremony of the emperor, can be considered as the annual implementation of the ceremony. Kojiki and Nihonshoki, which are considered to be the oldest documents of Japanese history, are also important palace festivals with ancient origins and are said to have been first held by Amaterasu, the ancestor god of the Japanese.⁷⁵

Daijosai is a once-in-a-lifetime palace ritual that is not held annually but has been handed down since ancient times and is important for the emperor's once-in-a-lifetime accession to the throne. The ceremony takes place at the Daijogu Shrine in the East Garden of the Imperial Palace, where the emperor and his wife attend the ceremony in their special white kimono. Taking over the relics of the imperial family, the emperor expresses his gratitude by offering food to the Kamis and prays for the prosperity and happiness of his country. Originally the same as the Niiname festival, Daijosai became a different ritual in 673 during the reign of Emperor Tenmu.⁷⁶

Inspired by the court ritual Shihohai, the popular Hatsumōde (初詣) festival sees many people visiting shrines on the first days of the year (January 1-3) to pray for a healthy and happy year with their family or loved ones. Although ujigamis are the first choice of shrine, other shrines of

⁷² H. Hardacre, *Shinto and the State, 1868-1988*, Princeton University Press, 1989, pp. 100-102.

⁷³ Seifu Kōhō Onrain. Ashita no Kurashi o Wakari Yasuku, 2024-Nen no Shukujitsu wa? Shitte Sōde Shiranai “Kokumin no Shukujitsu” to Sono Shushi ya Ikisatsu, 2024. <https://www.gov-online.go.jp/useful/article/202112/3.html>

⁷⁴ M. Toshio, Revision of The National Holidays in Post-War Japan, *Osaka University Law Review*. 4, 1957, p. 2.

⁷⁵ K. Yasukawa, Mythology in Kojiki: A Medical Perspective, *Nihon Ishigaku Zasshi* 66/3, 2020, p. 7.

⁷⁶ Kunaicho, The Imperial Household Agency, Daijōsai ni tsuite. <https://www.kunaicho.go.jp/kunaicho/shiryō/tairei/gijishidai-011002.html>

revered deities are also visited.⁷⁷ In the ritual, in which long journeys are made to visit famous shrines, the previous year's wish amulets are given to shrine officials for burning, and new amulets are received.⁷⁸

The current festival calendar of 16 festivals was established in 1948. New Year's Day, National Foundation Day, the Emperor's Birthday, Spring and Autumnal Equinox Days are continued from the Meiji era calendar. In addition to these days, new festivals are added, such as Adult Day (second Monday in January), Showa Day (April 29), Constitution Day (May 3), Greenery Day (May 4), Children's Day (May 4), Sea Day (third Monday in July), Mountain Day (August 11), Respect for the Elderly Day (third Monday in September), Sports Day (second Monday in October), Culture Day (November 3) and Labour Appreciation Day (November 23). On these days, which are public holidays, people in search of freedom and peace give thanks and pray to the Kamis for the continuation of their traditions and for a better society.⁷⁹

In Japan, where different religions are intertwined, different religious practices are also seen in practices such as weddings and funerals. Although weddings performed in accordance with Shinto traditions are believed to put the marriage and the children to be born under the protection of the Kamis, there has been an increase in western-style weddings in the post-war period. This can be explained by the fact that Shinto shrines, deprived of state support, have increased their wedding fees or that western-style wedding attire is more popular among young people. Couples' religious beliefs do not play an active role in their choice of wedding. The reason for this is that marriages do not have a religious meaning in Japanese culture.⁸⁰

In modern Shinto-style weddings, the bride and groom wear a kimono. A heavy wig, a headscarf-like accessory, and white makeup complement the bride's outfit. After the pre-wedding photo shoot with the couple and their family members, the couple goes to the Shinto shrine located right next to the hall. At the shrine, the couple drinks from the goblets they exchange, prayers are recited, and offerings are made. Afterwards, the exchange of rings and the recitation of marriage vows, which are included in Shinto weddings inspired by western-style weddings, take place. After the shrine visit, the most important part of the wedding, the reception, begins. Western-style practices, such as the guests making speeches and the couple

⁷⁷ H. Takagi, *Kindai Tennōsei no Bunkashiteki Kenkyū-Tennō Shūnin Girei Nenchūgyōji Bunkazai, Azekurashobō*, 1997, pp. 235-37.

⁷⁸ B. Bocking, *A Popular Dictionary of Shinto*, Curzon Press, 2005, p. 38.

⁷⁹ Seifu Kōhō Onrain. *Ashita no Kurashi o Wakari Yasuku*, 2024-Nen no Shukujitsu wa? Shitte Sōde Shiranai "Kokumin no Shukujitsu" to Sono Shushi ya Ikisatsu, 2024. <https://www.gov-online.go.jp/useful/article/202112/3.html>

⁸⁰ K. Antoni, Religion and Commercialization: The Shinto Wedding Ritual (shinzenshiki) as an Invented Tradition in Japan, *Japanese Religions* 26/1, 2001, pp. 41-52.

cutting the cake, continue in this section. Changing clothes and returning to the hall, the couple lights the candles on the guests' tables and then the memorial candle on their own table. The reception lasts for two hours and ends with the couple presenting flowers to their parents and expressing their gratitude.⁸¹ Although there are differences between Shinto weddings, which are thought to have been blessed by the Kamis in ancient times with the offering of food and sake to the Kamis in Shinto shrines accompanied by priests and shrine maidens, purification and prayer practices, and Shinto ceremonies of the modern period, it is seen that the main roof remains the same.⁸² We can attribute the practice of both Western and Shinto-style traditions in many areas of social life, not only in weddings, to the Japanese understanding of freedom of religion.

The purest form of Shinto funeral rituals is seen in Ainu culture. The most distinctive feature of the ceremonies, which are different from today's Buddhist ceremonies, is the lighting of a large fire and prayers to the fire kami for the soul of the deceased. The deceased is dressed in clean clothes (white clothes are preferred as they are thought to represent purity) and placed close to the fire with his precious belongings. Rice cooked on the fire and sake are the altars of the ceremony. Food and drinks offered to the spirit of the deceased with fire kami are then distributed to the participants of the ceremony. The body is buried in the prepared grave with its belongings, and a wooden pole is erected instead of a gravestone to identify it as a grave. Ainu people, who do not have cemeteries, bury their dead at the foot of remote mountains. It is customary for men to shave their hair and beards and for women to shave their hair and wear a specially made headdress.⁸³ Shinto funerals, in which the spirits of the deceased are consecrated as guardian spirits and guardian Kamis (Kamis consecrated at local shrines), are not held in shrines. This is because death, like birth, is considered unclean in the Shinto faith.⁸⁴

The first influences of Buddhism on funeral rites are seen in the imperial family in the early 8th century. In 702, the funerals of Emperor Jito and then Emperor Junna in 840 were organised according to Buddhist traditions.⁸⁵ Funeral ceremonies, which were carried out with different

⁸¹ O.G. Gidoni, The Production of Tradition and Culture in the Japanese Wedding Enterprise, *Ethnos* 65/1, 2000, pp. 36-39.

⁸² K. Antoni, Religion and Commercialization: The Shinto Wedding Ritual (shinzenshiki) as an Invented Tradition in Japan, *Japanese Religions* 26/1, 2001, pp. 41-46.

⁸³ J. Batchelor, *The Ainu of Japan: The Religion, Superstitions and General History of The Hairy Aborigines of Japan*, Spottiswoode and Co., 1892, pp. 203-13.

⁸⁴ K. Hayashi, Gendai Shakai ni Okeru Sōgi, *Ogawa Kenji Zemi*, 2013, p. 149.

⁸⁵ J. Azuma, Nihon no Ō-ryō to Jukyō Bukkyō Shintō (Higashiajia no Shiten kara), *Shūen no Bunka Kōshō-gaku Shirizu* 3, *Kansaidagaku Bunka Kōshō-gaku Kyōiku Kenkyū Yoridokoro*, 2011, pp. 217-22.

practices within the country until the Meiji period, became a predominantly Buddhist practice with the Meiji period. However, the lack of adequate facilities for cremation in the country causes the old traditions to be continued from time to time.⁸⁶ By the Showa period, large numbers of people dying in war and a lack of space increased Buddhist funerals. It becomes common for funerals to be cremated and buried in a pot in the ground. With urbanisation and the migration of people to big cities, the older generation prefers to be buried near where their children live rather than in their hometowns, where it would be difficult for them to travel to pay their respects.⁸⁷

Today, different religions coexist in Japan, and people can believe in one or more religions of their choice. According to a 2018 survey conducted by the NHK Broadcasting Culture Research Institute, a member of the International Comparison Group (ISSP), Japanese people's religious beliefs are weakening. According to the survey, 62% of the respondents stated that they do not believe in any religion, although there are differences according to age groups.⁸⁸ Although according to the results of this survey, the majority of Japanese people state that they do not believe in religion, we cannot say this about Shinto, which is passed down unconsciously from ancestors through traditions and has become more of a culture than a religious belief. This is because Japanese people who say they have no religious beliefs participate in festivals shaped by Shinto beliefs throughout the year and respect ancestral spirits and the emperor, who is believed to come from a divine source.⁸⁹

Conclusion

Shintoism, which is often referred to as the old indigenous ethnic religion of Japan, has a history as old as the history of the Japanese islands and continues its existence until today with changes and innovations by interacting with different beliefs such as Buddhism, Confucianism, etc. over time. The belief, which has no founder, holy book or teachings, worships Kamis, who number in the millions and are believed to have superior characteristics. Shintoism, which survives through social rituals and traditions passed down from generation to generation, has become much more than a religious belief for Japanese society over time. Within the

⁸⁶ Chīsana o Sōshiki, Chiiki ni yotte Kotonaru Sōgi no Fūshū o Shōkai, 2024.

⁸⁷ N. Sharma, Perception of Life and Death in Japan, *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)* 20/8, 2015, p. 35.

⁸⁸ N. Kobayashi, Nihonjin no Shūkyō-teki Ishiki ya Kōdō wa Dō Kawatta ka, *Kokusai Hikaku Chōsa (Shūkyō) Nihon no Kekka kara, NHK Hōsō Kenkyū to Chōsa*, 2019, pp. 52-72.

⁸⁹ M. Shinya, Genzai Nihon no shūkyō ni Okeru Futatsu no Sokumen (Kanshū toshite no Sō kyō) (Kyōdan toshite no Shūkyō), *Bukkyo Shakai-gaku* dai 24-gō, 1999, pp. 73-76.

framework of this belief, festivals organised throughout the year, respect for ancestors, obedience to the emperor who is thought to have divine power, the concept of morality, purity of soul and body, etc. are the basic elements that provide national unity, keep the society together, and nourish tradition. In this context, it can be said that Shintoism is deeply rooted in the Japanese way of life and way of thinking and is deeply connected to Japan and the identity of the Japanese people. This religious structure, originating from a worship of nature, is the most important factor in shaping Japanese culture and ensuring cultural transmission. Although it is thought to have lost its importance and value within the framework of the religious freedom that prevailed in the country after the defeat in World War II, it continues to manifest itself in individuals' relations with nature, social rituals and general lifestyle.

This research reveals that Shintoism, which has clearly had a profound and lasting impact on Japanese culture, is not only a belief of the past, but continues to play an important role in contemporary Japan. It is understood that the common bonds between Japanese culture and ancient times have been preserved through this religious and cultural structure. As an important carrier of Japan's cultural continuity and identity, Shintoism forms a strong bridge between the past and the future. In this context, understanding the effects of Shintoism on Japanese social life and its reflections on daily practices is of great importance in terms of delving deeper into Japanese culture and discovering the dynamics that ensure the continuity of this culture. The profound impact of Shintoism on Japanese society reveals the uniqueness and resilience of this culture.

References:

Ai, L.S., (2004), "Nihon no Heian Jidai ni Okeru (Shihōhai) no Gishiki ni tsuite", *Chéng dà zōngjiào yǔ wén huà xué bào dì sì qī*, pp. 203-24.

Andaya, B.W., (2018), "Christianity in Asia", *Oxford Research Encyclopedia of Asian History*, 1-33,

<https://oxfordre.com/asianhistory/view/10.1093/acrefore/9780190277727.001.0001/acrefore-9780190277727-e-219>

Andreeva, A., (2017), *Assembling Shintō: Buddhist Approaches to Kami Worship in Medieval Japan*, Harvard University Press.

Anesaki, M., (1923), *History of Japanese Religion*, Charles E. Tuttle Company.

<https://archive.org/details/in.ernet.dli.2015.125609/page/n3/mode/2up>

Antoni, K., (2001), “Religion and Commercialization: The Shintō Wedding Ritual (shinzenshiki) as an Invented Tradition in Japan”, *Japanese Religions* 26/1, pp. 41-53.

Aston, W.G., (1907), *Shintō, The Ancient Religion of Japan*, A. Constable and Co.

Azuma, J., (2011), “Nihon no Ō-ryō to Jukyō Bukkyō Shintō (Higashiajia no Shiten kara)”, *Shūen no Bunka Kōshō-gaku Shirīzu* 3, *Kansaidaijaku Bunka Kōshō-gaku Kyōiku Kenkyū Yoritokoro*, pp. 217-22.

Batchelor, J., (1892), *The Ainu of Japan: The Religion, Superstitions and General History of The Hairy Aborigines of Japan*, Spottiswoode and Co.

Bocking, B., (2005), *A Popular Dictionary of Shintō*, Curzon Press.

Breen, J., and Teeuwen, M., (2010), *A New History of Shintō*, Wiley-Blackwell Publishing.

Chīsana o Sōshiki, (2024), Chiiki ni yotte Kotonaru Sōgi no Fūshū o Shōkai, <https://www.osohshiki.jp/column/article/021/>

Clement, E.W., (1913), *A Handbook of Modern Japan*, A.C. McClurg and Co.

Clements, J., (2017), *A Brief History of Japan*, Tuttle Publishing.

Cobbold, G.A., (1905), *Religion in Japan: Shintoism—Buddhism—Christianity*, Society For Promoting Christian Knowledge.

Deal, W.E., and B. Ruppert, (2015), *A Cultural History of Japanese Buddhism*, Wiley Blackwell.

Eberhard, W., (2019), *En Eski Devirlerden Zamanımıza Kadar Uzak Doğu Tarihi*, Türk Tarih Kurumu Yayınları.

Finegan, J., (1965), *The Archeology of World Religions III Shintō, Islam, Sikhism*, Oxford University Press.

Fukuhara, T., (1996), “Morigami Shinkō to shite no Satogami”, *Kokuritsu Rekishiminzokuhakubutsukan Kenkyū Hōkoku* dai 69-shū, pp. 241-68. <https://core.ac.uk/download/pdf/294896705.pdf>

Gidoni, O.G., (2000), “The Production of Tradition and Culture in the Japanese Wedding Enterprise”, *Ethnos* 65/1, pp. 33-55.

Gillan, J., (2022), Kamikaze – The Divine Winds that Saved Japan, <https://www.ancient-origins.net/ancient-places-asia/Kamikaze-001995>

Gordon, A., (2003), *A Modern History of Japan: From Tokugawa Times to the Present*, Oxford University Press.

Hardacre, H., (1989), *Shintō and the State, 1868-1988*, Princeton University Press.

Hayashi, K., (2015), “Gendai Shakai ni Okeru Sōgi”, *Ogawa Kenji Zemi*, pp. 148-56.

Hendry, J., (1995), *Understanding Japanese Society*, Routledge Taylor and Francis Group.

Ichigaya Kamegaoka Hachimangu, Shintō ni tsuite, Muromachi Chūsei e, <https://www.ichigayahachiman.or.jp/Şinto/Şinto2.html>

Ichigaya Kamegaoka Hachimangu, Shintō ni tsuite, Sengoku/ Edo/ Meijiishin, <https://www.ichigayahachiman.or.jp/Şinto/Şinto3.html>

Inoue, K., (1989), “1868 nen no Ten'nōtanjōbi no Shukusai Kindai Seiritsu-ki no Kokumin Tōgō ni Tsuite”, *Shigakukenyūkai Shirin* 72/3, pp. 47-89.

Irei, (2016), *Nihonjin no Seishin-sei*,

<https://www.jinjahoncho.or.jp/en/image/irei.pdf>

Itō, S., (2020), *Shintō to wa Nani ka*, Chūōkōron Shinsha.

Kenshuujo, J.H., (2015), *Wakariyasui Shintō no Rekishi*, Jinja Shinpōsha.

Kawabata, Y., (2010), “Chūsei Nihon no Mizu to Jinja Saishi”, *Bunka Kōshō ni yoru Hen'yō no Shosō*, pp. 99-122.

Kobayashi, T., (2019), “Nihonjin no Shūkyō-teki Ishiki ya Kōdō wa Dō Kawatta ka, Kokusai Hikaku Chōsa (Shūkyō) Nihon no Kekka kara”, *NHK Hōsō Kenkyū to Chōsa*, pp. 52-72.

Kunaicho, (2019), The Imperial Household Agency. Ten'nōtanjōbi Shukuga.

<https://www.kunaicho.go.jp/about/gokomu/kyuchu/sanga/shukugao2.html>

Kunaicho, (2019), The Imperial Household Agency. Daijōsai ni Tsuite. <https://www.kunaicho.go.jp/kunaicho/shiryō/tairei/gijishidai-011002.html>

Masao, F., (2011), “Bukkyō Minzoku-gaku to Sosen Sūhai ni Yosete”, *Hikaku Minzoku Kenkyū for Asian Folklore Studies*, 25, pp. 1-4.

Matsunosuke, N., (1997), *Edo Culture: Daily Life and Diversions in Urban Japan, 1600-1868*, Translated by: Gerald Groemer, University of Hawaii Press.

Meyer, L.M., (2004), *The Goryo Cult in Heian Period Japan: A Study in History, Religion, and Culture*, Senior Thesis, Boston University.

Meyer, M., (2015), *The Night Parade of One Hundred Demons a Field Guide to Japanese Yōkai*.

Mitsuhashi, T., (2019), *Shintō no Hon*, Seitōsha Co.

NHK. Heisei kara Reiwa e Shinjidai no Makuake, Daijōkyūnogi, https://www3.nhk.or.jp/news/special/japans-emperor6/articles/articles_ceremony_13.html

Nitobe, I., (2012), *Bushido The Soul of Japan*, Kodansha.

Noriyuki, I., (2019), *Shintō no Yukue*, *Matsuyamadaigaku Ronshū*, 31/1.

Onishi, H., (2009), “Wagakuni no Kokki to Kokka no Rekishiteki igi to Sono Hōteki Ichizuke”, *Kokusai Kōkyō Seisaku Kenkyū* 14 /1, ss. 77 – 90.

- Ono, S., (1962), *Shintō The Kami Way*, Tuttle Publishing Company.
- Ōno, S, (2014), *Nihonjin no Kami*, Kawade Shobo Shinsha Co.
- Picken, S. D. B., (1994), *Essentials of Shintō: An Analytical Guide to Principal Teachings*, Greenwood Press.
- Plutschow, H., and P.G. O'Neill, (1996), *Matsuri The Festivals of Japan*, Roudedge Taylor and Francis Group.
- Sakaguchi, R., (2019), “Hokkaidō Ainu no Kōshō Bungei ni Miru Inau no Reikon”, *Nihon Kōshō Bungei Gakuai*, 42, pp. 32-42.
- Seifu, Kōhō Onrain, (2024), Ashita no Kurashi o Wakari Yasuku, 2024-Nen no Shukujitsu wa? Shitte Sōde Shiranai “Kokumin no Shukujitsu” to Sono Shushi ya Ikisatsu
<https://www.gov-online.go.jp/useful/article/202112/3.html>
- Sharma, N., (2015), “Perception of Life and Death in Japan”, *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)* 20/8, pp. 30-42.
- Henshall, K. G., (2004), *A History of Japan: From Stone Age to Superpower*, Palgrave Macmillan.
- Shimada, H., (2022), *Nihonjin no Shintō*, Chikuma Shobo.
- Shinya, M., (1999), “Genzai Nihon no shūkyō ni Okeru Futatsu no Sokumen (Kanshū toshite no Sō kyō) (Kyōdan toshite no Shūkyō)”, *Bukkyo Shakai-gaku dai 24-gō*, pp. 73-87.
- Şenavcu, H.I., (2019), Japon Dinleri. Ş. Gündüz (Edt.), *Dünya Dinleri* (pp. 262-82). MilelNihal Yayınları.
- Takagi, H., (1997), Kindai Tennōsei no Bunkashiteki Kenkyū-Tennō Shūnin Girei Nenchūgyōji Bunkazai, *Azekurashobō*.
- Takemitsu, M., (2013), *Issatsu de Wakaru Shintō to Nihon Shinwa*, Kawade Shobo Shinsha Co.
- Toshio, M., (1957), “Revision of The National Holidays in Post-War Japan”, *Osaka University Law Review*. 4, pp. 1-25.
- Toshio, K., (1996), “The World of Spirit Pacification Issues of State and Religion”, *Japanese Journal of Religious Studies* 23/3-4, pp. 321-51.
<https://www.jstor.org/stable/30233577>
- Wakamatsu, N., (2010), *Zukai Nipponshi*, Seitosha.
- Watahiki, N., L. Gatan, C. Vlad, N. Hingarh, and S. Iqbal, (2024), “In-House Shrines in Japanese Corporations and Their Background,” *Analele Universităţii din Oradea, Seria Relaţii Internaţionale şi Studii Europene*, TOM XVI, pp. 199-217.
- Yamamoto, Y., (2016), “Mite wa naranai Kamigami no Hyōgen to Juyō-Nihon no Kamigami wa Dono yō ni Arawasarete Kita ka”, *Waseda Rilas Journal* 4, pp. 283-89.
- Yasukawa, K., (2020), “Mythology in Kojiki: A Medical Perspective”, *Nihon Ishigaku Zasshi* 66/3, pp. 267-83.