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CONTENTS

PHILOSOPHY AND POLITICAL SCIENCES

KNOWING DASEIN'S BEING-A-WHOLE THROUGH HEIDEGGER'S PHILOSOPHY OF DEATH AND ITS SARTRE'S CRITIQUE7
Muhammad Ateeq

ROMANIA'S DIPLOMATIC ACTIONS TOWARDS VIETNAM IN SEEKING OF A PEACEFUL SOLUTION FOR THE END OF THE WAR20
Nguyen The Ha,
Nguyen Minh Phuong

SEARCHING FOR PEACE AND HARMONY IN A POLYGAMOUS FAMILY: THE 1914 NIGERIAN AMALGAMATION HISTORICAL EXPERIENCE IN PERSPECTIVE.....34
Valentine Adetayo Inagbor

FEATURES OF INFORMATION WAR IN THE MEDIA SPACE IN THE CONDITIONS OF RUSSIAN AGGRESSION AGAINST..... 55
Oleg G. Danilyan,
Aleksander P. Dzeban,
Yevhen A. Hetman,
Yurii Yu. Kalynovskyi

JURIDICAL SCIENCES AND ECONOMICS

FREEDOM OF SELF-INCRIMINATION..... 72
Dinu Ostavciuc,
Tudor Osoianu

DEVELOPING THE CONCEPT OF SUSTAINABLE AGRICULTURE IN THE ECONOMY OF ROMANIA	97
Silvia Mazăre, Cristina Copăceanu	

FOREIGN LANGUAGES AND LITERATURES

THE ITINERANT PUPPETEERS OF JAPAN: WHAT KIND OF PROJECTION OF THE IMAGINARY IS THERE IN THE PUPPET THEATRE?	113
Rosa Isabella Furnari	

ENHANCING EFFECTIVE COMMUNICATION IN PUBLIC ADMINISTRATION: THE ROLE OF PHRASEOLOGICAL UNITS IN FOREIGN LANGUAGE LEARNING	127
Liudmyla Shanaieva-Tsymbol, Nataliia Yamnych	

INVESTIGATING NARRATIVE LEVELS: A NARRATOLOGICAL APPROACH TO KAMALA MARKANDAYA'S <i>A HANDFUL OF RICE</i>.....	136
Aruna Shukla, Anoop Kumar Tiwari	

COGNITIVE ASPECTS OF ENGLISH FISHERY TERMINOLOGY	152
Olena Syrotina, Yurii Rozhkov	

KNOWING DASEIN'S BEING-A-WHOLE THROUGH HEIDEGGER'S PHILOSOPHY OF DEATH AND ITS SARTRE'S CRITIQUE

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Abstract: Heidegger uses the term Dasein to refer to the ontological structure of man who exists as a being immersed in various modes of life situations, therefore how Dasein gets its individuality and unity is the central question of his thought. For Heidegger, the question of unity and individuality of Dasein is directly related to knowing Dasein's 'being-a-whole'. He inquires that Dasein as a 'being-in-the-world' always engages in a continuous determination of its own-self and never reaches its wholeness. 'Not yet' and 'yet to come' is the permanent state of the ontological structure of Dasein. So, knowing Dasein's 'being-a-whole' is a problem. As death breaks all of the possibilities of Dasein, we can say that at the moment of death, Dasein reaches its 'wholeness'. But the problem that Heidegger raises is that when Dasein gets 'wholeness' in the moment of death, it loses its 'being-in-the-world'. Therefore, it cannot grasp its 'wholeness'. He is of the view that although death as an end of life cannot be experienced by Dasein, Dasein due to its continuous feelings of a 'not yet' and 'yet to come' experiences that the moment 'now' is finite and its being is being-towards-the-end. As being-towards-the-end, Dasein anticipates death. This anticipation of death provides unity and wholeness to Dasein. Sartre regards this approach as mistaken. For Sartre, what truly represents being of man is that for which man is responsible. Man is not responsible for his death. He is responsible for his act of free determination. It truly represents man's 'beings-a-whole'. This paper focuses on an understanding of man as unity or 'being-a-whole' through Heidegger's apprehension of 'death' and Sartre's response. This paper highlights how the difference between Heidegger's and Sartre's understanding of death discloses their diversified approaches of understanding of unity and individuality of 'being-in-the-world'.

Keywords: Dasein, Being-in-the-world, Fallenness, Authenticity, Being-for-itself

Introduction

Heidegger uses the term Dasein to refer to the ontological structure of man. Dasein means 'being there' or 'being-in-the-world'. In order to

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explain the ontological structure of Dasein Heidegger focuses on various modes of existence of Dasein. His 'existential analytic' explores various modes of existence of Dasein. For Heidegger, the question of Dasein in itself is not a matter of exploration of its essence or fixed nature. Dasein's having different modes has no single or fixed essential attribute. Dasein is a being that is immersed in the world. Dasein is 'being-there' or 'being-in-the-world'.

As a 'being-in-the-world', Dasein lives with two different but connected modes of experiences. One is the experience of an anonymous self that takes things and concepts for granted. Such a self conceives concepts as they are usually understood. Second, is the experience of 'mineness' or individuality that prefers to utilize its own possibilities. In this mode of experience, the self takes his own perceptive of things and goes with his own decisions. According to Heidegger, the experience of 'mineness' promotes the authenticity of Dasein that continues to utilize its possibilities and encourages itself to make its future plans. Therefore, in Dasein there is always a future plan to be implemented; there is always something still to be settled. The future remains open for Dasein to explore new possibilities and thus Heidegger says that there is always a 'lack of totality' in Dasein's life. So as long as Dasein exists as a 'being-in-the-world', it never reaches to its wholeness. 'Not yet' and 'yet to come' is the permanent phase of the life of Dasein that finds itself in the moment 'now'. As death breaks all of the possibilities of Dasein, we can say that at the moment of death, Dasein reaches its 'wholeness'. But the problem that Heidegger raises here is that when Dasein gets 'wholeness' in the moment of death, it loses his 'being-in-the-world'. Therefore, it cannot grasp or realize its 'wholeness'. Heidegger believes that the understanding of the 'wholeness' of Dasein requires a proper analysis of the concept of death. Heidegger regards death as a phenomenon of life that grants unity and wholeness to Dasein. He is of the view that although death as an end of life cannot be experienced by Dasein, Dasein due to its permanent feelings of a 'not yet' and 'yet to come' experiences that the moment 'now' is finite and thus its being is being-towards-the-end. As being-towards-the-end, Dasein anticipates death. Although Sartre agrees with Heidegger that man is 'being-in-the-world', he criticizes Heidegger's approach towards the notion of death and argues that death cannot be part of Dasein's life. For Sartre, death is absurd and external to Dasein. Death breaks Dasein. Dasein faces death accidentally and it is an unknowable limit. There is no intrinsic value in death that can provide unity to Dasein. For Sartre, death is external to man. It cannot provide unity to man. What represents the being of man is that for which man is responsible. Man is responsible for his act of free determination. For Sartre, the act of free determination truly represents

man's 'beings-a-whole'. This paper aims at an exploration of man as unity or being-a-whole through Heidegger's apprehension of 'death' and Sartre's response. Finally, this paper highlights how the difference between Heidegger's and Sartre's apprehension of death discloses their diversified approaches to the understanding of unity and individuality of 'being-in-the-world'.

Dasein as Being-in-the-world

Heidegger conceives Dasein as 'being-in-the-world'. He explicates that Dasein always finds itself in the totality of objects of the world and in the crowd of others. Dasein is totally immersed in the world. What Heidegger believes is that the ontological inquiry of human beings cannot be conceived without his ontological relation with the world. World is Dasein's home where it dwells. For this mode of existence of Dasein, Heidegger uses the term 'fallenness'.¹ According to Heidegger, in the 'fallenness,' Dasein lives with 'they-self'. It is an anonymous or inauthentic self. In a sense, 'they-self' is a self of everydayness for the reason that it conceptualizes things as they are usually conceived.² Here subject surrenders itself before general or universal understanding of things. This inauthenticity creates anonymity or loss of personal self. At some stage in the absorption in the crowd of others, an individual becomes aware that sometimes he is forced to take difficult decisions and dictated responsibilities. Therefore, the counter feeling of 'individuality' or 'mineness' is also revealed upon Dasein in the mode of 'fallenness' as Jack Reynolds describes in his *Understanding Existentialism*.³

'Mineness' shows the way to Dasein, to utilize his possibilities and encourages him to take his own decision based on the recognition of his own subjective insight. Heidegger explicates that with the disclosure of 'mineness' Dasein begins to live an authentic life. In authenticity, it drops over concepts, understandings and plans which are imposed upon him and sets his own prospects. In a sense, in an authentic mode of existence, Dasein becomes the author of his own character as Golomb explains in his *In Search of Authenticity*.⁴ As at any moment of Dasein's life there are always possibilities for improvement and revision in his prospect of life, therefore during the passage of time the prospect of his living or existence undergoes a change. That is why Heidegger infers that there is always a future plan to be implemented and there is always something still to be

¹ Martin Heidegger, *Being and Time*. Translated by John Macquarrie & Edward Robinson. Oxford: Blackwell, 2001, p. 220

² Ibid., p. 167

³ Jack Reynolds, *Understanding Existentialism*. Chesham: Acumen, 2006, p. 37

⁴ Jacob Golomb, (2005). *In Search of Authenticity*. London: Routledge, 2005, p. 76

settled in Dasein's life. He is of the view that there is always a 'lack of totality' in Dasein's life.⁵ This 'lack of totality' can never allow Dasein to understand his 'wholeness'.

It is fair to say that Dasein reaches its 'wholeness' at the moment when his possibilities exhaust. Theoretically, death is the moment where all of Dasein's possibilities exhaust and thus it reaches his 'wholeness'. But the problem that Heidegger raises here is that as long as Dasein exists as a 'being-in-the-world', it never reaches to his wholeness because there is always 'yet to come' in its life. But when Dasein gets 'wholeness' in the moment of death, it loses his 'being-in-the-world'.⁶ Therefore, it cannot grasp or realize its 'wholeness'.

Here one may argue that we can grasp the wholeness of Dasein through the experience of the death of another human. But Heidegger responds that however in the case of the death of other humans, we suffer the loss of our fellow being. But we have no way of access to the loss which dying man suffers. For Heidegger, death is the loss of being of a dying man that can never be experienced by others.⁷ Moreover, as death apparently is a 'totality of someone', so it cannot be merely an event external to someone. It cannot be experienced like an event. In other words, death is ontologically constituted by one's existence and thus it is not an event but a phenomenon as Solomon explained.⁸ For Heidegger, death is always personal or one's 'own'. Consequently, the 'wholeness' of Dasein cannot be conceived by the analysis of others' death.⁹ The question that arises here is that if one loses his being in the moment of death and the experience of the death of others can never yield what death is, then what would be the criterion of understanding of 'wholeness' of Dasein?

Heidegger's analysis of the 'wholeness' of Dasein

Although Heidegger regards death as a key for the understanding of the 'wholeness' or 'totality' of Dasein, he is of the view that death cannot be understood by mere analysis of death from ordinary conception of death i.e. death as the 'end' of life. For Heidegger, the understanding of 'death' requires an ontological analysis of Dasein's being. What Heidegger means by ontological analysis of Dasein is to explore the modes of human existence as 'being-in-the-world'. Therefore, Heidegger regards death as a

⁵ Martin Heidegger, *Being and Time*. Translated by John Macquarrie & Edward Robinson. Oxford: Blackwell, 2001, p. 286

⁶ *Ibid.*, p. 280

⁷ *Ibid.*, p. 282

⁸ Robert C. Solomon, *Existentialism*. New York: Oxford, 2005, p. 141

⁹ Martin Heidegger, *Being and Time*. Translated by John Macquarrie & Edward Robinson. Oxford: Blackwell, 2001, p. 284

phenomenon of life rather than the end of life. He conceptualizes death as the phenomenon that shows the ‘wholeness’ of Dasein.¹⁰

In order to explain how death shows the ‘wholeness’ of Dasein Heidegger first explains the distinction between inauthentic and authentic apprehension of death. The inauthentic apprehension of death is the consideration of death as something that is external to Dasein. It is from the point of view of ‘everydayness’ or what ‘they-self’ usually conceive it.¹¹ While authentic apprehension of death is the consideration of death from the point of view of ‘mineness’. In authentic apprehension of death, Dasein takes death as something its ‘own’ possibility based on his subjective insight. Heidegger emphasizes the realization of death in the authentic mode of existence.

Inauthentic and Authentic Apprehension of Death

Heidegger prefers an authentic mode of existence. As in ‘authenticity’ one recognizes ‘mineness’ and drops away ‘everyday’ or ordinary use of concepts, therefore Heidegger advocates discarding the ordinary concept of death. He is reluctant to go for the ordinary concept of death as the ordinary concept of death depicts death as merely a future or external possibility and does not conceive death as Dasein’s own possibility. The apprehension of a concept that is not based on ‘mineness’, is an ‘inauthentic’ apprehension of the concept for Heidegger. In order to elaborate Heidegger’s position regarding inauthentic apprehension of death, Reynolds explains that ‘indifference’ and ‘Fear’ are two modes of inauthentic apprehension of death.¹² As far as the mode of ‘indifference’ is concerned, Reynolds explains that one can be indifferent to death in two ways. The first is that no one can experience his own death, but only the death of others. So, there is no need to be anxious about death as Epicurus believes. Epicurus, in his ‘no subject argument’ points out that where I exist, death is not there and where death exists, I am not there.¹³ For Epicurus, as death is not an event in human life, so one should be indifferent to death. One can be indifferent to death in another way that is as we all have to die biologically, so there is no need to worry about it. Heidegger argues that both of these views are based upon the idea that my death is similar to the death of others. This apprehension of death is not authentic as in this case death is not understood as it really belongs to one’s own.¹⁴ This view is abstract and does not belong to ‘mineness’. It is

¹⁰ Ibid., p. 290

¹¹ Ibid., p. 303

¹² Jack Reynolds, *Understanding Existentialism*. Chesham: Acumen, 2006, p. 41

¹³ Ibid., p. 41

¹⁴ Ibid., p. 42

based on 'everydayness' or on ordinary life. It is inauthentic apprehension of death that is not able to understand what really one's death is.

For Heidegger, understanding death through Fear of death is also inauthentic apprehension of death. It is said that we can no more be indifferent to death as we see in 'everydayness' that illness and old age has a relation with death and thus our illness and old age indulge us in fear of death. In this way 'fear of death' is the most common apprehension of death for the common man. Although in 'fear' one focuses on his 'own demise', Heidegger regards it as inauthentic for the reason that this apprehension is empirical. Reynolds explains Heidegger's position that 'Fear' treats death as an empirical reality or as a future possibility rather than one's 'own' possibility.¹⁵ What Heidegger clarifies here is that an empirical phenomenon is always external to one's self. Such a kind of death is just a future external possibility. It is not part of one's life as what we fear is always fear of the external object. Such kind of apprehension of death does not recognize death as one's own possibility. It treats death as an external event.

As far as authentic apprehension of death is concerned, Heidegger makes clear that in this mode of apprehension, one becomes conscious that death is part of his life. In this case, Dasein conceives death as its 'own' possibility rather than an external incident.¹⁶ But this is quite strange to claim that death is part of life because no one can experience it in his life. Reynolds explains this point that one can say that he is heading towards his wedding day because it is possible that he will actualize this day in his life. But he cannot say that he is heading towards death since it is impossible that he will actualize it in his life.¹⁷ So, it is fairly asked how death can be conceived as a part of life or subjectivity. Heidegger resolves this problem. He argues that death is part of life in the sense that Dasein experiences it in 'now' or in present. As we have seen that Dasein due to its permanent feelings of a 'not yet' and 'yet to come' experiences that the moment 'now' is finite and thus its being is being-towards-the-end. As being-towards-the-end, Dasein anticipates death. Reynolds explains that Dasein is the only being who has the sense that its present is finite. This inner sense of 'finitude' of the present constitutes the future possibility of death. He critically examines Epicurean 'no subject argument' that ultimately encourages the subject to deny his own death and to remain indifferent to it. Heidegger notices the influences of Epicurean 'no subject argument' on Western philosophy that avoids understanding death from

¹⁵ Ibid., p. 42

¹⁶ Martin Heidegger, *Being and Time*. Translated by John Macquarrie & Edward Robinson. Oxford: Blackwell, 2001, p. 304

¹⁷ Jack Reynolds, *Understanding Existentialism*. Chesham: Acumen, 2006, p. 42

the point of view of the subject's own death and merely focuses on the understanding of the death of others.¹⁸ Heidegger argues that Dasein knows that it is heading towards his death because its present or 'now' will not go forever as Reynolds clarifies Heidegger's argument.¹⁹

Heidegger is of the view that as one has his own feeling of finitude, therefore he should regard death as his 'own' possibility rather than an external accident. In this way, he apprehends death authentically. That is the way how Heidegger regards 'death' as an internal possibility of Dasein and shows how human can authentically say that it is 'being-towards-death'.²⁰ For Heidegger, the proper 'sense of death' is what is subjective or personal rather than what is empirical or objective. The empirical and objective meanings of death are irrelevant as they belong to the public. In the public or objective sense death is regarded as an external incident. The death of Dasein is not a public phenomenon as the death of Dasein arises in it because of a sense of its finitude. It is personal or its 'own' possibility.

Death as unity to life

Death as one's 'own' possibility is important for Heidegger for the reason that it is not only one's own but also 'ownmost'. Heidegger argues that death is Dasein's 'ownmost' possibility as Dasein cannot outdo it.²¹ What Heidegger explains here is that all other possibilities of Dasein are a matter of its will or choices but death is a possibility that cannot be surpassed. He says that death as Dasein's 'ownmost' possibility provides unity to Dasein and meaning to its life. For him, the meaning of life is by virtue of one's sense of finitude. He explains that the authentic sense of 'being-towards-death' enables us to talk about the whole perspective of life. We act in the present for the future because we know our finitude. Due to this sense of finitude, we set future goals and pursue certain ends.²²

What Heidegger emphasizes is that death as the inner sense of 'finitude' or mortality leads Dasein to choose authentic life and to take responsibility. Authentic life sets its own prospect of life and relies on the personal decision rather than impersonal or dictated decisions. Thus Heidegger infers that death is an 'existential structure' that properly defines one's subjectivity.²³ It ultimately constitutes the firmness of

¹⁸ Ibid., p. 41

¹⁹ Ibid., p. 43

²⁰ Martin Heidegger, *Being and Time*. Translated by John Macquarrie & Edward Robinson. Oxford: Blackwell, 2001, p. 304

²¹ Ibid., p. 294

²² ²² Jack Reynolds, *Understanding Existentialism*. Chesham: Acumen, 2006, p. 43

²³ Martin Heidegger, *Being and Time*. Translated by John Macquarrie & Edward Robinson. Oxford: Blackwell, 2001, pp. 306-7

character that is the ‘resoluteness’ of man as Heidegger describes.²⁴ Here, Dasein recognizes its ‘mineness’ and takes responsibility during the challenges of its life. In this way, authentic apprehension of death grants wholeness and individuality to Dasein. All other concepts of death are inauthentic for Heidegger. Inauthentic apprehension of death leads one to opt for granted or dictated prospects of life such as ‘immortality’ or ‘salvation’. ‘Infinite’ or immortality is a matter of inauthenticity for Heidegger as Reynolds explains.²⁵ Here, Dasein loses its ‘mineness’ and individuality and lives with ‘they-self’. Here, Dasein does not take responsibility during the challenges of his life.

For Heidegger, our realization that we are ‘being-towards-death’ is not simply an expectation of death. The true realization of ‘being-towards-death’ is the anticipation of death. Heidegger explains that as death is not external to us so we should not expect death as what one expects is always an external event or external relation. On the contrary, what one anticipates is something his ‘ownmost’ and “ownmost” does not require any external relation. So, we should anticipate death. What Heidegger concludes here is that the anticipation of death enables one to overcome ‘they-self’ and to realize ‘mineness’. It discloses our authentic existence.²⁶ The nutshell of Heidegger’s understanding of death is that our anticipation of death can make us an authentic subject with wholeness and integrity of life. In this way death individualizes us. Death is not something that breaks us. It completes us.²⁷

Moreover, the anticipation of death ultimately leads Dasein to endorse that death as one’s ‘ownmost’ possibility is not shareable. Reynolds better explains this point. He explicates that in the Heideggerian system of thought one cannot authentically say that we all have to die. But one can authentically say that he must die because he has a direct feeling or experience of his ‘finitude’. Death is a possibility. But this possibility is different to all possibilities. The possibility of death is inevitable or certain while other possibilities are not. Thus, Reynolds elaborates on Heidegger’s apprehension of death that the realization that ‘I must die’ is the realization that no one else dies for me. This realization entails a way of comprehending oneself as an individual.²⁸

²⁴ Ibid., p. 278

²⁵ Jack Reynolds, *Understanding Existentialism*. Chesham: Acumen, 2006, p. 43

²⁶ Martin Heidegger, *Being and Time*. Translated by John Macquarrie & Edward Robinson. Oxford: Blackwell, 2001, pp. 307-11

²⁷ Jack Reynolds, *Understanding Existentialism*. Chesham: Acumen, 2006, p. 44

²⁸ Ibid., p. 45

Sartre's Analysis of the Question of 'Death'

In his *Being and Nothingness*, Sartre analyzes Heidegger's question of death. In his first line of arguments, he shows how Heidegger's idea that "death individualizes us" is misleading.²⁹ We have seen that Heidegger has been of the view that death individualizes us because no one else can die for us. Sartre examines this idea and argues that death has no unique character on the basis of which one must conclude that it individualizes him. There are many other things for which we can claim that they individualize us. One can also claim that his feeling of love individualizes him since no one else loves for him. What Sartre wants to explicate here is that this sort of envision of 'individuality' is 'subjectivism' that holds that my possibilities cannot be the possibility of others. Our 'presupposed individuality' claims that death is mine. Death cannot characterize my individuality. On the contrary, as far as the functions of our actions are concerned, Sartre believes that others can do what I do. If love is to provide happiness, others can provide love in place of me. Even others can die for me. So, Sartre concludes that there is no personalizing virtue that is peculiar to one's death.³⁰ In order to elaborate on Sartre's position Reynolds explains that Heidegger's argument that "death is personal so it individualizes us" is problematic because it is tautological. What is supposed to be personal can also be supposed as individuating us. The real question is that how can we prove that something is personal or mine? Thus, death does not have any special significance that individualizes us.³¹

In his second line of arguments, Sartre criticizes Heidegger's suggestion that 'we should anticipate death'. For Sartre, Death is not something that we can foresee or can wait for it.³² What Sartre wants to say here is that we can only wait for a determined event; for instance, we can wait for the arrival of a train. The process of arrival of a train or others 'determined events' comprise proper steps that can be known or traced out. Thus, it is fair to say that we can expect the arrival of the train at a specific time or even the reason for its delay. But the arrival of death cannot be known in the same manner. For this reason, Sartre claims that 'death' cannot be foreseen for any date. It cannot be waited for.³³

Sartre argues that since death is an undetermined event, therefore it is absurd to say that we are waiting for death. If someone expects that his

²⁹ Jean Paul Sartre, *Being and Nothingness*. Translated by Hazel. E. Barnes. Washington: WSP, 1956, p. 533

³⁰ *Ibid.*, p. 534

³¹ Jack Reynolds, *Understanding Existentialism*. Chesham: Acumen, 2006, p. 85

³² Jean Paul Sartre, *Being and Nothingness*. Translated by Hazel. E. Barnes. Washington: WSP, 1956, p. 535

³³ *Ibid.*, p. 536

death is closer to him because of his old age or disease or the order of his execution on a specific day and time, then it may be possible that chance of death will be removed for so many reasons. Moreover, in the case of a young and healthy man who generally does not expect his death, there is always a chance of sudden and accidental death. Therefore, for Sartre whatever feelings about a death we have, it cannot be foreseen. Even in old age if someone feels his finitude and death, he feels it in blindly or in bad faith.³⁴

Here we can say that for Sartre death is not one's 'ownmost' possibility. The idea of death as an 'Ownmost possibility' rests on Heidegger's belief that death is part of 'one's own situation'. As we have seen, Heidegger believes that we have an inner sense of finitude of the present. Our inner feeling of finitude creates the sense that we are being-towards-death. It leads Heidegger to conclude that death is our ontological part. But for Sartre, one's feelings about his finitude and his death are two different things. One's sense of finitude can be an object for phenomenological investigation but his death cannot be an object of his experience. Death can only be a matter of phenomenological investigation if it is the death of the other rather than his own.³⁵ So, it is mistaken to make a connection between death and finitude. Sartre does not accept that death is part of one's own situation. In other words, as Natanson explains, Sartre rejects Heidegger's thesis that one's death may become a phenomenon in his experience.³⁶ According to Sartre, there is no ground to establish that death is an ontological part of our being. If someone thinks that death is internal to him, he lies to himself, as Reynolds explains.³⁷

Sartre believes that human is the being who negates his situation and always lays claim to an 'after'. So, there is no 'end' in humans. Sartre uses the term 'being-for-itself' for such a being. As there is no 'end' in 'being-for-itself', therefore Sartre conceives that there is no place for death in humans.³⁸ He does not regard death as a part of the human existential structure. In order to clarify Sartre's position Reynolds explains that 'being-for-itself' negates his entire situation through the act of radical freedom. As death cannot be foreseen, therefore it cannot be negated. It is not a part of the human situation and consequently, it is not a concern of human consciousness. What Sartre highlights is that Heidegger's recognition that "man is being-toward-death" is impossibility. He believes

³⁴ Ibid., p. 536

³⁵ Maurice Natanson, "Death and Situation", *American Imago*, Vol. 16, No. 4, 1959, p. 447

³⁶ Ibid., p. 448

³⁷ Jack Reynolds, *Understanding Existentialism*. Chesham: Acumen, 2006, p. 86

³⁸ Jean Paul Sartre, *Being and Nothingness*. Translated by Hazel. E. Barnes. Washington: WSP, 1956, p. 540

that death is an unknowable limit. It is not a part of the ontological structure of man.³⁹

Free Determination and Meaning of life

As we have seen that Heidegger considers death as a source of unity and individuality of man that represents his whole life. Sartre criticizes this approach. His argument is that as death is an accident that occurs by a matter of chance, therefore death being an 'end' is an absurdity of life. For Sartre, this absurdity cannot be one's 'ownmost' possibility. It is the nihilation of all his possibilities. Such an absurd thing cannot be a source or value for entire life. He makes clear that death is a matter of chance; therefore, it is not like a final note of a melody that explains all that proceeds. Death cannot give meaning to life.⁴⁰ Moreover, as death is something external to human life and man is not responsible for it so it cannot give meaning to life. Authentic meaning can only be derived from that for which we are responsible as Kaufmann explained.⁴¹

In order to explain human individuality and life Sartre regards human's act of 'free determination' as uttermost important. Reynolds explains Sartre's point that ontologically we are reacting being. Our consciousness functions through negation. Our 'facticity' or situation where we are found ourselves is negated by us. We constantly deny our present and set future goals by our free thinking or free act. This is the 'free being' for which Sartre uses the term 'being-for-itself'.⁴² Our free thinking and free acts give value or meaning to life. Here we can say that what is not chosen freely cannot give value or meaning. Death is not our 'free determination', so it cannot give meaning to life.

According to Sartre, what completes our life is nothing but our possibilities or our free acts. Our free acts are our own-possibilities. Our free acts can give meaning to life. He clarifies that death is not one's possibility. It always comes from outside. It cannot give value or meanings to life. What can give meaning or value to life must be from the inside. Meaning can only come from subjectivity.⁴³ Moreover, Sartre argues that as death is not one's own possibility and it comes accidentally, therefore it can remove meaning or value from life that arises from inside. He explains that man always sets future goals and waits for great results. He links the

³⁹ Jack Reynolds, *Understanding Existentialism*. Chesham: Acumen, 2006, p. 84

⁴⁰ Jean Paul Sartre, *Being and Nothingness*. Translated by Hazel. E. Barnes. Washington: WSP, 1956, p. 537

⁴¹ Walter Kaufmann, "Existentialism and Death", *Chicago Review*, Vol. 13, No. 2, 1959, pp. 87-88

⁴² Jack Reynolds, *Understanding Existentialism*. Chesham: Acumen, 2006, p. 58

⁴³ Jean Paul Sartre, *Being and Nothingness*. Translated by Hazel. E. Barnes. Washington: WSP, 1956, p. 539

meaning and value of life to his achievements. In this way, his future gives value to his life. But what can interrupt his possibilities and the future value of his life is his death. In addition, death is absurd for Sartre in one more way. Death sticks up all opportunities to correct our personal mistakes and chances to rebuild our life as Sigrist explains in elucidating Sartre's position.⁴⁴ If our life continues, we can learn from our mistakes and so we can make our life better. But death breaks up future possibilities and ceases opportunity from our life. In this way, all possible values of life fall suddenly into the absurd and thus death can remove meaning from life as Sartre believes.⁴⁵ What Sartre believes is that death is external to us. It cannot give meaning to life. It is the cause of the removal of all possibilities, values and meaning of one's life. As death is not part of us, therefore indifference with respect to death is the perfect attitude for Sartre.⁴⁶ Sartre's position is somehow similar to Epicurus who believes that no subject can experience death so we should be indifferent to death as Reynolds explains Sartre's position regarding death.⁴⁷

Conclusion

Although Heidegger and Sartre both explore the ontological structure of man by considering man as 'being-in-the-world', they have opposite views about the significance of death for 'being-in-the-world'. Heidegger believes that death plays a significant role for man as the sense of death leads him to set the prospect of his whole life. For him, death is somehow a part of life and man anticipates death. While Sartre believes that death is an absurdity because it interrupts man's future possibilities and his free determination. For him, death is not part of life in any sense and man does not anticipate death. The difference between Heidegger's and Sartre's concept of death reflects their diversified approaches to understanding 'being-in-the-world'. For Heidegger, the sense of finitude is important for understanding Dasein as a 'being-in-the-world' because the sense of finitude enables Dasein to live an authentic life. It provides unity or wholeness to Dasein. Thus, we can conclude that for knowing Dasein's 'being-a-whole' the understanding of man as 'being-towards-death' is crucial for Heidegger. While for Sartre, 'negation' is important for the understanding of man as 'being-in-the-world' because negation is the source of man's act of free determination. Sartre regards 'facticity' as the

⁴⁴ Micheal J. Sigrist, "Death and meaning of life", *Philosophical papers*, Vol 44 No.1, 2015, pp. 96

⁴⁵ Jean Paul Sartre, *Being and Nothingness*. Translated by Hazel. E. Barnes. Washington: WSP, 1956, p. 540

⁴⁶ *Ibid.*, p. 542

⁴⁷ Jack Reynolds, *Understanding Existentialism*. Chesham: Acumen, 2006, p. 86

hindrance in human life that humans can cross over by an 'act of free determination'. For Sartre, 'free determination' constitutes our prospect, value and meaning of life. Death terminates man's 'act of free determination'. It is not an ontological part of man as it is not a situation in his life; it is the end of life. Thus, for Sartre, man as 'being-in-the world' can live an authentic life if he remains indifferent to death. As the being that constantly negates its situation and has no 'end' is the 'being-for-itself' in Sartre, therefore we can conclude that for the knowing Dasein's being-a-whole 'the understanding of man as 'being-for-itself' is fundamental for Sartre.

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ROMANIA'S DIPLOMATIC ACTIONS TOWARDS VIETNAM IN SEEKING OF A PEACEFUL SOLUTION FOR THE END OF THE WAR

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Abstract: *In the process of reaching the Paris Agreement to end the war in Vietnam, Romania was perceived as a third party with many diplomatic efforts to find a solution to end the war by political means. However, up to now, this content has not received much attention from researchers. Through the available materials, we are pleased to research this content. To achieve the research objectives set out, we have used historical methods, logical methods, synthesis methods and analysis methods of sources, then compare to conclusions. This article will clarify the following issues: First, the influencing factors leading to Romania's diplomatic activities towards Vietnam. Second, Romania's efforts in contact activities with Vietnam. Finally, assessing Romania's role in the progress of the 1973 Paris Agreement. The research results will be an important document to help researchers to better assess Romania's role in ending the Vietnam War. At the same time, the article is an essential reference for those who are interested in this historical issue.*

Keywords: *Romanian diplomacy; Vietnam War; Third-party; Diplomatic efforts; Peaceful solution.*

Introduction

The Paris Conference on Peace in Vietnam was a lengthy and intense negotiation among the parties involved. During 4 years, 8 months and 20 days, it was interrupted many times due to conflicts between related parties. It was a very tense struggle in Vietnam in the field of diplomacy, along with the struggle on the military front, to seek real peace. With that process, Romania is known as an intermediary with many active diplomatic activities for both parties involved, including Vietnam.

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Diplomatic contacts between Romanian leaders and Vietnamese representatives took place continuously from 1965 to 1972, the goal of those diplomatic activities was to push Vietnam to accept a sit-down with the United States to jointly dialogue to find a peaceful solution to the war of aggression waged by the United States in Vietnam. However, with the actual military operations of the United States and the Saigon government in Vietnam, it created a big barrier to finding a political way out of the war. Therefore, the diplomatic activities of Romania have not achieved a clear result as in their stated goal. However, there are also certain effects in contributing to changing the attitudes of the United States and Vietnam at some specific points in the process of coming to the Paris peace negotiations.

Factors leading to Romania's diplomatic activities towards Vietnam

Firstly, the good relationship between Vietnam and Romania. Romania was one of the first countries in the world to recognize the independence of Vietnam. After September 9, 1945 when Vietnam declared independence, President Ho Chi Minh intensified diplomatic activities to seek recognition of the international community for Vietnam's independence. First, he sent a letter requesting that “the Charter of the United Nations must respect the independence of other nations. The United Nations is responsible for the implementation of this charter. We look forward to the United Nations to fulfil its mission.”¹

After the fact that the People's Republic of China was born on October 1, 1949, connecting the road from Vietnam to the Soviet Union and the socialist countries of Eastern Europe through China. In 1950, President Ho Chi Minh started diplomatic activities in Eastern European countries. On January 14, 1950, he declared that “The Government of the Democratic Republic of Vietnam is the only legitimate government of the entire Vietnamese people. The Government of the Democratic Republic of Vietnam is ready to establish diplomatic relations with any government that respects the equal rights, territorial sovereignty and national sovereignty of Vietnam, for peace and mutual construction of world democracy”². The diplomatic activities of President Ho Chi Minh quickly achieved results, on January 18, 1950, China recognized the legitimate government of the Democratic Republic of Vietnam. This is a necessary and sufficient condition for Vietnam to continue its long-standing diplomatic activities and establish relations with socialist countries in Eastern Europe. Some of these countries had recognized Viet Nam as a

¹ Ho Chi Minh, *Complete Works*, National Political Publishing House, 2002, p. 1356.

² Ibid.

new country, and the efforts of President Ho Chi Minh have achieved good results. Romania recognized Vietnam's independence on February 3, 1950, and diplomatic relations between the two countries were officially established. The friendship between the two countries is the first foundation for Romania, along with its efforts in diplomatic connections, to seek a peaceful solution to the Vietnam War on the principle of respecting Vietnam's right to self-determination.

Secondly, Romania's foreign policy and objectives are also an important basis for promoting Romania's diplomatic activities toward Vietnam, in the 60s of the twentieth century, to expand relations with capitalist countries, including the United States. During a meeting with the Vietnamese delegation in 1966, Prime Minister Gheorghe Maurer said: "A few years ago, we proposed improving relations with the United States, to achieve this goal, a Romanian delegation went to Washington and signed an agreement to promote and develop economic and cultural relations"³. The interest in the issue of the Vietnam War is first of all to influence the United States to develop its relationship with this country in the future. At the same time, through these efforts, Romania wants to affirm its role towards the socialist countries, especially in the context that Romania is tending to be independent of the Soviet Union.

Thirdly, the relationship between Romania and the United States is an important factor in facilitating Romania's diplomatic activities as a third party. In the 60s, in the diplomatic relations of Romania began to build economic relations with capitalist countries, including the United States, this is one of the reasons why Romania had conflicts. dialogue with the Vietnamese on moving towards ending the war with a peaceful resolution. Because, Romania at this time is seen as a third party acting as a bridge between the United States and Vietnam to carry out diplomatic activities to promote ending the war with a peaceful solution. In the early 1960s, Romania set a goal of improving relations with the United States, to achieve this, a Romanian diplomatic mission went to Washington to discuss and reached important agreements between the two countries for economic and cultural promotion⁴.

These factors created an important foundation for Romania to conduct its diplomatic activities as a third party seeking a political solution

³ Transcript of Discussions Held by Comrades Ion Gheorghe Maurer and Paul Niculescu-Mizil with the Delegation in The Democratic Republic of Vietnam, October 3, 1966 - <https://digitalarchive.wilsoncenter.org/document/transcript-discussions-held-comrades-ion-gheorghe-maurer-and-paul-niculescu-mizil>, accessed on 08.6.2023.

⁴ Paul Niculescu-Mizil, *Romania and the American-Vietnamese War*, Roza Vânturilor Publishing House, 2008, p. 10

to the war caused by the United States and its allies in Vietnam since the beginning of time.

Romania's diplomatic efforts towards Vietnam to seek a peaceful solution

From 1965-1973, Romania carried out diplomatic activities with Vietnamese leaders to seek a political solution to Vietnam's war as a third party⁵. According to documents archived at the Romanian National Archives, in 1965 and 1966, Vietnamese representatives continuously informed Romanian leaders about the internal situation of their country and the situation in the country, solutions to existing problem⁶. In June 1966, in the discussion between Nicolae Ceaușescu⁷ and Hoang Tu⁸, the Romanian side expressed its willingness to support Vietnam in the Vietnamese people's resistance against the US⁹.

Talking to the Romanian leader, the Vietnamese side said that they are ready to sit at the negotiating table with the US to discuss real peace. However, the military actions of the US in the period 1965-1966, have shown that the Americans do not want to end the war by a peaceful means. Faced with that fact, Vietnamese leaders affirmed that: "We consider the political measure as the first move that we will operate, through which to demonstrate the war that we are carrying out completely for the benefit of the people, thereby attracting the attention of the peace-loving peoples of the world"¹⁰. Thus, it can be seen that the Vietnamese side has found usefulness in the political measures mentioned by the Romanian leaders. At the same time, Minister of Foreign Affairs of the Democratic Republic of Vietnam Nguyen Duy Trinh affirmed to General Secretary of the Romanian Labor Party Nicolae Ceaușescu and Minister Paul Niculescu-

⁵ During the meetings held between the leaders of Vietnam and Romania, representatives of the Romanian side reported on their discussions with US President Lyndon B. Johnson in order to reach a political solution to the war issue. painting; Fund CC al PCR, External Relations section, Dossier No. 150/1966, Transcript of the meeting at the CC of the PCR with the delegation of the Workers' Party of Vietnam, November 21, 1966, f. 4.

⁶ Fund CC al PCR, External Relations section, Dossier No. 118/1966, Regarding the visit to the Soviet Union of the party and government delegation of the Democratic Republic of Vietnam, f. 2.

⁷ General Secretary of the Communist Party of Romania.

⁸ Ambassador Extraordinary and Plenipotentiary of Vietnam in Romania

⁹ Fund CC al PCR, External Relations section, Dossier No. 80/1966, Transcript of the discussions held on the occasion of the reception by Mr. N. Ceaușescu to the ambassador of the R.D. Vietnam in Bucharest, Hoang Tu, June 3, 1966, f. 2.

¹⁰ Fund CC al PCR, External Relations section, Dossier No. 150/1966, Transcript of the meeting at the CC of the PCR with the delegation of the Workers' Party of Vietnam, November 21, 1966, f. 18.

Mizil that the Vietnamese wanted peace, but it is real peace. But with the military activities carried out by the US side during the Local War, Vietnam said that “what the Americans say about peace is not true”¹¹. Therefore, “cannot talk about concessions to any act of aggression by the US”¹². Therefore, Vietnam insists on peace negotiations only when the Americans show goodwill that is to stop bombing the North and withdraw all troops from South Vietnam. The Romanian side agreed with Vietnam's point of view and said that “it is necessary to do everything to increase the fighting strength of the Vietnamese people so that they can fight the US as hard as possible”¹³ and socialist countries need support to strengthen the fighting strength of the Vietnamese people¹⁴. However, during the contact in 1966, the Romanian representative Ion Gheorghe Maurer also reminded Vietnam “it needs to think very carefully about the means that should be used today, even more so if considering the possibility that the Vietnam issue will be discussed in the appropriate sessions of the United Nations General Assembly”¹⁵

On September 10, 1969, in Hanoi, a conversation took place between Ion Gheorghe Maurer, Paul Niculescu-Mizil, Prime Minister Pham Van Dong and Deputy Chief of the Central Committee for Foreign Affairs Tran Danh Tuyen. The Romanian side continued to discuss the political solution that could lead to the end of the war, Maurer provided rich and clear information about the US position that they gathered from the discussions held in Bucharest with President Richard Nixon. Therefore, the Vietnamese side was informed about the possibility of ending the conflict based on the US government's principle of respecting the interests of local people¹⁶. They are firm in their opinion that they wanted to find a political solution led by US President Nixon. With that said, the Romanian side

¹¹ Ibid

¹² Transcript of Reception by the CC of the RCP of the Governmental Economic Delegation from the DR Vietnam, Led by Cde. Thanh Nghi, Member of the Political Bureau of the CC of the Workers Party of Vietnam,

[https://digitalarchive.wilsoncenter.org/document/transcript-reception-cc-rcp-governmental-economic-delegation-dr-vietnam-led-cde-Thanh Nghi](https://digitalarchive.wilsoncenter.org/document/transcript-reception-cc-rcp-governmental-economic-delegation-dr-vietnam-led-cde-Thanh%20Nghi), accessed on 08.6.2023.

¹³ Fund CC al PCR, External Relations section, Dossier No. 106/1966, Romanian-Vietnamese bilateral relations, f.3.

¹⁴ Ibid

¹⁵ Memorandum of Conversation Between Ion Gheorghe Maurer, President of the Council of Ministers of the S.R. Romania, and Hoang Tu, Ambassador of the D.R. Vietnam, September 10, 1966,

<https://digitalarchive.wilsoncenter.org/document/memorandum-conversation-between-ion-gheorghe-maurer-president-council-ministers-s-r>, accessed on 08.6.2023.

¹⁶ Fund CC al PCR, External Relations section, Dossier No. 72/1969, Conversation notes, September 10, 1969: there was a meeting of comrades Ion Gheorghe Maurer and Paul Niculescu-Mizil with comrades Pham Van Dong and Tran Danh Tuyen, f. 1.

expected a positive response from the Vietnamese side, noting that the aim was for the war to be ended in principle and the situation was favourable to the war. As a means of persuasion on the Vietnamese side, the Romanian leaders reminded Vietnam of previous discussions held regarding the need to take advantage of the historical situation, emphasizing the favourable international context. According to them, these favourable circumstances should be exploited to the fullest, and Vietnamese leaders should use their diplomatic abilities to find optimal solutions to the existing conflict. These efforts show that, in addition to their being exposed to American leaders to exchange ideas and looking for a peaceful solution, the Romanian side is also very serious and has a clear position on the issue under discussion. The contents of a note prepared on the sidelines of the meeting showed that both Ion Gheorghe Maurer and Paul Niculescu-Mizil had a heated debate over ideas. Thereby, Vietnamese leaders can understand the transparency of Romania's actions.

According to the document of the conversation held in Hanoi on September 10, 1969, Romania stated that “Romania is ready, if the Vietnamese side deems it necessary, to take actions that the Vietnamese side will ask about the Vietnamese side. American intentions and capabilities in this area or any other action that may serve the Vietnamese in their efforts to resolve the conflict in Vietnam”¹⁷. This shows that the Romanian side's efforts are well known to the Vietnamese. In particular, the talks on September 10, 1969 proved that Romania has made efforts to cooperate with Vietnam and is ready if Vietnam needs support for a peace negotiation.

Although, the Vietnamese side still maintains its position with the Romanian leaders on the issue of a peaceful solution, that is, the necessary condition that the Vietnamese side offers is that the US must withdraw its troops from Vietnam¹⁸. However, Pham Van Dong also expressed his goodwill towards Romania, highly appreciating the actions that the country has taken and its willingness to act on the Vietnam issue. He affirmed that Vietnam will “ask the Romanian side for necessary advice”¹⁹. This proves that, although it cannot meet the requirements of the ideas set forth by the Romanian policy, the Vietnamese side strongly believes in the actions that Romania has taken.

On September 26, 1969, at 11 a.m., on the occasion of Nguyen Dang Hanh receiving the assignment as Ambassador Extraordinary and

¹⁷ Fund CC al PCR, External Relations section, Dossier No. 72/1969, Conversation notes, September 10, 1969: there was a meeting of comrades Ion Gheorghe Maurer and Paul Niculescu-Mizil with comrades Pham Van Dong and Tran Danh Tuyen, ff. 1-2

¹⁸ Ibid, f.2

¹⁹ Ibid, f. 3.

Plenipotentiary to Romania, the representatives of the two sides continued to discuss problems still in Vietnam. Nguyen Dang Hanh's side affirms that Vietnam remains steadfast in its position²⁰. Here Mr. Nicolae Ceaușescu pointed out the advantages of the Vietnam issue, because “the public opinion is strongly against the US-led war going on strongly”. At the same time, the Romanian leaders emphasized that “the statements of the Americans show that they are ready and want to discuss all issues, including the two main aspects of the Vietnam problem”. Romania has a point of view Romania thinks that Vietnam should make good use of favourable factors to take advantage of opportunities, and build an active campaign to achieve good results for lasting peace. Ceaușescu mentioned to Nguyen Dang Hanh that, from the Romanian point of view, “if we act now, peace in Vietnam will be restored faster, and the Vietnamese people will be able to build social order in peaceful conditions”. To strengthen their argument, the Romanian side emphasized the fact that in their last discussion with the Americans, they probed their position on the issues in Vietnam and asserted that the US expressed ready to conduct negotiations on this plan, and at the same time withdraw all their troops in South Vietnam. During a recent visit to the United States, Deputy Secretary of State George Macovescu had talks with a representative of the United States Department of State, who reaffirmed that the US side discussed the Vietnam issue²¹.

This fact once again shows that the Romanian people's attitude toward the relations between the parties is positive in supporting dialogue efforts, and actively applying elements of new history to create favourable conditions for the reconciliation of conflict resolution. According to the Romanian leaders, this time is favourable for using political measures and achieving the desired results, ensuring the principle of respecting the interests of the Vietnamese people.

Discussions regarding the consolidation of peace continued during the meeting held on September 24, 1970 in Bucharest between Vasile Vlad and Ambassador Nguyen Duc Van. At that time, the new US military plan - Vietnamization was being implemented after the defeat of the Local War. The Paris Conference was reopened to find a suitable solution to end the conflict. Discussions at the negotiating table are still tense, with the four sides not ready to reach a final consensus. The US side made some concessions, first of all on stopping bombing the North. However, Vietnam

²⁰ Fund CC al PCR, External Relations Section, Dossier No. 107/1969, Note regarding the conversation held by Comrade Nicolae Ceaușescu with Nguyen Dang Hanh, Ambassador Extraordinary and Plenipotentiary of the D.R. Vietnam, on the occasion of the submission of letters of accreditation, f.2

²¹ Ibid, f.3

is tense when it comes to conflicting proposals around the withdrawal of US troops, in the context that Romania continues to play an active mediator role. In a new discussion in December 1970, Ambassador Nguyen Duc Van with Vasile Vlad, The Vietnamese side expected Romania to support the implementation of the requirements proposed at the Paris Peace Conference²². According to the leaders of Vietnam, it was not the Vietnamese themselves who did not want to end the war by political means as the Romanian wanted, but rather the American military action that led them to believe that the Americans did not want to settle the war by peaceful solution. These discussions are a way for the Romanian people to better understand Vietnam in their work with the United States and further their mediation. Nguyen Thi Binh explained to Nicolae Ceaușescu that: “As you well know, our goal is not necessarily to defeat the United States of America militarily. If the United States shows a willingness to treat the Paris Peace Conference seriously, we are ready to find a solution that leads to the resolution of this problem. But one thing is for sure, the Nixon administration stubbornly continued with its intention to establish a new colonial regime in South Vietnam”²³. On June 16, 1971, the Vietnamese side discussed with the Romanian side that it was willing to work with the US to reach a political solution if they wanted to negotiate seriously. Pham Van Dong said that the current US context is very unfavorable, so the proposals of the Vietnamese side can be accepted and ask the US to accept or Vietnam will continue to fight.²⁴

From a Romanian point of view, much more can be done. Mr. Nicolae Ceaușescu warned Vietnamese leaders that, in order to reach agreements with better results, they should not wait for the Paris conference to solve major problems that belong to Vietnam. Therefore, according to the Romanian understanding, they should not expect from the outside for a long-term solution to the Vietnam problem, but the goal of a peaceful

²² Fund CC al PCR, External Relations section, Dossier No. 105/1970, Audience notes: On the 24th of September 1970 Comrade Vasile Vlad, head of the External Relations Section of the Central Committee of the PCR, received Nguyen Duc Van, the ambassador of the Republic of South Vietnam in Bucharest, at his request, f.1.

²³ Fund CC al PCR, External Relations section, Dossier No. 14/1971, Transcript of the reception by Comrade Nicolae Ceaușescu of the delegation of the Provisional Revolutionary Government of the Republic of South Vietnam, led by the Minister of Foreign Affairs, Mrs. Nguyen Thi Binh, March 15, 1971, f.6.

²⁴ Fund CC al PCR, External Relations section, Dossier No. 45/1971, Transcript of the discussions held on the occasion of the visit to the Democratic Republic of Vietnam of the party and government delegation of the Socialist Republic of Romania, Hanoi, June 16, 1971, f.4.

solution cannot be neglected and ignored. At this meeting, Ceaușescu said that Vietnam should focus on finding peaceful solutions²⁵.

As a result of the Paris Agreement, peace was established throughout North Vietnam. With great victories on the diplomatic front, especially at the Paris conference, Vietnam thanks Romania for its enthusiastic support and efforts to find solutions to bring about peace. The fact is clearly stated in the statement of Xuan Thuy, representative of the Communist Party of Vietnam, in a meeting with the General Secretary of the Romanian Party, Nicolae Ceaușescu: “On behalf of the Vietnamese government delegation at the Paris Conference on Vietnam, I would like to express my deep gratitude to you”²⁶.

It can be seen that, as an intermediary between Vietnam and the United States, on the basis of being a diplomatic partner of Vietnam, Romania has made efforts with diplomatic contacts with Vietnamese leaders. Thereby, promoting the dialogue parties to end the war by a political solution. However, the war only ended when the parties signed the Paris Agreement, but Romania's efforts were recognized by Vietnam and the United States for its effectiveness.

Evaluation of Romania's diplomatic activities on the issue of seeking a peaceful solution for the war in Vietnam (1965-1973)

Romania's activities did not achieve the same results as the original goal such as ending the war caused by the Americans against the Vietnamese people. This is due to obstacles in practice. Specifically, the military actions of the United States.

This is reflected in the views of Vietnamese leaders talking about difficulties in negotiating with Washington and seeking peaceful solutions. General Secretary of the Communist Party of Vietnam Le Duan has said that all issues revolve around the withdrawal of US troops. This issue has been discussed since 1968, since the opening of the Conference in Paris. Vietnam's position was very clear from the beginning, that the war would only end when the US withdrew its troops. Le Duan asserted that up to that point (June 1971) the Americans had not yet wanted to withdraw and they had no intention of doing so. He made it clear to Nicolae Ceaușescu that the American delegation was still in daily contact with the Vietnamese delegation at the peace conference, but the discussions held by Nixon

²⁵ Ibid, f.32.

²⁶ Fund CC al PCR, External Relations section, Dossier No. 41/1973, Transcript of the discussions held on the occasion of the reception by comrade Nicolae Ceaușescu of comrade Xuan Thuy, secretary of the Central Committee of the Workers' Party of Vietnam, minister, head of the R.D. delegation. Vietnam at the Paris Conference on the Vietnam Question, April 14, 1973, f. 2.

showed that he had no intention of withdrawing. Even with defeat in the Local War²⁷, the US will be forced to implement a new military plan by military force of the Saigon government. According to Le Duan, the American expeditionary force withdrew only when the Saigon army became stronger. Therefore, it was Nixon who tried to delay the withdrawal when the Saigon army was still weak²⁸. Thus, the problem will not be that the Vietnamese do not want to use peaceful solutions, but that the Americans do not really want to end the war. Their actions not to withdraw their troops were not only against the goodwill of Vietnam. Meanwhile, the US has continued the invasion and tried to replace one war plan with another. Meanwhile, Romania's diplomatic efforts are still based on the principle of respecting Vietnam's independent views. A contact between the two sides took place in 1966, the Romanian representative confirmed that: "For us, it was clear that the struggle in Vietnam could not be stopped unless the Americans abandoned their plan of domination and withdrew from Vietnam. Therefore, all the problems related to finding the means and using them to put an end to American aggression are tied to the fundamental goal that must be realized."²⁹

That created obstacles to moving towards ending the war in Vietnam by a political solution as the Romanian proposed. However, Romania's

²⁷ The Departmental War deployed by the United States in South Vietnam from 1965-1968 was a huge failure. According to Le Thanh Nghi's report, by the end of the first season campaign, the Vietnamese Liberation Army had effectively carried out more than 44 attacks on 25 airfields belonging to military bases, 75 attacks on military bases, and more than 44 attacks on military bases operations centre, destroyed 710 aircraft of all kinds. types, 100 attacks on gasoline depots, burned 9.94 million gallons of American gasoline in South Vietnam, destroyed 18 commercial banks, destroyed 225 bridges, sank warships, killed 6,000 American soldiers, including surround 60,000 Saigon soldiers. The Intelligence showed that Vietnam was capable of defeating imported American military forces, demonstrating that their efforts in Vietnam, in their local war planning, were not really effective. Of course, besides the efforts and determination of the people of South and North Vietnam, Le Thanh Nghi also showed the Romanian side other good results. Vietnamese people have received a lot of help from socialists and peace-loving people around the world, who say that "The protest movement against the Vietnam War is increasing alarmingly. action, causing concern to the US government. Johnson's government became even more chaotic, dosar 64/1967, Stenograma primirii de către tov. N. Ceaușescu a delegației guvernamentale a R.D. Vietnam, condusă de Le Thanh Nghi, 22 august 1967, f. 2.

²⁸ Fund CC al PCR, External Relations section, Dossier No. 45/1971, Transcript of the discussions held on the occasion of the visit to the Democratic Republic of Vietnam of the party and government delegation of the Socialist Republic of Romania, Hanoi, June 16, 1971, f.34.

²⁹ Transcript of Interviews at the Central Committee of Romanian Communist Party with the Delegation of the Vietnamese Worker's Party, November 23, 1966, <https://digitalarchive.wilsoncenter.org/document/transcript-interviews-central-committee-romanian-communist-party-delegation-vietnamese>, accessed on 08.6.2023.

diplomatic activities also create positive moves for the parties directly involved, the US and Vietnam. It is evident that the Vietnamese leaders highly appreciated Romania's actions to promote peace, saying: "We would like to consult the Romanian side for the necessary advice"³⁰. It shows that Vietnamese leaders have highly appreciated Romania's active diplomatic activities in the process of finding a peaceful solution to a bloody war caused by the Americans.

At the same time, the US side also highly appreciated Romania's activities and recognized the Romanian side as a mediator for the conflict issue. In a book called "*Oaia albă în turma neagră. Lupta pe frontul intern politice de securitate a României în perioada Războiului Rece*" published in 2018 in Romania of Larry L. Watts asserts that: "According to U.S. press reports, the U.S. Ambassador to Bucharest, William Crawford, first requested information about Romania in its approach to North Vietnam in June 1965."³¹. It was the US side's representative, Ambassador Harriman, who affirmed that he would definitely ask for Romania's help, hoping that they would join the other parties to "end the war"³². Regarding Romania's efforts, Harriman also asserted: "never received more detailed and accurate reports than this, and he affirmed that the North Vietnamese took very seriously the efforts of Romania, as well as the United States"³³. Washington, for its part, continued to ask for Bucharest's contribution. A telegram sent through the US ambassador in early January 1966, in which he wanted to know "opinion of the Romanian government on the Vietnam issue, as well as any suggestions from the Romanian side that can contribute to the peaceful settlement of the situation in Vietnam"³⁴. Although he had to accept defeat with the Local war plan, Johnson had to admit that "Romania's efforts were fair, serious and sober"³⁵. On September 13, The Washington Post published a letter from Ambassador A. Harriman regarding Romania's efforts to find a political solution to the

³⁰ Fund CC al PCR, External Relations section, Dossier No. 72/1969, Conversation notes, September 10, 1969: there was a meeting of comrades Ion Gheorghe Maurer and Paul Niculescu-Mizil with comrades Pham Van Dong and Tran Danh Tuyen, f. 3.

³¹ Larry L. Watts, *Oaia albă în turma neagră. Lupta pe frontul intern politice de securitate a României în perioada Războiului Rece*, Editura Rao, Bucuresti, 2018, p. 80.

³² M. Ion Anghel, Lucian Petrescu, Valeriu Tudor (Eds.) *Pages from Romanian diplomacy („semper fidelis patriae”)*, vol. I, Iasi, Junimea Publishing House, 2009, p. 225.

³³ Larry L. Watts, *Mediating the Vietnam War: Romania and the First Trinh Signal, 1965-1966*, digitalarchive.wilsoncenter.org, accessed on 15.6.2023.

³⁴ Ibid

³⁵ Larry L. Watts, *Mediating the Vietnam War: Romania and the First Trinh Signal, 1965-1966*, digitalarchive.wilsoncenter.org [04.01.2018].

conflict in Vietnam³⁶. Harriman has stated that the negotiations through Romania were one of the best actions of the 1966-1968 period, and Romanian leaders believe that this is the real point of view of the US government, not what was published in the Pentagon Papers (Placeholder1) recently (Placeholder1)³⁷.

Through the documents, it is showed that the attitudes of both parties directly involved in the war between the United States and Vietnam, it is clear that Romania's efforts towards Vietnam were indeed effective in reducing tensions between Vietnam and the United States towards the goal of ending the war by political solution.

Conclusion

Romania's efforts for a political solution in its diplomatic activities with Vietnam as a mediator to promote a negotiation between the United States and Vietnam on a peace in Vietnam is undeniable. That is evidenced by their conversations with Vietnamese leaders on the Vietnam War issue. However, what they achieved was not high, not because the Vietnamese side did not agree with their views on peace but because the stubbornness of the Americans showed no goodwill. When the US itself implemented a two-sided policy, on the one hand they talked about peace in Vietnam, but on the other hand they carried out activities to intensify the war in the South and expand the war by air to the North. Despite being a mediator, the Romanian side always agreed and supported the Vietnamese people's national defence war. They clearly understand that peace talks can only really reach consensus when the Americans show goodwill to withdraw their troops from Vietnam. However, the efforts of the Romanian people for a peaceful solution in Vietnam were really appreciated and recognized by the Vietnamese leaders. That has been proven by historical documents recorded.

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SEARCHING FOR PEACE AND HARMONY IN A POLYGAMOUS FAMILY: THE 1914 NIGERIAN AMALGAMATION HISTORICAL EXPERIENCE IN PERSPECTIVE

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Abstract: *This paper attempts to examine critically the symbolic matrimonial union of different Nation States with numerous ethnic groups with kaleidoscopic cultures, customs and traditions with the possibility of having a formidable and a united country. Historians and scholars of various fields of academic enterprise in different historical epochs have spotted out through intellectual telescope and investigations that the protracted ailment of Nigeria State started in 1914 on the eve of amalgamation of the North and South Protectorates. It is the aim of this paper to redirect scholars' attention to the major fundamental reasons why Nigeria is becoming an ancient Israel whereof the Northern Kingdom parted way from the Southern Kingdom consequent upon young despotic King who was not diplomatic in managing the affairs of the State probably because of his youthful exuberance. This paper observed that there is a loose tie among the Nation States that formed the entity Nigeria because the various Nations never consented to come together as one country, but rather, it was an imposition of the colonial masters just for an easy administrative purpose to exploit the natives and rob them of their patrimonial rights. This paper will focus mostly on the plethora of reasons that have contributed to the problem of: poor governance, marginalization, ethnicity, nepotism, unequal distribution of national wealth, poverty, economic bankruptcy, corruption, insecurity, political gerrymandering, poor health system, paper value educational system and visionless leadership.*

keywords: *Peace, Harmony, Polygamy, Amalgamation, and Nation.*

Introduction

Nigeria can best be compared to a polygamous home or family wherein peace is scarce because of jealousy, envy, unhealthy rivalry/competition among the wives, and calumny to win the heart of the husband for more favour and love. Nevertheless, in some years back polygamy was fashionable and pride to prominent men in the society because large families stood as threats to smaller families headed by those

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considered to be weak men in the society. Nigeria till date even with our emptiness is referred to as the giant of Africa because of its population, human and natural resources. Nigeria as a polygamous husband harboured so many tribes and ethnic groups with multiplicities of customs, traditions and cultural diversities. The British colonialists who solemnized this holy matrimony thought little of the consequences it would later cause the husband (Nigeria), the wives (tribes) and the children (ethnic groups). It was a marriage without consent, but based on political, economic and administrative convenience. Nigeria is in total state of quagmire, political distress, economic shamble, social Erebus, and moral precipice.

For an in-depth survey of this paper, we have to adopt historical, expository, phenomenological and critical-analytic methodology (an eclectic methodology). This type of eclectic methodology suits the task we sent out to undertake in this work. The historical method will assist in exposing the netting gritting behind the amalgamation and its later consequences, while the phenomenological method puts us in a position to assess the events and issues involved in the amalgamation without biases. The critical-analytic method helps us to apply a philosophical approach in presenting the problems involved in logical sequence to avoid contradictions in terms and purpose.

A Sketchy Survey of Pre-Amalgamation Era

There were organized nation states or kingdoms before the arrival of the white man to Africa in general and Nigeria in particular. Those empires and kingdoms were ruled by reputable traditional rulers with galaxies of chiefs and warriors. Onabamiro observes that, the excavation of the world famous Ife bronze heads and the statuette of the Oni of Ife show that as far as 700 years ago there was a highly organized community in Yoruba-land with thriving commerce and industry, as well as stable system of government with its hierarchy of chiefs and noble men at the head of Oni held both supreme, spiritual and temporal authority. His official regalia epitomized much royal splendor and magnificence.¹ The same was revealed by the study of the bronze art of Benin, one of which was adopted as the national emblem at the Second World Black Festival of Arts and Culture (FESTAC) in 1977. The conglomerations of nation states that were forcefully united to form the entity called Nigeria today were independent nations with their peculiarities and well organized in tandem with their traditions, customs, and cultures.

The early contact of the natives with the Portuguese exacerbated the incessant tribal wars among the independent nation States that were later

¹ S. Onabamiro, *Glimpses into Nigerian History*. Ibadan: MacMillan Nigeria Publishers Limited, 1983, p. 3.

united to form Nigeria. The Portuguese succeeded in arming the traditional rulers and their chiefs with modern weapons and thereby empowering them to fight other nation States to capture able bodied men and women to be sold to the Portuguese as slaves to work in their plantations in Central America, South America, Brazil and Sao Tome. Onabamiro asserts that, thus armed with European weapons, the West African slaving kings and chiefs could organize raids among neighbouring tribes to obtain captives whom they would sell to the Portuguese in exchange for more manufactured goods and more guns. Thus the vicious circle of this nefarious trade continued from century to century for a period of 300 years by which time West Africa had been depopulated by about 20 million human beings.²

The industrial revolution in Britain led to the abolition of slave trade when the British discovered that they needed raw materials like palm oil, kernels, cocoa and other farm produce to work in their industries and the depopulation of Africa would not be in favour of the industrial revolution. The aforementioned raw materials could be found in abundance in West Africa because of the favourable climatic condition for such needed raw materials. They thought it wise that the able bodied men and women from West Africa could work in the farms of their respective countries and supply them with the needed raw materials for their industries to function properly. This plan of abolition of slave trade did not go down well with some West African Kings and Chiefs who were the major dealers in the slave trade business. The Portuguese and Spanish were not in support of the abolition of slave trade because of the slave labour requirement in Brazil, Sao Tome and other places they had plantations were insatiable. To counter the activities of these obdurate slavers, Britain on her own, decided to police the seas with her Royal Navy. The Yoruba inter-tribal war in 1821 also aided the Portuguese to get more slaves, a period when Samuel Ajayi Crowther was captured at the age of 15 years and sold to the Portuguese slave traders. Nevertheless, according to Onabamiro, on 7th April 1822, Ajayi, along with 164 other slaves was transported in a Portuguese ship named *Esperanza Felix* from the Lagos harbour. But that was the evening slave ship was spotted by the two ships of the Royal Navy. On boarding the ship and finding the slaves beneath the hatches, Captain H.G. Leeke of H.M.S. Myrmidon declared them liberated and put the Portuguese captain and his crew in irons. In June 1822, H.M.S. Myrmidon landed Ajayi and his fellow liberated slaves at Freetown in Sierra Leone.³

It should be noted here that before the amalgamation, there were several Kingdoms and Empires in Nigeria that were not culturally or

² S. Onabamiro, *Glimpses into Nigerian History*, p. 9.

³ *Ibidem*, p. 14.

traditionally related. This reason contributed to tribal and expansionist wars for the defense of territorial boundaries. They were strange nation States that existed independently, though they engaged in trading activities with one another. There were domestic slaves in Africa like in other ancient worlds as in Roman Empire, Greece and some others, but not commercially based type of slavery that was later introduced by the Portuguese to the Africans that exacerbated tribal wars among the nation States that later became the country Nigeria. Those nation States before their contact with the white man they were striving independently for development based on their formidable economy and social-political organizations and structures.

The Trans-Atlantic slave trade paved way for the colonization of some African countries including Nigeria to burst the industrialization of first world nations. In the 19th century, Onabamiro states that Messrs. Beecroft, Glover, Carter and Moor took over Southern Nigeria for Great Britain using Lagos, Opobo and Benin as their bridge-heads. They encountered diverse people who spoke different languages and had different cultures.⁴ Indeed, these people were either stranger to one another or at perpetual warfare with one another. He goes further to show how the Fulani Sokoto Caliphate in the Northern part was acquired by Messrs. Goldie, Baikie and Lugard for Great Britain. This component was more populous than the Southern component but the vast majority of the people there spoke the same language, had the same basic culture and adhered to the same religion. The elaborate and effective government structure operated by the Emirates of the defunct Sokoto Caliphate, the written record of their history, their titled nobility, the proud and dignified bearing of defeated Emirs, the refusal of the general populace to emulate the mode of dress and style of living of the British victors and the tenacity with which they adhered to their Islamic religion: these were factors which endeared them to the heart of a man of Frederick Lugard's temperament. As a result of few British officials on ground, it became necessary for Lugard to introduce the 'Indirect Rule System' in the North for administrative convenience. Nevertheless, this system was not favourable to the British Government because of the financial implications.

With the above historical antecedence and analysis it could be deduced that amalgamation of North and South Protectorates was as a result of lack or limited resources to maintain the indirect rule system introduced by Lugard in the North for peace, harmony, and already existing organized government on ground before it was conquered by the British. The British took cognizance of the fact that the South was like

⁴ S. Onabamiro, *Glimpses into Nigerian History*, p. 84.

Biblical tower Babel where God sent in confusion among the people through multiplicities of languages in order to stop them from building a sky scraper that would take them to heaven and see God. Uniting the South alone as a protectorate was enough problem considering the multiple ethnic groups, different cultures, customs, traditional belief systems and different historical origin, there was no room for such unity, it was like mixing oil and water together and expecting a harmonious blending without a noticeable separation. The incessant tribal wars in the South were fought on ethnic or tribal bases, because there were no common factors uniting them that would have appealed to their conscience that they were fighting their brothers. They were more or less strangers to themselves, and they were only concerned with the protection of their tribes or ethnic groups, hence they could go at any length to exterminate the weaker ethnic groups or captured and sold them to slavery.

The unification or the amalgamation of the North and South Protectorates was the bedrock or the solid foundation upon which the problems of Nigeria rested as pretentious bed of roses over the years. Even the founding fathers noticed it before the independence and at that early stage they were only interested in gaining political liberty from the British with the hope that in years to come they would settle down for restructuring of the entire system left behind by the colonial masters. The founding fathers knew that the amalgamation was due to economic benefits to the colonizers who had little or no interest on the political and social development of their colonies. Chief Obafemi Awolowo points out in his lecture, "*Philosophy for Independent Nigeria*", to Nigerian students at Conway Hall, London, anyone who cares to read his history aright will readily concur that the prime and sole motivation for imperialist predations, conquests, and rule is economic in character. If the imperialist powers can accomplish their economic exploitation of the weaker nations without political control they will much prefer to do it that way.⁵ As a matter of historical fact, colonial expansion began with the division of the territories of the weaker peoples into economic spheres of influence. It was when it became clear to the imperialists that economic control would become precarious unless there was political control as well, that the later was imposed.

The Colonial Period that culminated to Independent in 1960

The amalgamation of 1914 by Fredrick Lord Lugard gave birth to the entity called Nigeria as a country/nation, and proper colonization began with full swing. Different ethnic groups with varieties of cultures, customs

⁵ J.O. Awolowo, *Philosophy for Independent Nigeria*, Lecture Delivered to Nigeria Students at Conway Hall, London, 1961.

and traditional belief systems were collapsed together as one indivisible entity. Like in marriage when two become one no matter the different psychological make-up of those involved, the different ethnic groups were fused together as one to make up the entity called Nigeria in 1914 without consultation or consent of the various ethnic groups affected whether the fusion or marriage would be harmonious or not.

In the colonial era proper, Nigerians were facing two battle fronts at the same time. The first battle had arisen from being second class citizens in their father's land, because they have to follow the dictates of their colonial masters. The second battle was a battle of accommodation of other ethnic groups as one in all spheres of life. Cooperation and speaking in one voice was initially difficult in attempt to demand for independent from their colonial oppressors. Virtually all the administrative key positions were occupied by the British, while the natives were subservient to them as clerks, house maids, drivers, cooks, security guards, gardeners, and glorified messengers. Some of the British administrators were not as qualified as the natives who had opportunities to train overseas through the help of the early missionary societies in Africa. The colour of their skin put them in disadvantageous positions to occupy any administrative stool like their white counterparts who had probably studied in the same tertiary institutions and they were even better than them. Some of the whites that were mere technicians in Europe were placed in the position of consulting engineers in Nigeria, while the Nigeria engineers were made to work under them and take instructions from them as consultants. The military was worse off because the Nigerians that were recruited during first and second world wars, no one was a commissioned officer. Obasanjo asserts that before and during the war, Nigerians were recruited in large numbers as rank and file into the regiment, but not one was commissioned as an officer.⁶ That notwithstanding, the Nigerian recruits featured prominently in the first and second world war and won laurels for bravery, dedication and loyalty. Their outstanding performance never attracted promotion to cadet officers but only certificate reward that added nothing tangible to their profession.

The colonial masters at no time considered their subjects as people capable and competent to rule themselves, because they thought they were not exposed to modern civilization and not rational enough to maintain their internal affairs. It was an assumption that betrayed the logic of low mentality and ignorance of the colonial masters about the natives, because before the conquering and the amalgamation of North and South Protectorates, there were Emirs, Obas, Crowned Princes and Chiefs

⁶ See, Olusegun Obasanjo, *Nzeogwu*. Ibadan: Spectrum Books Limited, 1987, pp. 39-40.

managing the affairs of their people based on their laws, rules and regulations drawn from their local customs, cultures, and traditions. It was mere oppression and show of superiority over the colonized citizens that made the colonial masters to deny them from playing administrative roles in the colonial administration. During the colonial era, some Nigerians were graduates from prestigious universities in Europe and America, and they were well respected in their fields of specializations. The natives resisted the British rule because they were aware what it meant to be colonized, therefore it would be myopic for them to think that the natives were not exposed enough to rule themselves or be in charge of some of the administrative organizations as relate to governance.

Nevertheless, there were developmental strides especially in 1940s to 50s before the independent. Achebe affirms that the pace of change in Nigeria from the 1940s was incredible. He was not just talking about the rate of development, with villages transforming into towns, or the coming of modern comforts, such as electricity or running water or modes of transportation, but more of a sense that we were standing figuratively and literally at the dawn of new era.⁷ There was improvement in educational sector with the collaboration of missionaries who had built mission schools in towns and villages to educate the people. There was an avalanche of exposure and enlightenment which aided the people most especially from the Southern part of Nigeria to start agitating for independent very early even when the Northerners were not yet ready for it because of their backwardness in western education and with few elites. Some astute politicians like Sir. Herbert Macaulay, Dr. Nnamdi Azikiwe, Chief Obafemi Awolowo, Chief Anthony Enahoro from the South were well schooled, enlightened, and exposed like their British counterpart in field of politics with a defined and refined political ideology. While in the North they have Sir. Ahmadu Bello, the Sardauna of Sokoto, Alhaji Abubakar Tafewa Balewa and Aminu Kano were very prominent in the Northern politics. The Northerners and their political leaders were in the good book of the British colonialists because they were not involved in aggressive agitation for independent compared to the South. Achebe points out that, initially the British resisted any agitation for independence, often by handing out stiff jail terms for 'sedition' to the disturbers of the peace. They knew the value of their colonies, and the natural resources they possessed-in Nigeria's case oil, coal, gold, tin, columbines, cocoa, palm oil, groundnuts, rubber, as well as human resources and intellectual capital.⁸

⁷ C. Achebe, *There was a Country: A Personal History of Biafra*. London: Penguin Books Limited, 2012, p. 39.

⁸ C. Achebe, *There was a Country: A Personal History of Biafra*, p. 47.

Independent was no longer a mirage after the World War II, because Great Britain was financially and politically exhausted and bankrupt. It was a given opportunity for the colonized nations such as India led by Mohandas Gandhi to exploit and agitate for independence.⁹ According to Achebe, Nigerian veterans from different theatres of the war had acquired certain skills-important military expertise in organization, movement, strategy, and combat-during their service to the king.¹⁰ Another proficiency that came naturally to this group was the skill of protest, which was quickly absorbed by the Nigerian nationalists. Adediran and Alimi corroborate with the above fact when they state that, politically, Nigeria gained and learned from the war-time experience. The ego and superiority of the imperial state which had been deflated and demystified during the war boosted and equipped the strength of Nigerian nationalists to challenge the rights of their overlords to perpetuate out-dated colonial rule.¹¹

The Post-Colonial Era (1960 to date): A Re-evaluation of Events

On October 1st, 1960, there was a mammoth crowd at Tafewa Balewa Square, Lagos, to witness the long awaited independent of the great nation (Nigeria). There were oratorical and eloquent rendition of endless speeches from both the colonizers and the colonized to mark the end of the long aged colonialism and ushered in a new era of political, economic and social freedom, self-governance and self-determination. For the people of this great nation (Nigeria), it was *uhuru* hence there was salvo of bravo in thunderous ovation with joyous *hullaballos* from children of school age that had little idea of independent or freedom. The tapestry of colossal celebrations turned the mood of the entire nation into a frenzy state of hysteria pumped up with hopeful speeches of unprecedented massive progress that would completely wipe away the tears of the citizens that were battered by the oppressive colonial despotic demagogues. The young elegant and determined politicians, who fought the colonial masters through protests and intellectual means to a stand-still, were seen as national heroes who had defeated external enemies and rescued our territorial integrity from them. Those politicians in persons of: Alhaji Abubakar Tafewa Balewa, Dr. Nnamdi Azikiwe, Sir Ahmedu Bello, Chief

⁹ See, Olusegun Obasanjo, *Nzeogwu*, p. 41.

¹⁰ C. Achebe, *There was a Country: A Personal History of Biafra*, p. 48.

¹¹ B. Adediran and S. Alimi, "The Burden of Nation Building: Constitutional Crisis and Ethnic Politics in Nigeria, 1945-1960." In *Perspectives on The Humanities in Honour of Philip Aigbona Igbafe*. Esimaje, A., Erhagbe, E., Umejesi, I. & Okoduwa, A. (eds). Ile-Ife: Olivetree, 2017, p. 1.

Obafemi Awolowo, Chief Anthony Enahoro, Chief S. L. Akintola, and some other galaxies of renowned politicians appeared like Julius Caesar's (Roman General) army returning from a fierce battle at mount Olympus. All these were signs and symbols of hope that the nation (Nigeria) would progress astronomically within a very short space of time as it recuperates fast from the Maccabean exploitation of the British mal-administration. Was this a mere euphoria or a neurotic mental fantasy that would end up in a dream world as an utopic idea? This question would definitely throw us back to the events that took place on the 1st of October 1960 to address some of the political, economic and social maladies the country "Nigeria" is present navigating in.

As earlier pointed out in this work, the uncontrollable celebration that Nigeria was thrown into on the 1st of October, 1960, was a manifestation of an avalanche of hope for good things to descend on the citizens in days ahead. The various existing political parties had detailed manifestoes to demonstrate to the entire world the maturity and readiness of the Nigerian politicians coming up to occupy the political, economic and social theatres previously occupied by the British imperialists. Some of the areas that featured mostly in their manifestoes were: education, agriculture, infrastructural development and social amenities. All the existing political parties work assiduously toward the prescriptions and dictates of their manifestoes. At that early stage there was cooperation, a symbiotic relationship among the different ethnic groups and general consciousness of one united country "Nigeria" with a symphony of brotherhood. The citizens could work in any part of the country and got to the zenith of their careers/professions or retired, and probably settled outside their States after retirement without hostilities.

At the initial stage too, there were several developmental strides in areas of education, agriculture and infrastructures because of the healthy competition among the regions. For the politicians to attain popularity among their people they had to work for it to attract votes during elections. Some of those politicians like Chief Obafemi Awolowo, Dr. Nnamdi Azikiwe, Chief Anthony Enahoro and few others were after fame and lasting legacy they would leave behind that the country would later built upon. They were fighting for political power to develop the nation and not to amass wealth for themselves and their generation yet unborn. Some of their contemporaries who were into politics with them had ostentatious mentality as they purportedly turned politics to oil wells and wells of wealth to draw and drill a generational wealth for their unborn children. Such greedy ones among the founding fathers of this nation attracted the attention of the military junta at the early stage of the nation independent; the popular *Nunc dimittis* on the day of independent became esoteric

cantata within a short period of time. Without exaggeration, Nigerians at different occasions had witnessed organized carnivals of transferable immortalized corruption of the political class with philosophical equanimity of stupidity. Instead of the Nigerian populace reacting to curb the act of corruption among our politicians they rather reward them with chieftaincy titles.

After the independent the nation was faced with the problem of: ethnic politics, corruption, electoral gerrymandering, tribal sentiments, self-opinionated leaders, and visionless leaders. Achebe comments that, within six years of this tragic colonial manipulation Nigeria was a cesspool of corruption and misrule. Public servants helped themselves freely to the nation's wealth. Elections were blatantly rigged. The subsequent national census was outrageously staged-managed; judges and magistrates were manipulated by politicians in power. The politicians themselves were pawns of foreign business interests.¹²

The British before their final exit from the Nigerian soil as colonial masters did not prevail and discourage the citizens from forming political parties in tandem with ethnic affiliations. Adediran and Alimi state that constitutional crises and ethnic politics in the post-independent, Nigeria are firmly rooted in the experience of the country during the colonial period. By 1950, major ethnic groups, the Hausa/Fulani, the Yoruba and the Igbo, had started to contest for political control of Nigeria.¹³ Within the first decade of independence, Nigeria had started to harvest the fruit of ethnic politics and political rivalry in electoral crises, military coup, civil war and socio-religious crises. It is assumed that the colonial masters were aware of this and knew the negative implications and consequences it would later have on the country, yet they folded their arms to allow the nation to perish in its own errors. The early political parties were clear signs of the divisive nature of the country, and they later aggravated/exacerbated the problem of nepotism, tribalism and ethnicity in a country that was loosely amalgamated. For instance, the AG (Action Group) party was dominated by the Yoruba; NCNC was dominated by the Igbo, while the NPC (The Northern Peoples Congress) was dominated by the Hausa/Fulani. In such a scenario one cannot expect a formidable and united country, because each of the parties would focus on their ethnic groups. The ethnic politics that was very vivid among the political class was transferred to the innocent indigenes that were very hospitable to foreigners in their States and infused into them the spirit of discrimination, nepotism, tribalism, segregation and ethnicity. Those working outside the State of their origins were no longer safe in the hands

¹² C. Achebe, p. 51.

¹³ B. Adediran and S. Alimi, p. 1.

of the sons and daughters of the soil; they were treated like aliens in their own country. In terms of promotion the indigenes of the State were favoured against the non-indigenes; which marked the beginning of retrogression in our political, economic and social system till date.

In 1964, there was a general upheaval throughout the country because of electoral gerrymandering, snatching of ballot boxes, election rigging and wide spread corruption among the politicians and the aristocrats in the country. According to Achebe, Nigeria was rocked by one crisis after another in the years that followed independence. First, the Nigeria census of 1963-64 shook the nation, at that time, the federal election crisis of 1964, which was followed by the Western Nigeria election of 1965- also threatened to split the country at its seams.¹⁴ Obasanjo points out that it was the mishandling of elections in the Western region, and the subsequent total break-down of law and order which resulted in complete insecurity of life and property, that was the last straw. All these various degrees of events culminated to July 1966 coup by the military junta who thought it was time to carry out a moral and radical surgical operation to heal protracted moral ailment of the nation.¹⁵ The careless and uncalculated execution of the said coup dovetailed to the Nigeria Civil War that shook the very foundation of the nation. It was a war of gladiators that heroism and callousness was recklessly executed in its exactitude without the conscientiousness of unity and oneness as a nation. The three years of war further divided the country and deepen the ethnic political malady. The Igbo people felt betrayed, as they were hated and treated as external aggressors by other parts of the country especially the Yoruba and Hausa/Fulani. Till now, there is a lean cooperation that is very detrimental between the Yoruba and the Igbo, while that of Hausa/Fulani could be described as immortal and cancerous hatred that the Igbo even in centuries to come forgiveness would remain a distance horizon for mental imagination. The suffering of the Igbo race that turned the entire eastern part of the country into a theatre of an open mortuary during the civil war was worse than the talk about Rwanda genocide, because vultures were feeding fat with human carcass and hunger turned some of them to cannibals. Civilians without arms (Asaba genocide) were killed like wild animals in African thick forest. Elizabeth Bird points out that in October 1967, early in the Nigerian Civil War, government troops entered Asaba in pursuit of the retreating Biafran army, slaughtering thousands of civilians and leaving the town in ruins. News of the atrocity was suppressed by the Nigerian government, with the complicity of Britain and its significance in

¹⁴ C. Achebe, p. 64.

¹⁵ See, Olusegun Obasanjo, *Nzeogwu*, p. 45-50.

the subsequent progress of that conflict was misunderstood.¹⁶ During the civil war, it was historically documented that poor innocent children that were not killed or slaughtered by soldiers' bullets and daggers were left to wonder about and alone in the wilderness of melancholy. It was never a war of unity (to keep Nigeria one is a task that must be done: Gowon's slogan), but rather a malicious war of destruction and an attempt extermination of a particular race that stood out as the most progressive race in areas of education, technology, technocracy, exposure, and dominating in western civilization. The Igbo people were all over the country excelling in all professions of life and heading different ministries in the country. The Igbo people were and still are till date hardworking and risk taking individuals ready to survival under any condition in any part of the world where people are found. Without prejudice, they ought to be the pride of the nation based on their historical achievement and antecedents in Nigerian history.

The politicians turned Nigeria into a theatre of vagabonds and destitute who entertain them like Herod and Herodias with hedonistic tendency. They deliberately made the youths unemployed so that they could be used for their political interest. They use them as thugs during electioneering campaigns and dump them after elections like axe heads and wasted products.

The Amalgamated Nations in Search for Amalgamation: A Melodramatic Paradox

Prior to the arrival of the Portuguese and the British colonialists, there were conglomerations of nation States that were well organized with dynamic leaders. Orieso (2017) asserts that by the time of European penetration and subsequent colonization, there were already in existence various political systems, each at different levels of development and sophistication in terms of organization and management.¹⁷ Nevertheless, there were tribal wars fought among the different tribes and ethnic groups to protect their territorial boundaries and what have you. The Portuguese exacerbated the tribal wars with the advent of the Trans-Atlantic Slave Trade that lasted for over one hundred years and many able bodied men captured during the wars in slave trade period were sold away to the Portuguese as slaves. The history of the various tribal wars and slave trading are still very fresh in the people's memories and the seed of hatred

¹⁶ Elizabeth S. Bird, "The Asaba Massacra: Trauma, Memory and The Nigerian Civil War." Retrieved material from internet// www.amazon.com, 2017.

¹⁷ M.A. Orieso, "A Historical Understanding of The Nigeria Federalism Up to 1967." In: *Perspectives on The Humanities in Honour of Philip AigbonaIgbafe*. Esimaje, A., Erhagbe, E. Okoduwa, A. (eds.). Ile-Ife: Olivetree, 2017.

sowed by the tribal wars among the different tribes is unresolved. Before the amalgamation, if the British colonialists were interested in a united country they would have reconciled the various tribes at war before any meaningful amalgamation. We all know that when enemies are forcefully banded together in an enclosed space the breath of their fury out of anger could trigger off their adrenaline to cause high blood pressure and suffocation because of hatred, sentiments and prejudice. This is exactly the situation of Nigeria as it is today. The different nation States banded together as one united country are not in harmony with one another because of their past history of wars, subjugation by other ethnic groups with superior weapon, stories of betrayal during wars, forceful annexation of land by powerful ethnic groups, and to crown it all, the slave trade saga. Then in recent time, the Nigeria civil war that swept through the entire south east of Nigeria.

The continuous conflicts in Nigeria could be traced to the loose and incomplete amalgamation of the South and the North protectorate of 1914. There were no symbols and signs of unity between the protectorates before the amalgamation even though there were no clear conflicts apart from boundaries settlements. Even after the amalgamation, there is still ethnic consciousness running through the veins of the different ethnic groups than one united and unified country. In Nigeria, ethnicity supersedes the unity of the country because politics are played along ethnicity. Political parties are formed in tandem with ethnicity from the inception of independent. Although the political parties do have members across the States and the six geo-political zones in the country, that is not withstanding; each of them is dominated by a particular ethnic group/tribe. This seemingly political error started from the founding fathers of the country. It is an abysmal error that one would have expected the present new generation politicians to have corrected, but rather they swim in it and carry it further to cause tribal and nepotistic mayhem on the innocent citizens. Some of the politicians deliberately created poverty and illiteracy among their people so that they would remain impoverish and unexposed so that they would be veritable instruments for election malpractices and political thurgery. The *Almagiri* in the North for instance are very useful to the Northern politicians and Islamic religious leaders, because they could be used as thugs and hoodlums during elections and religious crisis in the same North. They are easy to brainwash and manipulate because of the level of illiteracy and low mentality. An attempt to educate them get the few elites from the North angry because they do not want the children of the poor from low background to compete and challenge their children now and in future to come. They would rather give them Othman Dan Fodio's Qur'anic education where they are

indoctrinated with religious doctrines and dogmas to turn them to Islamic religious fanatics who would be ready to die for their faith and slaughter those who refuse to accept their religious views and faith.

The amalgamation was not just an error created by the British colonialists, but a deliberate attempt to create a Biblical tower of Babel and later benefit from the disharmony and internal cataclysm. It could be recalled that the last election they (the colonialists) assisted to organize before their final exit from Nigeria was marked with massive rigging, malpractice and alteration of results in favour of a particular part of the country. Achebe asserts that, later it was discovered a courageous English junior civil servant named Harold Smith had been selected by no other than Sir James Robertson to oversee the rigging of Nigeria's election so that its compliant friend in [Northern Nigeria] would win power, dominate the country, and serve British interests after independence.¹⁸ They left Nigeria in crisis that till now is unresolved, and still recycling and reflecting in the country politics, economy and social life. The first civilian regime led by Alhaji Abubakar Tafawa Balewa never lasted because it was founded on a very weak foundation. The young politicians were inexperienced to detect on time that the British were not ready to relinquish power to them and the ground was not smooth and soft enough for such venture. In a jubilating mood they entered into power without a clear vision for the future of the nation and some of the young politicians were too much in haste to get themselves in corrupt practices that ushered in the military junta who ousted them out of power.

The first military coup was another touching incident that clearly indicated that the level of ethnic politics in this nation would hardly give way to one unified country that the amalgamation intended. There were different interpretations and colorations given to the coup by the various ethnic groups. For instance, for the Hausa/Fulani the coup was targeted against them to kill their few elites and politicians to pave way to the southerners especially the south-easterners to dominate them in all spheres of life. While some of the southerners from south-east and south-south, the coup was intended to reposition the country that was last drifting to moral precipice because of the blazing inferno of corruption almost consuming the country. Yet for the south-west the coup was a sign of betrayal by the coup plotters who intended to suppress other ethnic groups in favour of their people. It was only few Nigerians from the different parts of the country that were able to assess objectively the reasons behind the coup without bias. These different interpretations and misconception of the intension of the coup led to an appraisal or counter

¹⁸ C. Achebe, p. 50.

coup led by the Northern extract in Nigeria Army and pogrom that took place in the North that saw the death of many easterners (Igbo) that were living in the North. This singular action dovetailed to the Nigeria civil war that lasted for three years.

Many Nigerians till date are still inquiring and seriously investigating the reason behind the amalgamation due to the visible differences among the various nations affected by the amalgamation. The complains that are oozing out like black blood about the amalgamation are traceable to ethnicity, nepotism, incompatible cultures, irreconcilable traditions, various customs, different languages with different historical origin of the amalgamated nations. For instance the Igbo have nothing in common with the Yoruba and Hausa/Fulani nations in terms of language, tradition, culture and what have you. Also, the Edo people have no historical link with the Hausa/Fulani and the Igbo. Apart from economic and political reasons, on what ground were they amalgamated as one country? For Udulu, the administrative differences between the North and the South gave us a better understanding of the fundamental differences between the political aspirations of the leaders of the North and South.¹⁹ While the leaders of the South were struggling for the generality of the masses, the leaders of the North who are mainly from the ruling class were trying to salvage their ancestral clan first, before thinking of their followers, the masses. This was why there were differences in thought between the leaders of the South and the leaders of the North.

It is a reality that the reason why the amalgamation is almost an aberration and a comic utopia is as a result of the woeful failure of the Federal government and the central leadership. The central leadership failed to provide good and exemplary leadership that would make the citizens feel that Nigeria is one and belongs to all of us. Nigeria ought to be a country where people would be proud of their citizenship and not too conscious about their ethnicity and State of origin. Udulu argues that Nigeria's political profile is traceable to the colonial period. The British rubber-stamped the then existing political formations and administrations of various ethnic groups of Nigeria, and maintain that status quo until they left.²⁰ The Americans talk more of America as their country than their States of origin because they enjoy the same things as citizens without special treatment enjoyed by citizens from some States either because

¹⁹ A.A. Udulu, *The Role of Politicians in The Political Instability of The First Republic in Nigeria*. In: *Perspectives on The Humanities in Honour of Philip AigbonaIgbafe*. Esimaje, A. Erhagbe, E. Umejisi, I. and Okoduwa, A. (eds). Ile-Ife: Olivetree, 2017, p. 198.

²⁰ A.A. Udulu, *The Role of Politicians in The Political Instability of The First Republic in Nigeria*, p. 198.

those at the herms of affairs are from such States. They do not complain about marginalization, nepotism, ethnicity, favouritism, one-sided appointment in favour of tribes' men and women, or one-sided infrastructural development. They rather promote equality among all the citizens and dwell more on things of common interest and common good of the people than wasting their resources on frivolities and ethnic politics as experienced in the Nigerian States.

The ongoing protest (that started 08/10/2020 scheduled to last for 30 days) against police brutality that culminated to other agitations such as good governance, restructuring, reviewing of bogus salaries and allowances of politicians, funding of the educational sector, reviewing the poor salaries of the Nigeria forces and paramilitary, and some other sensitive issues to move Nigeria forward; some of the politicians tagged the protesters action as ethno-religious plot under the influence of opposition parties to unseat the APC led government. The Governor of Kogi State in an opened broadcast to the State on the 25rd of October, 2020, accused the opposition parties of master minding the youth protest against police brutality (ENDSARS), and referred to the protesters as hoodlums and looters. It is a kind of replication of what happened in 1966 when some eminent Northern elites politicized the very first coup in Nigeria and the young military officers from the North carried out a counter coup that ended up in civil war.²¹ If Nigeria were to be a united country as some few beneficiaries from the decayed system claim, whenever there is an uprising like what we are experiencing now, the leaders should be addressing the issues in question rather than localizing it as a target against a particular section of the country or against a particular ethnic group. There are numerous symptoms and signs that Nigeria is not one and will never be one because Nigeria never had leaders that were ready to unit this country as one and all citizens treated equally. Nigeria as it is today is under the serious influence of religious and ethnic politics with distrust of none tribal people. When an Hausa/Fulani is coming to power, his tribal men and women are expecting appointments into juicy positions like Managing Director of NNPC, President of CBN, Chief of Army Staff, and the rest from him, while the other parts of the country feel marginalized. The same apply to the Yoruba and other ethnic groups in Nigeria whenever they are in position of authority. As a result of this anomaly, meritocracy has been sacrificed at the altar of mediocrity in Nigeria. The ethnic politics had been immortalized to the extent that competent people are not given the

²¹ See, P.O. Isanbor and G.O. Ojebun, *Lekki Tollgate Massacre of EndSARS Protest as a Common Nigerian Historical Experience*. In M.M. Uzomah and J.O. Egbonu (eds). *Studies in Philosophy and Society*, Vol. 2, (pp. 211-231). Kagoma: Dept of Philosophy, Albertine Institute, 2022.

opportunity through appointments to contribute to the building of the nation, Nigeria. It is a country where a legal practitioner is appointed as minister of mines and power, a medical practitioner becomes a minister of labour and employment, while a technocrat is made the minister of health, just because of ethnicity, religion and party affiliation. What an irony of a great nation like Nigeria where both material and human resources are in surplus yet there is deficiency in distribution of wealth and unprofessional appointments of incapable citizens to head the various existing ministries and institutions. The Nigeria leaders succeeded in making the citizens hopeless individuals waiting for miracle endlessly to transform their impoverish life styles to a meaningful average and minimum standard of living. The hunger in the land has turned naturally and supposed decent girls, ladies and women to cheap and chronic street prostitutes, while boys and young men have taken to robbery and cymbal crimes just to get food to eat in order to continue with their miserable existence in a land flowing with milk and honey.

The Good and the Bad of the 1914 Amalgamation of Nigeria

Realistically, amalgamation itself is not evil when there is understanding, genuine intension, common agreement for the common good of those involved, historical fusion of the ethnic groups involved, similarity of language, culture, custom and tradition of the ethnic groups involved, and disabuse of nepotistic, and ethno-religious mentality by the nation States to be amalgamated. In African traditional society some years back, those at the marriageable age might not had knowledge of men or women they would spent the rest of their lives with either as husbands or wives because it was the responsibility of the parents who claimed to have matrimonial experiences that knew the best husbands or wives for their children. The children accepted whoever the parents approved for them for marriage without questioning as a sign of obedient to the parents. As time goes on, the couple developed love towards each other by accommodating their shortcomings and on daily bases try to understand each other as they grew older in the marriage. When civilization crept in as unexpected thief at night through westernization, such tradition died a natural death, and children are now allowed to decide their fates where marriage is concerned. The modern couples must understand and love each other before marriage is contracted.

The above simple illustration of marriage in African traditional society summarizes the amalgamation of the North and South Protectorates. Though, the conglomerates of nations forcefully brought together as one might not be at the interest of the people at the early stage of the amalgamation, but after several years of being together and passing

through stormy and thunderous situations especially the one of the civil war period, it is expected that the various groups would have mastered the art of staying together as one. In spite of the noticeable differences among the various ethnic groups, they still stand to benefit more from each other. For instance, there are States in Nigeria that are blessed with natural resources such as: crude oil, gold, lime stone, iron ore, and while some other States are blessed with agricultural produce. Human resources are distributed throughout the country with rendition of services within and outside their States.

The various cultures, traditions, and customs of the ethnic groups are additional coloration to the social beauty of Nigeria and dragged it out of cultural and traditional monotony. Whenever carnivals are organized in Nigeria to showcase our cultural heritage people admire the amazing different cultures been displayed. The various ethnic groups have lots of things to benefit from each other in area of mineral resources, agriculture, and the entertainment world. No man is an Island; therefore, the various ethnic groups with a good understanding of each other they could live together harmoniously and peacefully. In which case, they should pay more attention to the general well-being of humanity especially their neighbouring States and other ethnic groups they co-exist with in Nigeria. In most advanced nations of the world, the citizens focus more on the common good of the nation and less conscious of their ethnic affiliations and origin, because they realized long ago that less would be achieved if they allow ethnic politics to dominate their social-economic lives. That is why every average American adopts as a philosophy the Abraham Lincoln's dictum which says "think of what you can do for your country and not what your country can do for you." That is everyone should in his/her best ability contribute to the growth and development of the country and not family and ethnic group.

The amalgamation has made Nigeria the most populous country in Africa and therefore referred to as the giant of Africa. Nigeria has played the role of a father and godfather to other countries in Africa at crises periods in history even before her independent. The Nigeria Arm Forces played a prominent role in Congo crisis, Liberian war, Sierra-Leon war, and even Lebanon in the 80s. Nigeria has earned her respect from other African countries because of the roles she has played as the giant of Africa. Nigeria stood and supported South Africa both materially and morally during apartheid policy in South Africa in the 70s.

Nevertheless, the amalgamation of 1914 has further divided the country along ethnicity, religion, and politics. The Hausa/Fulani see other parts of the country as potential enemies who cannot be trusted and entrusted with any sensitive positions. They also consider them as strong

competitors who want to push them out of the scheme of political management of the country because of the educationally disadvantageous position of the North. The Southerners and the Middle Beltans think the same way by seeing Hausa/Fulani as the British favourites from the time of amalgamation till date; because of the belief that they never agitated for independent and yet they produced the first prime minister. Udulu posits that the tragedy of 1967 the Nigeria Civil War was that many of its seeds were not, as it is often claimed, sown in October 1960 or even in July 1966 but in the 1950's or as some see it in 1914 (or may be in 1900 when colonialism had its root on the land) after the amalgamation of North and South protectorates.²² In the 1950's the argument between the Northern parts of the country and the Southern part in terms of readiness of the country independence brought a heated argument between the two. While the South claimed its readiness for independence in 1958, the North under the political leaders like Sir Ahmadu Bello, the Sardauna of Sokoto, was vehemently against independence at that time due to lack of skilled and enough educated personnel to take over anticipated post-colonial administration. By this action the Southern politicians saw the North as delaying the independence of Nigeria.

Also, most Nigeria till now see the amalgamation as false and forced marriage among the ethnic groups especially between North and South because they have nothing in common in their life style, politics, religion and otherwise. It is a strong belief that the amalgamation was contracted just for economic reason in favour of the colonial masters. This belief is solely responsible for the sharp division and marginalization of some ethnic groups, constant crisis among the ethnic groups, nepotism and lack of national patriotism among the citizens. The development of the entire nation seems to slow down because of ethnic politics and discrimination against one another in area of appointment. The politicians capitalized on this loopholes to carry out their nefarious activities against the citizens through the embezzlement of funds meant to develop the country, while their ethnic cronies back them up ignorantly because they have the mentality that when their tribal men and women steal from the national or State treasury they would come home victoriously to establish in their community. That is why those who loot the nation money successful are given chieftaincy titles in their various communities, while those who served the nation meritoriously are thrown to the lowest background without recognition in their communities.

²² A.A. Udulu, p. 199.

Conclusion

When marriage is falsely and forcefully contracted because of the benefits of the parents of the couple, the marriage will never be enjoyed by the couple because they will continue to live in bondage and strangers to one another. Also, there is no polygamous home the wives will love each other more than the man who cater for all of them. In resume's the foundation upon which the colonial masters built Nigeria nation through amalgamation is too fragile, weak, frail like one suffering from osteoporosis, and with inferior materials. Nigerians have demonstrated time without number that we are plenteously living together as one whereas we are very much divided and far away from each other. There is no iota of love among the ethnic groups that made up of Nigeria, and it is only those who are the economic and political beneficiaries that actually want the country to remain as one to safe guard their wide spread acquired properties throughout the country. The average Nigerians would like to go their own ways to struggle for their survivals. Nevertheless, separation or secession may not be a permanent solution to the suffering, bad governance and marginalization of some ethnic groups, but rather good leadership and leaders who are patriotic and ready to make sacrifice to bring the nation out of economic, social, and political conundrum and bottomless doldrums. Finally, until Nigeria is ready to practically suppress and eradicate money politics and vote buying, even when the ethnic groups succeeded in parting ways, we will continue wallowing in abject poverty, penury, and oppression from the political class who heartless in looting and criminally inclined in slaying the common man on the street to climb up to high positions in the land.

Recommendations

This work recommends the following as an attempt to resolve the seeming perennial problems created by 1914 amalgamation:

1. Education of the majority of the citizens should be considered as the first priority by the government to broaden the people's mind to think beyond their ethnic background.
2. Patriotic Nigerians should be allowed to occupy leadership positions even if they are not financially buoyant to vie for such positions.
3. Old politicians who are too conscious of their ethnic groups should not be allowed to contest for any political position in Nigeria.
4. If the various ethnic groups unanimously and collectively agree to go on their separate ways it should be granted instead of living in pains together in the name of one Nigeria.

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FEATURES OF INFORMATION WAR IN THE MEDIA SPACE IN THE CONDITIONS OF RUSSIAN AGGRESSION AGAINST UKRAINE

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Abstract: *The article attempts a philosophical understanding of the features of the information war in the media space in the context of Russia's large-scale aggression against Ukraine. It is noted that the technologies of information war are the most complex of all methods of manipulating public consciousness due to their systematic nature, variety of forms and deliberate masking of their elements by the warring parties. It is concluded that the space of the information society is saturated with elements of information wars and various types of manipulative information. Technologies of information war, applied through mass media within the framework of the global information environment, on the one hand, can create elements of the global media picture of the world, and on the other hand, are practically the only means of exposing it. It is emphasized that such a situation at the global level of the information environment creates significant difficulties for orientation in the media space of the information society and creates the need to differentiate the criteria of the quality of the information circulating in the media environment of modern society.*

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Keywords: *media space, information war, information influences, information environment, manipulation of consciousness, mass media*

Introduction

The flow of information in the modern world is so diverse and contradictory that it is extremely difficult for an individual person to understand it on his or her own, and sometimes it is simply impossible. Therefore, the selection of the most important information and its presentation is an important task of the media space, which, of course, opens up wide opportunities for manipulating the mass consciousness. This problem has become especially topical for Ukraine, which has directly encountered an unprecedented information assault from Russia, which has intensified many times since the beginning of Russia's large-scale aggression in Ukraine. The information war began long before the escalation of the situation, which turned into a large-scale armed aggression of Russia against Ukraine. As I. Feshchenko rightly points out, "the forms, methods, technologies and means of conducting it are considered simple, even primitive, on the one hand, and on the other hand, this war was long planned, developed and quite successfully implemented"¹.

In the information society, the power of knowledge and information becomes decisive in the management of society, relegating the influence of money and state coercion to the background. The direct carriers and, especially, distributors of knowledge and other politically significant information are mass media. They, as the most common component of the media space, have enormous opportunities in the field of political manipulation and influence on mass consciousness through the formation of a certain public opinion in the population about certain events, people, and phenomena. Although the mass media are designed to solve certain tasks in the political system and society, in real life they are quite independent, have their own goals, which often differ from the needs of society, and use different methods to achieve them. The mass media exert influence on politics primarily through their influence on the information process, which in turn allows to shape public opinion in a certain way.

Methodology

The methodology of this study of the features of information war in the media space involves step-by-step application of general scientific, philosophical and special methods and approaches. Such a sequence allows to achieve the maximum scientific result. At the first stage, a comparative analysis of the most revealing scientific publications on the

¹ I.V. Feshchenko, *Information warfare as an organic component of the modern military-political conflict*. Philosophy and political science in the context of modern culture, 2021, 13(1), p. 97.

investigated problem is carried out. The second stage is direct research based on systemic and structural-functional approaches to information war as a complex technology of social manipulation; the analytical-synthetic method, as well as the methods of comparison and analogy, provides an opportunity to compare the theoretical and methodological concepts of understanding the essence of information war, as well as to reveal the peculiarities of its individual aspects. At the final stage were generalized the arguments in favour of the authors' hypothesis according to which in the modern conditions of war, it is necessary to search for anticipatory means of conducting information warfare based on the formation of an appropriate level of critical thinking in society, which is made possible by the purposeful construction of elements of the global media picture of the world. In particular, at this stage, the key thesis of the authors' hypothesis was confirmed, that the neutralization of the negative consequences of the information war is correlated with the problem of information security, which, in this context, should be considered through the prism of the problem of flexible adaptation of the subject of information relations to new information conditions.

The purpose of the article is an attempt to philosophically understand the features of the information war in the media space in conditions of the large-scale war of Russia against Ukraine.

Theoretical basis

The results of the analysis of the latest research and publications show that today in the scientific literature there are a significant number of ideas and well-founded proposals of a theoretical and practical nature, which relate to the problems of the purposeful use of information, information means and technologies in the course of achieving political, economic, social, military and other goals. This use of information and technology in scientific literature has been called "information wars".

For example, the history of the information wars progression, the improvement of technologies for their conduct, as well as the place of information wars in geopolitics are considered in the studies by P. Ortega-del-Cerro², E. Levine³, F. de Vivo, M.A. Viceglia⁴ and other scientists.

Conceptually interesting in this context was the book by I. Panarin "Information War and Geopolitics", in which the author claims that "now

² P. Ortega-del-Cerro, *A War of Information: Spanish Naval Intelligence During the American Revolutionary War (1775-83)*. War in history, 2022. URL:

<https://journals.sagepub.com/doi/full/10.1177/09683445221078058>.

³ E. Levine, *America's information wars: The untold story of information systems in America's conflicts and politics from World War II to the internet age*. Journal of the association for information science and technology, 2020, 71(8), p. 991-994.

⁴ F. de Vivo, M.A. Viceglia, *Thirty years war and information*. Rivista storica Italiana, 2018, 130(3), p. 828-859.

there is a fifth world war - informational and intellectual"⁵. He called the third one the "cold war" with the West, which Russia lost, and the fourth - the war with terrorism, which the civilized world won.

In their article, N. Krasovskaya and A. Gulyaev⁶ consider some modern interpretations and various classifications of information wars. The authors of the article raise the question of the need for psychological research aimed at minimizing the harmful effects of informational influence on the population.

M. Taddeo⁷, M. Sleat⁸ in their studies raise the actual problem of observing ethical standards in the process of waging information wars.

Important for this study is the position of J. Mericka⁹, who in his article evaluates the information war of Russia against Ukraine in the context of military strategy. According to the author of the article, the influence of the information operation (disinformation and deception) is a strategic tool for achieving the goals of the information war. J. Mericka pragmatically analyzes the information war from the point of view of military art and as part of the strategy of ensuring combat operations, and also points out the phases of the information war.

P. Furgacz¹⁰ deeply and comprehensively examines the information war of the Russian Federation against Ukraine. As the author claims, the conflict in Ukraine unequivocally proves that information war has become a very important, if not decisive, element of the Russian way of waging hybrid warfare.

V.A. Bogush, N.N. Brailovskyy, D.V. Chirkov¹¹, as well as X.Y. Chen, P. Xue and Y.F. Xue¹² investigate information wars in their articles more

⁵ I.N. Panarin, *Information warfare and geopolitics*, Moscow: Pokolenie, 2006, p. 7.

⁶ N.R. Krasovskaya, A.A. Gulyaev, *Concerning the Classification of Information Wars*. *Sociologia nauki i tehnologij-sociology of science & technology*, 2019, 10(2), p. 44-55.

⁷ M. Taddeo, *Just Information Warfare. 2nd Workshop on Ethics and Policies for Cyber Warfare*. Ethics and policies for cyber operations: a NATO cooperative cyber defense center of excellence initiative, 2017, 124, p. 67-86.

⁸ M. Sleat, *Just cyber war?: Casus belli, information ethics, and the human perspective*. *Review of international studies*, 2018, 44(2), p. 324-342.

⁹ J. Mericka, *The Information War in Ukraine as a Part of the Military Strategy*. *Vojenske Rozhledy-Czech military review*, 2022, 31(1), p. 21-37.

¹⁰ P. Furgacz, *Russian Information War in the Ukrainian Conflict NATO Advanced Research Workshop (ARW) on Countering Hybrid Warfare - Lessons Learned from Ukraine*. *Countering hybrid threats: lessons learned from Ukraine*, 2016, 128, p. 207-216.

¹¹ V.A. Bogush, N.N. Bralovskyy, D.V. Chirkov, *Information wars in computer communication system. International Conference on Modern Problems of Radio Engineering, Telecommunication and Computer Science*. TCSET 2006: Modern problems of radio engineering, telecommunications and computer science, proceedings, 2021, p. 484-484.

¹² X.Y. Chen, P. Xue, Y.F. Xue, *Classification and valuation processing of information*. 6th International Symposium on Test and Measurement (ISTM). 6th

narrowly, through the prism of modern information technologies and communications. For example, according to the authors of the above-mentioned latest article, in the military sphere, information technologies have already become the core and support of high technical modernization of military equipment, and timely and accurate information can win time and victory for the army.

Despite the depth of theoretical analysis and synthesis of the phenomenon of information wars, there are significant differences among the researchers in the conceptualization of this definition. The proposed scientific and theoretical interpretations of the concept vary in their content from abstractly broad to narrowly specialized, significantly limiting and detailing the subject-object sphere of definition. At the same time, Russia's large-scale military aggression against Ukraine makes it necessary to consider the main features of the information war directly in the media space in order to work out a number of specific proposals for countermeasures to informational influences from the aggressor country.

Results and Discussion

The modern information war in the media space is rather multifaceted and multilevel phenomenon. The current stage of Russian aggression against Ukraine, as Y. Polovynchak and A. Berehelskyi rightly point out, is not the first conflict of the era of social networks, but in terms of the scale of the confrontation and at the same time information support, it is definitely unprecedented. It is also unprecedented in terms of the level of produced content of very different quality (from amateur, which accidentally captures unique phenomena or events at a key moment in a key place, to highly professional and that one which has significant artistic value); purpose (documentation of everyday of war or combat operations, recording of war crimes; entertainment or propaganda materials); values (from informational noise to unique evidence or influential iconic symbols of the era)¹³.

To date, in the scientific community there is no formed single opinion regarding the very scientific and theoretical concept of information wars, as well as the main methods, forms and methods of their conduct. An important role is also played by the fact that in connection with the development of information technologies, as well as with the general process of scientific and technical progress, we can observe the evolution

International Symposium on Test and Measurement, 2005, 1-9, Conference Proceedings, p. 8168-8171.

¹³ Yu. Polovynchak, A. Berehelskyi, *Visual content of social media as an object of library deposit (based on materials covering the events of the 2022 war)*. Scientific works of the National Library of Ukraine named after V.I. Vernadsky, 2022, 63, p. 24.

and introduction of fundamentally new innovative techniques and tools used in modern information confrontations. The process of applying informational and communicative forms of influence is dynamic. In fact, with each relatively small period of time, there is a theoretical, methodological and structural modification of the already existing tools of information warfare. Technologies of information warfare are the most complex of all methods of manipulating public consciousness, due to their systematicity, variety of forms and deliberate masking of their elements by the parties that are fighting.

Currently, the terms "psychological war" and "information war" are often used as synonyms, although sometimes some authors distinguish between their meanings. Thus, for example, H. Pocheptsov, researching communication technologies, considers information operations as processes aimed at stabilization, and psychological operations, in his opinion, belong to destabilizing processes. Reflecting on the goals of information war, the author notes that: "Information war should be considered as one of the basic concepts of military communication research. Another basic component of this direction lies in the field of intelligence and analytical work. Military communication research should provide answers not of an academic, but of a technological nature, be as practically oriented as possible, which will make it possible to move, relatively speaking, from research in the theory of communication to fundamentally applied developments. Therefore, it seems to us that the basic approach in this field can be based on the goal of a significant change in the picture of the world, which is obtained as a result of communicative influence"¹⁴.

In the conditions of an open democratic society, the predominance of ideas about human rights and the abhorrence of direct violence and the neglect of these ideas by the aggressor state, the importance of information war is growing, especially as the events of material war develop. Violence that is an integral part of any war continues to be carried out, in the case of information war, it is violence against the perception of the reader or viewer, the direct deception of the one who perceives the media message coming from the media reality, generated by the media.

Based on the modern researchers' studies¹⁵, it can be argued that information war is a purposeful influence on the public consciousness of

¹⁴ G.G. Pocheptsov, *Information wars*. Moscow: Refl-buk, 2021, p. 5.

¹⁵ Y.V. Meliakova, S.B. Zhdanenko, I.I. Kovalenko, H.S. Cayuleo, A.V. Kovalenko, *Hermeneutic logic of history about the opportunities of semantic reality*. Revista Notas Historicas y Geograficas, 2022, 28, p. 16-30.; O. Kurban. *Combat narratives in the system of modern geopolitical information wars (the experience of the Russian-Ukrainian hybrid information war 2014–2021)*. Synopsis: text, content, media, 2021, 27(3), p. 149-158.; O. Kurban, *The problem of critical thinking when consuming media*

the enemy to achieve information superiority, political or military goals (in the case of an information war between individual states) by causing damage to information and information systems of the enemy. Our understanding of this issue is based on the fact that information war, in essence, is, first of all, a technology of systemic influence on the mass and public consciousness, that is, a manipulative technology. However, compared to the technologies of socio-psychological and ideological manipulation, information war is the most sophisticated, structurally complex (combining various technologies and methods of manipulative influence) type of informational influence, and, at the same time, the most destructive, since technologies of one-sided "dynamic interpretation of history" are launched, which correlate with "transformation of history into an open space of free access" to historical facts and their subjective interpretation¹⁶. The goals of such influence are to change the public consciousness of the adversary, to achieve an informational advantage over him in order to further change his behaviour.

Information war as a complex technology of social manipulation carried out with the help of mass media can be present both within specific states (for example, informational struggle between different political parties, ideological, religious organizations, etc.) and at the international level and express the conflict of interests of different states. Accordingly, the information war between individual states within the framework of the global information environment acts as a way of constructing not a local, but a global media picture of the world¹⁷.

Thus, information war technologies used by mass media within the framework of the global information environment, on the one hand, construct the global media picture of the world, and on the other hand, are the only means of exposing it.

content in conditions of information warfare. Synopsis: text, content, media, 2022, 28(1), p. 21-27.; O.P. Nevelska-Hordieieva, V.O. Nechytailo. *Manipulation as a means of informational and psychological influence in information war*. Bulletin of the National University of Law named after Yaroslav the Wise. Series: Philosophy, philosophy of law, political science, sociology, 2021, 3, p. 71-83.

¹⁶ Y.V. Meliakova, S.B. Zhdanenko, I.I. Kovalenko, H.S. Cayuleo, A.V. Kovalenko, *Hermeneutic logic of history about the opportunities of semantic reality*. Revista Notas Historicas y Geograficas, 2022, 28, p. 16-30.

¹⁷ O.K. Yudin, O.V. Matviichuk-Yudina, O.M. Suprun, *Information and psychological warfare and social engineering technologies*. Scientific technologies, 2021, 2, p. 130-139.; O.G. Danilyan, O.P. Dzoban. *Information picture of the world in the context of the perspectives of modern science and culture*. Information and law, 2013. 1(7), p. 21-28.; O.G. Danilyan, O.P. Dzoban. *Information picture of the world as a socio-cultural reality*. Gilea: Scientific Bulletin. Collection of scientific works, 2013. 70(3), p. 573-578.

The main method of information warfare is the spread of destabilizing information. It is about information that spreads pessimism, fear and passivity, distrust in certain leaders, the political leadership of the state, etc. The main means of this method, according to experts in this field¹⁸, should include:

- subjective interpretation of events (often due to the demonstration of victims of their crimes, who are pretending to be the crimes of the enemy);
- an appeal to binary thinking, in which either only positive or only negative events are perceived. This type of thinking creates the ideal "soldier" of information warfare;
- the determining nature of unproven conclusions, the grounds for which can be an allegedly "proven" fragment of the mythological media picture of the world;
- building abstract generalizations based on individual cases and transferring individual details to the assessment of the entire event as a whole;
- exaggeration of the possible consequences of the events under consideration.

It is possible to distinguish three stages of the work of a propaganda message within any informational attack: creating interest in the message, stimulating emotions, then the propagandist shows how emotional tension can be removed (in the way he needs). Modern Ukrainian researchers usually distinguish three groups of techniques of psychological warfare¹⁹:

- "psychological pressure", which includes multi-pass repetition of the same erroneous thesis, appeal to authorities, manipulation of facts, selective choice of information, creation of psychological discomfort, etc. The essence of any form of psychological pressure is the suppression of the ability to think rationally, after which a person is easily manipulated due to purely emotional influence;

¹⁸ *Information Security in Modern Society* / A. Getman, O. Danilyan, O. Dzeban and other. LAP Lambert Academic Publishing, 2023. 196 p.; O.G. Danilyan, O.P. Dzoban, *Information warfare in the media space of modern society*. Bulletin of the National University of Law named after Yaroslav the Wise. Series: Philosophy, philosophy of law, political science, sociology, 2022, 3(54), p. 11-29.

¹⁹ M.M. Brailovskyi, T.P. Pirtskhalava, V.O. Khoroshko, Yu.Ie. Khoklachova, *The use of mass media in information and psychological warfare*. Informatics and mathematical methods in modeling, 2021, 11(3), p. 162-172; N. Vitiuk. *Peculiarities of the discourse of political propaganda in the conditions of information and psychological warfare*. Collection of scientific works, 2019, 24, p. 29-38; V.V. Tarasova. *Verbal means of information and psychological warfare*. Bulletin of the Mariupol State University. Series: Philology, 2020, 22, p. 251-258.

- "imperceptible penetration into consciousness", the "gingerbread method", in contrast to the previous "whips method". Advertising of one's own life, implicit dissemination of values through culture, primarily through mass culture, fashion, entertainment, art. Rumors and gossip, creating pseudo-folklore, writing works of art to discredit the opponent are the forms of inconspicuous penetration;

- "hidden violation and distortion of the laws of logic", various sophistic methods of polemics. This method is especially effective in relation to low-educated people, who find it difficult to understand where the logical error lies in the constructions. Information wars are an extreme expression of the relationship between mass media and politics.

Modern mass media have a huge manipulative potential, which poses a particular threat in the conditions of waging a large-scale war. The technologies used by mass media are able to make people believe that they are free, when in reality they are not. In the USSR, and later in Russia, global propaganda took and takes place, the introduction of certain ideological doctrines into consciousness, which lock a person within the framework of a certain political picture of the world and make it difficult to form an independent civil position. Information flows are aimed at the subconscious, which does not allow a person to be aware of the fact that he or she is being "processed". Deception, which permeates significant social and political processes, makes it difficult for people to realize their position. In addition, it is worth noting that such a complication is exacerbated by the Russian aggressive discourse, which is fixed at the level of narratives broadcast to different target audiences through different communication channels.

Another common method of information war is to deliberately distract people from important information, from some actions (for example, mass murders). The thing is that changing the picture of the world under the pressure of an information attack should not be carried out abruptly, because otherwise it is perceived as aggression from the individual's culture, which leads to developed reactions of rejection, perception of the media message as the alien one. Therefore, agenda setting is important, when the mass media determine which problems are important for society and which are not. The most revealing in this regard is Russia's modern war against Ukraine, where the specified method of information warfare is manifested in the fact that Russian and some Western pro-Russian mass media began a dosed (as if "among other things") review of the events in Ukrainian settlements only after the beginning of a wide resonance in world media, and Russia's aggressive and extremely cruel actions against the civilian population of Ukraine were considered exclusively distorted,

one-sided, with active attempts to blame the "Ukrainian Nazis" for everything. Such messages "filtered" by Russian censorship were presented against the background of "outstanding achievements" of the Russian economy and the "historic liberation mission" of the Russian army.

The information war preceded the real war and accompanies it, taking into account the controversy regarding the results of the work of special monitoring missions. The experience of Russia's war against Ukraine provides grounds for asserting that the object of information attacks was, first of all, the mass consciousness of various population groups:

- the population of both Ukraine and Russia;
- the population and political elite of the post-Soviet states;
- political elite of citizens of the European Union.

One of the goals of such manipulations is to create an alternative reality. Thus, on June 27, 2022, the Russian mass media began to spread the news from the survey of the All-Russian Center for the Study of Public Opinion (ВЦИОМ - ARCSPO) with the headline "The number of visit to museums and exhibitions in Russia has increased one and a half times in 30 years". This is a bright attempt to create an alternative, positive agenda. Distracting the population in this way was invented in the Kremlin back in 2017, against the background of anti-corruption rallies inside Russia. The administration of the President of the Russian Federation is trying to create an alternative reality even for the President himself. After the war began, and the ARCSPO and the Public Opinion Foundation (POF) reported that the majority of Russians supported it, the Russian sociologist Serhii Khaikin and a group of colleagues conducted a study that showed that among young people, Moscovites and St. Petersburg inhabitants there is a high proportion of those who disagree with the invasion to Ukraine. Khaikin used to work with the Kremlin and, according to his words, he used to manage to pass his polling data to the president; he hoped that it would succeed now. But he was hinted that the publication of such materials was inappropriate at the moment.

In addition, it is worth noting that Russian information services carefully monitor the processes of Ukrainian and international politics and constantly change their narratives. If since 2014, almost all of Russia's information operations have been aimed at popularizing the "Russian world" and denying the Ukrainian state, its history and future, then recently informational influences have been targeted on the public consciousness both within Ukraine and beyond. Efforts to "shake up the situation from within, divide society, sow doubts by appealing to critical

statements of Ukrainian politicians, journalists, and pseudo-Ukrainian patriots" are clearly visible²⁰.

The ideas of finding ways to protect and resist the technologies of social manipulation have long been popular in the social sciences, but the nature of the existing ideas proves their ineffectiveness against such a complex manipulative technology as information war. Psychologists' researches only meet the requirements of finding ways to disrupt social manipulation within the framework of interpersonal manipulation and basically represent the development of manipulative attack techniques in response at the level of interpersonal and group interaction. Questions regarding the protection against technologies of manipulation of mass and public consciousness are resolved from the standpoint of legal norms of individual states, as well as international law. Ideally, legal norms (both within individual states and in the field of international relations) regarding information war should regulate not only the quantitative aspects of the dissemination of information by the mass media apparatus, but also pay attention to the qualitative aspects of the information disseminated, introduce sanctions for the mass media dissemination of distorted and destabilizing information. However, the vivid example of Russia's war against Ukraine shows the opposite and forces us to admit that one of the important aspects of information security, related to the regulation of social manipulation processes, is actually not properly taken into account by the system of modern international law. In other words, the aggressor country simply ignores the current norms of international law, using either the dependence of many countries of the world on Russian energy resources, or simple fear of Russia as a nuclear power, or the use of the veto right in the UN in favour of Russian interests.

The experience of war of Russia against Ukraine shows that Russia's use of informational and psychological weapons in the media space through aggressive influence on consciousness and subconsciousness is carried out in the following main directions:

- ensuring that the military-political leadership of Ukraine adopts the decisions desired by Russia and encouraging them to implement imposed political, economic and military steps;
- undermining the legitimacy of Ukrainian political power;
- undermining the international authority of Ukraine, creating its negative image in order to prevent large-scale military, economic and financial assistance from European countries and the USA;

²⁰ Putin is worried about his rating, so the Kremlin has long learned to conduct opinion polls "correctly". URL: <https://meduza.io/feature/2022/07/07/putin-perezhivaet-za-svoy-reyting-poetomu-kreml-davno-nauchilsya-provodit-sotsoprosy-pravilno>.

- destabilization of the situation in Ukraine as a whole, provoking political protests, social conflicts, undermining the moral and psychological state of the Ukrainian population;
- undermining the defense capability of Ukraine and the combat capability of its Armed Forces;
- supporting the actions of internal destructive forces and collaborators aimed at destroying or harming the Ukrainian state and society, including by corrupting the authorities and political elite;
- creating a negative image of Ukrainians by spreading fakes about "neo-Nazism", "Banderivites", diametrically opposed to the true events of coverage of war crimes by the Russian army;
- replacing the socio-cultural identity of the entire population of Ukraine or its part, imposing doubts about national values and the foundations of statehood.

And this list can be continued and specified.

Informational and psychological weapons as a tool of information warfare are directed by Russia at suppression, destruction, disorganization, disorientation, misinformation, maladaptation of the object of influence. In addition, as noted by O. Nevelska-Gordeeva and V. Nechitaylo, "it is usually directed at a violation of mental health, it encourages spontaneous, unmotivated, aggressive (or antisocial) actions, causes temporary or irreversible changes in the consciousness of an individual, or and its complete self-destruction"²¹. This type of weapon becomes an independent means of conducting informational and psychological war, a common way of achieving certain invasive tasks by the aggressor country.

Therefore, the goals and objectives of the information and psychological weapons used by Russia acquire destructive features, become a means of psychological destruction of the opponent, his disorganization and discredit, and at the same time - a means of protection against threats to one's own security, mobilization of supporters and expansion of spheres of influence in the international arena. An important function of information and psychological weapons is the creation of a virtual "picture of the world" - an illusory, parallel reality with a transformed system of values, beliefs, attitudes, and ways of behaving. The objects of influence are the mass consciousness of the population of the

²¹ O.P. Nevelska-Hordieieva, V.O. Nechytailo, *Manipulation as a means of informational and psychological influence in information war*. Bulletin of the National University of Law named after Yaroslav the Wise. Series: Philosophy, philosophy of law, political science, sociology, 2021, 3, p. 79.

Russian Federation, the population of neutral countries, and the population of Ukraine.

As a result, there is a danger of realizing, as O. Ryabinina I., Kovalenko and K. Nesterenko and co-authors rightly point out, "... the self-negative tendency of the dynamics of historicity, the overflow of the subject's qualities into technogenic material qualities, the abolition of the fullness of oneself by means of an affective-corporeal hypostasis and the replacement of being with presence"²². In addition, "theories of suspicion, which affective component becomes extremely powerful" are updated²³.

Thus, the examination of the phenomenon of information war from the point of view of aspects of its technological component leads to the conclusion that information war can be considered as a systemic in nature, complex in structure and destructive in its consequences technology of social manipulation. As a manipulative technology, information war expresses the extreme form of the negative impact of social manipulation on the public consciousness of individual peoples, masses, and even countries. Within the framework of the global information environment, the technologies of information war used by mass media act as a means of constructing the elements of the global media picture of the world. Such an aspect does not cancel the significance of existing political science approaches focused on the study of information warfare as a new type of military conflict, but, on the contrary, complements the holistic understanding of the nature of the phenomenon of information war, the study of which is necessary to solve the information security issues of specific states under the conditions of the actual failure of the norms of international law and existing systems of collective security to ensure such security.

Conclusion

Summarizing, it should be recognized that the space of the information society is saturated with information wars and various types of manipulative information. Technologies of information warfare, applied through mass media within the framework of the global information environment, on the one hand, can create the elements of the global media picture of the world, and on the other hand, are practically the only means of exposing it. Such a situation at the global level of the information environment creates significant difficulties for orientation in the media

²² O. Ryabinina, I. Kovalenko, K. Nesterenko, *Metamorphoses of historicity in modern culture*. Revista Notas Historicas y Geograficas, 2021, 26, p. 190.

²³ I. Kovalenko, Y. Meliakova, E. Kalnytskyi, K. Nesterenko, *On conspiracy thinking in the phenomenology of modern culture*. Cogito. Multidisciplinary research journal, 2021, XIII, 3, p. 68.

space of the information society and creates the need to differentiate criteria for the quality of information circulating in the media environment of modern society.

Hybrid attacks in the information space are carried out both through traditional media (television, press, radio) and through online social networks. But, with informational attacks in social media, traditional methods of struggle do not give the desired results. In this case, it is necessary to look for other means and, as O. Kubran rightly points out, first of all, it is necessary to work proactively, forming the appropriate level of critical thinking in society²⁴. Perfect knowledge and understanding of the processes taking place within the national information field, knowledge and understanding of how an individual reacts to any manifestations of information aggression and how he or she perceives various sources of information is of the leading importance for the implementation of the specified tasks.

The analysis of various aspects of the use of information warfare technologies in the large-scale armed aggression of Russia against Ukraine illustrates the fact of the possibility of constructing elements of the global media picture of the world with the help of these technologies. In order to neutralize the consequences of the information war, the party victim of aggression must use the same technologies and methods as the aggressor party, that is, use the technologies of information war in a similar way, but already for its own purposes (to repel information attacks of the aggressor).

The problem of neutralizing the consequences of an information war necessarily correlates with the problem of information security, which, in this context, should be considered through the prism of the problem of adapting the subject of information relations to the conditions connected with cyber attacks and other aggressive informational influences²⁵. In particular, as, for example, Chung Ng. K., Zhang Xj., Thong James Y.L., Tam K.Y. offer, the indicated problems should be correlated with the phenomenon of ambivalence (in particular, with the definition of its determinants), which is generated by the contrast between individual assessments of individual preferences of an individual and social reality, which is constructed by force with the help of available means of information warfare²⁶.

²⁴ O. Kurban, *The problem of critical thinking when consuming media content in conditions of information warfare*. Synopsis: text, content, media, 2022, 28(1), p. 21-22.

²⁵ Danilyan O., Dzoban O., Kalynovskyi Y., *Digital man as a product of the information society*. Cogito. Multidisciplinary research journal, 2023, XV, 1, p. 142-158.

²⁶ Ng.K. Chung, Xj. Zhang, J.Y.L. Thong, K.Y. Tam, *Protecting Against Threats to Information Security: An Attitudinal Ambivalence Perspective*. Journal of management information systems, 2021, 38(3), p. 732-764.

In addition, in the context of the reality of the war in Ukraine, we consider it expedient to agree with the point of view of K. Chyzhmar, O. Dniprov, O. Korotiuk, R. Shapoval, and O. Sydorenko²⁷, that in order to improve the mechanism of protection of the information space of Ukraine, it is necessary to distinguish at the legislative level, the concepts of "information security" and "cyber security", since their understanding is the basis for the formulation and implementation of state information policy, improvement of international cooperation between states regarding the exchange of experience, as well as the involvement of the general public in the protection of the information space.

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²⁷ K. Chyzhman, O. Dniprov, O. Korotiuk, R. Shapoval, O. Sydorenko, *State information security as a challenge of information and computer technology development*. Journal of Security and Sustainability. 2020, 9, 3, p. 819-828.

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FREEDOM OF SELF-INCRIMINATION

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Abstract: *Certain publication is dedicated to one of the principles of the criminal process – the freedom to testify against oneself. That principle is found in the domestic legislation of most democratic countries, as well as in international legislation. The article in reference invokes the analysis of the spectrum of problems regarding the fundamental right of the person to decide whether he wants to submit statements to the judicial bodies that bring him criminal charges. The given analysis is based on the jurisprudence of the Republic of Moldova, international and, in particular, of the European Court of Human Rights. The authors identify the problems that have arisen and give solutions to eliminate the divergences, through practical recommendations and proposals for ferenda law, emphasizing the importance of respecting human rights in the criminal process through the prism of art. 6 of the ECHR and art. 21 of the Code of Criminal Procedure of the Republic of Moldova.*

Keywords: *confession against himself, the right to remain silent, penal trial.*

Introduction

The freedom of self-incrimination is a principle and a fundamental right of the person, which represents a fundamental guarantee of a fair trial. The right of the suspect, the accused and the defendant not to give any statement is a specific right in order to ensure an effective and concrete defense.

“An important component of the right to defense is the right to remain silent and the right not to contribute to self-incrimination.”¹ The right to

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¹ Gheorghe Teodor-Viorel, *Discovering the Truth, Fundamental Principle of the Criminal Process*, Hamangiu Publishing House, 2021, p. 87.

remain silent is a principle that guarantees every person the right to refuse to answer questions asked by judicial bodies or to avoid self-incrimination. It is a legal right, expressly or conditionally recognized in many of the world's legal systems.

Discussion and results

The right to remain silent arose from Sir Edward Coke's challenge to the ecclesiastical courts and their oath *ex officio*. In the late 17th century, it was enshrined in English law as a popular reaction to the excesses of the royal inquisition. In the 16th century people brought before the Star Chamber and the High Commission of England had to take an oath *ex officio*, by which they swore to answer the questions asked, not knowing what they are accused of.

Sir Edward Coke's call is the source of the right to remain silent. According to American jurist and evidence expert John Henry Wigmore, the abandonment of the Star Chamber and High Commission proceedings eventually led to the principle that "no person shall be bound to testify against himself on any charge, as well as in any court". This principle was extended during the English Restoration, beginning in 1660, to include "an ordinary witness, and not merely the accused party".

"In Great Britain and in former British Empire, particularly, in countries such as the United States of America and the Republic of Ireland, the right to remain silent has remained enshrined in the common law tradition inherited from England. This right existed even before the American Revolution in the USA. However, it was considered one of the most important guarantees to protect citizens against arbitrary state actions, and was enshrined in the Fifth Amendment of the Constitution, along with the term "fair trial", which was mentioned for the first time by Edward III in 1354 and containing wording similar to that of the Fifth Amendment."²

Later, that right found its regulations in several normative acts in different states, but as a fundamental right of the person, it was introduced in the International Covenant on Civil and Political Rights, where, in art. 14 point 3 letter g), guarantees the accused person's right to remain silent, regulating that, "*Any person charged with a criminal offense has the right not to be compelled to testify against himself or to admit his guilt.*"

In the ECHR case, *Ibrahim and Others v. the United Kingdom*³, the Court held that, "(...) *The UN Human Rights Committee has made it clear*

² Cluj Criminal Lawyer, 25.07.2021, *The Right to Remain Silent: Legal Nature and Who Can Prevail*. Available: <http://avocatripan.ro/dreptul-la-tacere-natura-juridica-si-cine-se-poate-prevala/> [accessed: 11.08.2022].

³ ECHR Judgment, *Ibrahim and Others v. the United Kingdom*, of 13.09.2016 (§ 271). Available: <https://hudoc.echr.coe.int/eng?i=001-166680> [accessed: 28.07.2022].

that the right to a fair trial under Article 14 ICCPR implies the right to be notified of procedural rights, including the right to legal assistance and the right to remain silent (...)."

A case known to the legal world, which gave rise to standards regarding this right, is the case of *Miranda v. Arizona*⁴. According to this case, the defendant, being deprived of his liberty, was heard by the judicial bodies without being fully and effectively informed of his rights. The US Supreme Court held that, "*The prosecution may not use statements, either impeachment or defense, from hearings initiated by law enforcement officers after a person has been deprived of their liberty unless they demonstrate that they have provided all effective Fifth Amendment safeguards against self-incrimination. (...). If the person indicates, before or during the questioning, that he wishes to remain silent, the questioning must cease; if he states that he wants a lawyer, the questioning must stop until a lawyer is present. If the detainee answers some questions during interrogation, he can later invoke his right to remain silent (...).*"

"Thus, what we call today the "Miranda Warning" was developed, i.e., the result of enshrining the obligation of the criminal investigation bodies to inform the persons heard or interrogated, suspects or defendants, regarding the right not to incriminate themselves, respectively the possibility of exercising the right to remain silent, regarding any of the facts or circumstances about which the person is being asked. ... If the criminal investigative bodies refuse to use the Miranda Warning during the questioning or hearing of the suspect or defendant, the evidence will not be able to be used against him in a criminal trial. In 1984, the Supreme Court of the United States of America came back in the case of *Berkemer v. McCarty*, ruling that a person subject to questioning and who is also in a state of restraint or arrest, has the right to benefit from the procedural guarantees arising from the Miranda Warning, regardless of the nature or severity of the crime of which it is suspected or for which the person in question has been arrested."⁵

On 09.03.2016, the European Parliament and the Council of Europe adopted (EU) Directive 2016/343 on strengthening certain aspects of the presumption of innocence and the right to be present at trial in criminal

⁴ Decision No. 759, 384 U.S. 436, *Miranda v. Arizona*, of 13.06.1966. Available: <https://supreme.justia.com/cases/federal/us/384/436/> [accessed: 23.08.2022].

⁵ Sorin-Adrian, Predescu, *The Miranda Warning – How the concept taken from American law came to be indispensable to criminal proceedings in any state of law*. Available: <https://www.juridice.ro/602377/avertismentul-miranda-cum-a-ajuns-conceptul-preluat-din-dreptul-american-sa-fie-indispensabil-procedurilor-penale-din-orice-stat-de-drept.html#comments> [accessed: 19.07.2022].

proceedings.⁶ This Directive regulates a series of provisions on the presumption of innocence.

According to art. 7 of (EU) Directive 2016/343, which regulates the right to remain silent and not to incriminate oneself, stipulates: “(1) Member States shall ensure that suspected and accused persons have the right to remain silent in relation to the crime of which they are suspected or accused. (2) Member States shall ensure that suspected and accused persons have the right not to incriminate themselves. (3) The exercise of the right not to incriminate oneself does not prevent the competent authorities from collecting evidence which can be legally obtained through the use of coercive measures provided for by law and which has an existence independent of the will of the suspected or accused persons. (4) Member States may allow their judicial authorities to take into account the cooperation of suspected and accused persons when passing judgments. (5) The exercise by suspected and accused persons of the right to remain silent and the right not to incriminate themselves shall not be used against them and shall not be considered to be evidence of the commission of the crime in question by them. (6) This Article shall not prevent Member States from deciding that, in the case of minor offences, the trial or some phases thereof may be conducted in writing or without the questioning of the person suspected or accused by the competent authorities in relation to the offense in question, provided that this respects the right to a fair trial.”

“(…) The importance of notifying suspects of their rights has also been recognized by the adoption of Directive 2012/13/EU on the right to information in criminal proceedings (...). The Directive’s preamble explains that the right to information about procedural rights, which is inferred from this Court’s case-law, should be explicitly established. Article 3 of the Directive requires that suspects be notified of five procedural rights, including the right to a lawyer and the right to remain silent (...).”⁷

“Although art. 6 of the European Convention does not expressly mention the right to remain silent and one of its components - the right not to contribute to self-incrimination, the European Court in its jurisprudence mentioned that the right to a fair trial also includes “the

⁶ (EU) Directive 2016/343 on strengthening certain aspects of the presumption of innocence and the right to be present at trial in criminal proceedings, adopted on 09.03.2016 by the European Parliament and the Council of Europe. Available: <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:32016L0343&from=FI> [accessed: 19.07.2022].

⁷ ECHR Judgment, *Ibrahim and Others v. the United Kingdom*, of 13.09.2016 (§ 271). Available: <https://hudoc.echr.coe.int/eng?i=001-166680> [accessed: 28.07.2022].

right for any accused in autonomous sense, to remain silent and not to try to contribute to one's own incrimination" (...).⁸

The European Court closely linked *the privilege against self-incrimination and the right to remain silent with the right to legal assistance*. Early access to a lawyer is part of the procedural guarantees that the court will consider, especially when analyzing whether a procedure has extinguished the very essence **of the right against self-incrimination** (*The case Pishchalnikov v. Russia*,⁹ 24 September 2009, §. 69). During the investigation stage, the suspect is in a particularly vulnerable position, and *this vulnerability can only be adequately compensated for by the assistance of a lawyer whose job is, among other things, to help ensure respect for an accused person's right not to incriminate himself* (*The case Salduz v. Turkey*,¹⁰ 27 November 2008, no. 36391/02, § 54).

In the ECHR case, *Funke v. France*, of 25.02.1993¹¹, "(...) *The Court notes that the customs secured Mr. Funke's conviction in order to obtain certain documents which they believed must exist, although they were not certain of the fact. Being unable or unwilling to procure them by some other means, they attempted to compel the applicant himself to provide the evidence of offences he had allegedly committed. (...) cannot justify such an infringement of the right of anyone "charged with a criminal offence", within the autonomous meaning of this expression in Article 6 (art. 6), to remain silent and not to contribute to incriminating himself.*"

Moreover, the jurisprudence of the European Court determined that **even when the person suspected of committing the crime is heard as a witness, he also benefits from the right to remain silent**. Thus, in the case *Brusco v. France*¹² of 14.10.2010 (§. 44-55), *the applicant, suspected of being the instigator of an attack, was detained, then questioned as a witness after having to take an oath. According to the Court, however, he was not a simple witness, but was, in reality, the subject of a "criminal accusation" and, therefore, benefits from the*

⁸ Decision of the Constitutional Court of the Republic of Moldova no. 28 of 18.11.2014 for the control of the constitutionality of article 234 of the Criminal Code of the Republic of Moldova (misdemeanor sanctioning of the vehicle owner for not communicating the identity of the person to whom he entrusted the driving) (point 35).

⁹ ECHR Judgment, *Pishchalnikov v. Russia*, of 24.09.2009 (§ 69). Available: <https://hudoc.echr.coe.int/eng?i=001-94293> [accessed: 28.07.2022].

¹⁰ ECHR Judgment, *Salduz v. Turkey*, of 27.11.2008 (§ 54). Available: <https://hudoc.echr.coe.int/eng?i=001-89893> [accessed: 28.07.2022].

¹¹ ECHR Judgment, *Funke v. France*, of 25.02.1993 (§ 44). Available: <https://hudoc.echr.coe.int/eng?i=001-57809> [accessed: 01.09.2022].

¹² ECHR Judgment, *Brusco v. France*, of 14.10.2010 (§ 44-55). Available: <https://hudoc.echr.coe.int/eng?i=001-100969> [accessed: 01.09.2022].

right not to contribute to self-incrimination and to remain silent. This situation was aggravated by the fact that a lawyer did not assist Mr. Brusco even though twenty hours had passed since he was placed in detention. If his lawyer had been present, he could have informed Mr. Brusco of his right to remain silent.

Later, however, a detailed clarification of the right to remain silent is given by the European Court in the case *Saunders v. the United Kingdom*, where the Court's exclusive concern was the use of statements relevant to the applicant's criminal trial. Thus, the Court ruled that, "(...) *although not specifically mentioned in Article 6 of the Convention (...), the right to silence and the right not to incriminate oneself are generally recognized international standards which lie at the heart of the notion of a fair procedure under Article 6 (...). Their rationale lies, inter alia, in the protection of the accused against improper compulsion by the authorities thereby contributing to the avoidance of miscarriages of justice and to the fulfillment of the aims of Article 6 (...). The right not to incriminate oneself, in particular, presupposes that the prosecution in a criminal case seek to prove their case against the accused without resort to evidence obtained through methods of coercion or oppression in defiance of the will of the accused. In this sense the right is closely linked to the presumption of innocence contained in Article 6 paragraph 2 of the Convention (...).*"¹³ Therefore, it follows that, the right to remain silent and the right not to contribute to one's own incrimination, presupposes, among others, that the criminal investigation body and the prosecutor are obliged to administer evidence without acting by coercion or pressure against the suspect or accused.

On the other hand, "*The right not to incriminate oneself is primarily concerned, however, with respecting the will of an accused person to remain silent. (...) it does not extend to the use in criminal proceedings of material which may be obtained from the accused through the use of compulsory powers but which has an existence independent of the will of the suspect such as, inter alia, documents acquired pursuant to a warrant, breath, blood and urine samples and bodily tissue for the purpose of DNA testing. (...) the Court is only called upon to decide whether (...) the statements obtained from the applicant (...) amounted to an unjustifiable infringement of the right. This question must be examined by the Court in the light of all the circumstances of the case. In particular, it must be determined whether the applicant has been subject to compulsion to give evidence and whether the use made of the resulting testimony at his trial offended the basic principles of a fair procedure*

¹³ ECHR Judgment, *Saunders v. the United Kingdom*, of 17.12.1996 (§ 68). Available: <https://hudoc.echr.coe.int/eng?i=001-58009> [accessed: 01.09.2022].

*inherent in Article 6 paragraph 1 (art. 6-1) of which the right not to incriminate oneself is a constituent element.*¹⁴

Regarding coercion, the European Court, in its jurisprudence, has identified at least three situations that raise concerns about improper coercion, leading to a violation of Article 6 of the ECHR. Thus, in the case *Ibrahim and Others v. the United Kingdom*¹⁵, the Court examines the three situations, namely: “(...) *The first is where a suspect is obliged to testify under threat of sanctions and either testifies in consequence (see, for example, Saunders, cited above; and Brusco v. France, no. 1466/07, 14 October 2010) or is sanctioned for refusing to testify (see, for example, Heaney and McGuinness, cited above; and Weh v. Austria). The second is where physical or psychological pressure, often in the form of treatment, which breaches Article 3 of the Convention, is applied to obtain real evidence or statements (see, for example, Jalloh, Magee and Gäfgen). The third is where the authorities use subterfuge to elicit information that they were unable to obtain during questioning (see Allan v. the United Kingdom).*”

“However, the exercise of the right not to incriminate oneself does not prevent the collection of evidence that can be legally obtained from the suspect, using legal coercion measures, evidence that exists independently of his will, such as evidence obtained through search or technical surveillance, or through the taking of biology evidence.”¹⁶

We support this position, because the criminal investigation body and the prosecutor are obliged to administer evidence regardless of the will of the suspect or the accused, through procedural actions and special investigative measures, which must be properly authorized when there is a need to interfere with the rights of these persons. A problem, in this sense, may arise when there is a need to carry out on-site research in the person's home or another room, with written consent obtained in accordance with art. 118 paragraph (2) of the Code of Criminal Procedure. The question is whether in this case the right not to incriminate oneself is violated when a family member could have committed the crime? We consider that this right is not violated. The provisions of art. 118 paragraph (2) of the Code of Criminal Procedure support this position, according to which “(...) *In the case of a crime of domestic violence, the on-site search of the residence can be carried out with the consent of the victim, and if the victim is a*

¹⁴ ECHR Judgment, *Saunders v. the United Kingdom*, of 17.12.1996 (§ 69).

¹⁵ ECHR Judgment, *Ibrahim and Others v. the United Kingdom*, of 13.09.2016 (§ 267).

¹⁶ Georgeta-Raluca, Ancuța, *Theoretical and Practical Aspects Regarding Self-incrimination in the Criminal Process*, Premium Legal Universe no. 11/2017. Available: <https://lege5.ro/Gratuit/gi3dcnjxgm4a/aspecte-teoretice-si-practice-privind-autoincriminarea-in-procesul-penal> [accessed: 01.07.2021].

minor, with the consent of the adult family member other than the perpetrator (...).” By using the text “other than the perpetrator”, the legislator establishes that through this action there can be no interference with the analyzed right.

In order to determine whether the applicant’s right against self-incrimination has been violated, the Court will, in turn, take into account the following factors: “*the nature and degree of compulsion used to obtain the evidence; the weight of the public interest in the investigation and punishment of the offence in issue; the existence of any relevant safeguards in the procedure; and the use to which any material so obtained is put.*”¹⁷

In other case, *Serves v. France*, the applicant was summoned to appear as a witness and testify. Appearing before the investigating judge, he refused to make statements at the risk of self-incrimination, for which he was fined. In this case, the Court examined whether the applicant’s sentence was nevertheless a charge within the meaning of art. 6 § 1 of the ECHR. Thus, the Court held that, “(...) *the charge should be defined as “the official notification given to an individual by the competent authority of an allegation that he has committed a criminal offence”, a definition that also corresponds to the test whether “the situation of the [suspect] has been substantially affected” (...). In these circumstances, the Court accepts that when (...) was summoned to appear as a witness and fined (...), he could be considered the subject of a “charge” within the autonomous meaning of Article 6 § 1.*”¹⁸

At the same time, the Court ruled that, “*It is understandable that the applicant should fear that some of the evidence he might have been called upon to give before the investigating judge would have been self-incriminating. It would thus have been admissible for him to have refused to answer any questions from the judge, that were likely to steer him in that direction. (...) Whilst a witness’s obligation to take the oath and the penalties imposed for failure to do so involve a degree of coercion, the latter is designed to ensure that any statements made to the judge are truthful, not to force witnesses to give evidence.*”¹⁹

A special interest, in this sense, was awakened by the ECHR case, *Weh v. Austria*²⁰, which mentions the “theory of the three difficult choices

¹⁷ ECHR Judgment, *Jalloh v. Germany*, of 11.07.2006 (§ 117). Available: <https://hudoc.echr.coe.int/eng?i=001-76307> [accessed: 02.09.2022].

¹⁸ ECHR Judgment, *Serves v. France*, of 20.10.1997 (§ 42). Available: <https://hudoc.echr.coe.int/eng?i=001-58103> [accessed: 02.09.2022].

¹⁹ ECHR Judgment, *Serves v. France*, of 20.10.1997 (§ 47).

²⁰ ECHR Judgment, *Weh v. Austria*, of 08.04.2004 (§ 41-55). Available: <https://hudoc.echr.coe.int/eng?i=001-61701> [accessed: 05.09.2022].

facing the witness” when testifying under oath, risking accountability for perjury or refusal to testify, in order to avoid self-incrimination and remain silent. Thus, in order not to infringe these rights, the judicial bodies must not create situations in which they place the person to choose between being held responsible or cooperating with these bodies, submitting statements by which they incriminate themselves in their own trial or submitting false statements and be held criminally liable.

In the case *John Murray v. the United Kingdom*²¹, the European Court differentiated two aspects: the person’s obligation to take an oath (i.e., to tell only the truth) in relation to the obligation to testify and incriminate himself. The European court made it clear, noting that the purpose of taking the oath is important, which is manifested by ensuring the sincerity of the statements (when taking the oath) and by no means that of answering incriminating questions.

The analysis of the mentioned ECHR practice shows that it is prohibited to use coercive methods to obtain statements, against the will of the person interviewed, implicitly also of the witness who is included in the accusation in criminal matters if his statements could contribute to his own incrimination.

In a recent case, *Wang v. France*, the plaintiff, in addition to the violation of the right to defense and to the interpreter, invoked the non-respect of the right to remain silent. Thus, at the initial stages of the investigation, she was summoned to the police, where she was informed that she is suspected of illegally practicing the medical profession. At the same time, the policeman informed her that she has the right to interrupt the hearing at any time, without concrete explanation that she has the right not to make statements. In this case, the Court notes that, “(...) *during the open session, the applicant, who was not given the opportunity to remain silent, described, precisely and in detail, the practice of her activity, which in itself constituted the crime with which she was accused (...). Therefore, she must be considered to have incriminated herself in the sense of the Court’s jurisprudence (...), even though, in the subsequent proceedings, she supported her statements.*”²²

Therefore, it is necessary that when the criminal investigation body or the prosecutor, as well as the court, until the hearing of the person are obliged to explain to him his rights, implicitly the right to remain silent (not to make statements). The explanation of the right must be clear, precise and understandable. Otherwise, it will be considered a violation of this right. In

²¹ ECHR Judgment, *John Murray v. the United Kingdom*, of 08.02.1996 (§ 47). Available: <https://hudoc.echr.coe.int/eng?i=001-57980> [accessed: 17.07.2022].

²² ECHR Judgment, *Wang v. France*, of 28.04.2022 (§ 84). Available: <https://hudoc.echr.coe.int/eng?i=001-216926> [accessed: 03.09.2022].

this sense, the European Court, in the case *Wang v. France*, also noted that, “(...) *the decision of an accused person to exercise or waive the rights guaranteed by article 6 § 3 c) can only be taken if he clearly understands the facts of which he is accused in order to be able to measure the stake of the procedure and evaluate the opportunity of a possible derogation. Furthermore, to be meaningful, notification of the right to an interpreter as well as the other fundamental rights of the defense must be made in a language that the applicant understands (...).*”²³

In this vein, we would like to touch on a sensitive topic from a practical point of view. Making the person aware and explaining the right to remain silent or not to make statements against the persons mentioned in art. 21 of the Code of Criminal Procedure is done within the criminal process or is it also an obligation of the ascertaining body? According to our opinion, this is also the obligation of the ascertaining body. On the other hand, according to art. 273 paragraph (2) of the Code of Criminal Procedure, by using the text “(...) *have the right, under the conditions of this code (...)*”, the legislator also imposes conditions on the ascertaining body. At the same time, by using in art. 21 paragraph (1) of the Code of Criminal Procedure of the text “*No one can be forced to confess (...)*”, it is understood that the person (any person) does not have to have a procedural status of being suspected or accused, it is enough that there is a suspicion that the person is the one who probably committed the act (for example, it results from the complaint addressed to the police).

According to art. 264 paragraph (3) of the Code of Criminal Procedure of the Republic of Moldova, *the person who makes a self-denunciation statement, before doing so, (so on) is explained the right not to say anything and not to incriminate himself (so on), as well as that in case of self-slander, which prevents the establishment of the truth, he will not have the right to reparation of the damage according to the law, and this is mentioned in the minutes regarding the self-denunciation or in the content of the self-denunciation declaration.* (so on)

In the case *Erkapić v. Croatia*, the Court took into account the fact that the co-accused, whose statements were used against *Erkapić*, **they were not represented by defenders chosen by them**. The Court ruled that the national courts acted in violation of art. 6 of the ECHR, because they used the evidentiary statements **of the co-accused without assessing the circumstances surrounding the police interrogation, including the lack of effective representation by a lawyer**.²⁴

²³ ECHR Judgment, *Wang v. France*, of 28.04.2022 (§ 70).

²⁴ ECHR Judgment, *Erkapić v. Croatia*, of 25.04.2013 (§§80-84). Available: <https://hudoc.echr.coe.int/eng?i=001-118734> [accessed: 03.09.2022].

Thus, when the statements play a predominant role for the trial, regardless of whether they were given by a witness, in the strict sense of the word, or a co-accused, they constitute evidence of the accusation to which the guarantees provided for in art. 6 paragraph 1 and paragraph 3 letter d) of the ECHR (*The case Ferrantelli and Santangelo v. Italy*, of 7 August 1996, § 51 and 52).²⁵

Considering the fact that the statements of the co-accused, **administered in the absence of procedural guarantees against self-incrimination**, were used to the extent that it allowed to establish the facts that are important for the qualification of the applicant's actions, the Court considers that the protection of his rights were restricted, to an extent **that undermines the fairness of the process** (*The case Luțenko v. Ukraine*, of 12 December 2008, application no. 30663/04, § 52).

Factors the Court will consider in determining whether there has been a breach, include: *the nature and degree of coercion, the existence of appropriate guarantees, as well as the use of the material thus obtained in subsequent procedures* (*The case Allan v. the United Kingdom*,²⁶ of 5 November 2002, no. 48539/99, § 44; *The case Heaney and McGuinness v. Ireland*,²⁷ of 21 December 2000, no. 34720/97, § 55; *The case Jalloh v. Germany*,²⁸ of 11 July 2006, no. 54810/00, § 112-123).

With respect to the enforcement of the right to remain silent and the privilege against self-incrimination, the finding of a violation depends on the alleged incriminating evidence obtained through coercion or contrary to the right to remain silent or the privilege against self-incrimination, when it occurred in criminal proceedings (*The case Marttinen v. Finland*,²⁹ of 21 April 2009, no. 19235/03, §. 64).

An issue we wish to consider is whether the right to remain silent is a relative right or an absolute right. In this sense, the judicial practice must be analyzed.

The cause that aroused our interest is *Salinas v. Texas*.³⁰ In that case, the petitioner, without being placed in custody or given Miranda Warnings, voluntarily answered some of a police officer's questions about a murder, but remained silent when asked about the tubes found at the scene, which matched those of the weapon he is holding. The use of silence was used as evidence of guilt in the trial. The defense invoked the

²⁵ Available: <https://hudoc.echr.coe.int/eng?i=001-57997> [accessed: 03.09.2022].

²⁶ Available: <https://hudoc.echr.coe.int/eng?i=001-60713> [accessed: 03.09.2022].

²⁷ Available: <https://hudoc.echr.coe.int/eng?i=001-59097> [accessed: 03.09.2022].

²⁸ Available: <https://hudoc.echr.coe.int/eng?i=001-76307> [accessed: 03.09.2022].

²⁹ Available: <https://hudoc.echr.coe.int/eng?i=001-92233> [accessed: 17.10.2022].

³⁰ Decision 570 U.S. 178 (2013) of the SCJ of the United States of America, *the case Salinas v. Texas*, no. 12-246, of 17.06.2013 (369 S.W.3d 176) (letters a), b), c)). Available: <https://supreme.justia.com/cases/federal/us/570/178/> [accessed: 17.10.2022].

violation, in this case, of the Fifth Amendment of the Constitution of the United States of America. In this case, the US Supreme Court held that, “*In order to prevent the violation of the right against self-incrimination, Minnesota v. Murphy, 465 U.S. 420, 427, where a witness who “desires to secure the right (...) it must be claimed”. (...) The Court recognized two exceptions to this requirement. First, the person must not incriminate himself in his own trial (Griffin v. California, 380 U.S. 609, 613–615). Petitioner’s silence falls outside this exception because at that time he did not have procedural standing during his discussions with the police. Secondly, the right of the witness not to incriminate his act is violated if there is coercion from the judicial authorities (see, for example, Miranda v. Arizona, 384 U.S. 436, 467–468 and no. 37). The petitioner was not infringed on this right (principle) as it is indisputable that he agreed to accompany the officers to the police station and was free to leave at any time (...). The Court held that the Fifth Amendment (...) it should not be extended to the defendant’s silence during a preventive interview (...).*”

According to ECHR practice, for example, the case *John Murray v. the United Kingdom*³¹, the Court held that, “*On the one hand, it is self-evident that it is incompatible with the immunities under consideration to base a conviction solely or mainly on the accused’s silence or on a refusal to answer questions or to give evidence himself. On the other hand, the Court deems it equally obvious that these immunities cannot and should not prevent that the accused’s silence, in situations which clearly call for an explanation from him, be taken into account in assessing the persuasiveness of the evidence adduced by the prosecution. Wherever the line between these two extremes is to be drawn, it follows from this understanding of “the right to silence” that the question whether the right is absolute must be answered in the negative. It cannot be said therefore that an accused’s decision to remain silent throughout criminal proceedings should necessarily have no implications when the trial court seeks to evaluate the evidence against him. In particular, (...), established international standards in this area, while providing for the right to silence and the privilege against self-incrimination, are silent on this point. Whether the drawing of adverse inferences from an accused’s silence infringes Article 6 (art. 6) is a matter to be determined in the light of all the circumstances of the case, having particular regard to the situations where inferences may be drawn, the weight attached to them by the national courts in their assessment of the evidence and the degree of compulsion inherent in the situation.*” Therefore, the European Court admits that the person’s right to remain silent is a relative one, when there

³¹ ECHR Judgment, *John Murray v. the United Kingdom*, of 08.02.1996 (§ 47-49). Available: <https://hudoc.echr.coe.int/eng?i=001-57980> [accessed: 17.07.2022].

is indisputable evidence, and the court can appreciate the silence in favor of the defendant, provided that all the circumstances of the case are taken into account and without prejudice to the presumption of innocence, as well as the fairness of the trial. At the same time, it should be noted that the criminal investigation body and the prosecutor are obliged to provide evidence both in favor and against the suspect and/or the accused, and their silence must not influence the decision, especially when there are circumstances that exclude the criminal prosecution or removes the criminal nature of the act.

Unlike the previous legislation, the criminal procedural legislation in force comes with guarantees in order to ensure the freedom of confession against him. According to art. 21 of the Code of Criminal Procedure entitled “Freedom of self-incrimination”, *“No one can be forced to testify against himself or his close relatives, husband, wife, groom, bride or to admit guilt. The person to whom the criminal prosecution body proposes to make exculpatory statements against himself or his close relatives, the husband, wife, groom, bride has the right to refuse to make such statements and cannot be held responsible for it.”*

Two rules emerge from this procedural rule, namely:

- 1) Immunity to make statements;
- 2) Freedom to testify against oneself or admit guilt.

Regarding the first rule, “(...) it belongs to certain moral categories such as conscience, clemency, family relations.”³² At the same time, the relevant procedural norm specifically indicates the circle of persons against whom no one can be forced to testify. The law comes with effective guarantees, by granting the right to refuse to make statements, and for all these the person is not held liable.

ECHR, in the case *Hummer v. Germany*³³, held that, “(...) *the present application does not concern witnesses whose identity or whereabouts are unknown to the accused. In the instant case the only available eye witnesses of the events in issue were the applicant’s mother, brother and sister (the applicant’s father having refrained from participating in the proceedings, see above §§ 7 and 12) who all refused to give evidence at the trial, as they were entitled to in their capacity as family members of the accused pursuant to section 52 of the German Code of Criminal Procedure. They could thus neither be heard by the trial court nor were the*

³² Igor Dolea, *Witness Immunities and Privileges in Criminal Proceedings, Current Issues of Jurisprudence: Achievements and Perspectives*, Scientific Annals of the State University of Moldova, Legal Sciences, CE SUM, Chisinau, 2002, p. 350.

³³ ECHR Judgment, *Hummer v. Germany*, of 19.07.2012 (§ 41). Available: <https://hudoc.echr.coe.int/eng?i=001-112280> [accessed: 12.08.2022].

prosecution or the defense able to examine them during trial. The Court recalls in this context that provisions granting family members of the accused the right not to testify as witnesses in court with a view to avoiding their **being put in a moral dilemma** can be found in the domestic law of several member States of the Council of Europe and are, as such, not incompatible with Article 6 §§ 1 and 3 (d) of the Convention (see *Unterpertinger v. Austria*, 24 November 1986, § 30, Series A no. 110).”

In accordance with art. 6 point 41) of the Code of Criminal Procedure, by close relatives we mean “*children, parents, brothers and sisters, grandparents, grandchildren.*” This list is comprehensive. According to us, husband and wife must be included as close relatives. In this sense, we propose to amend and complete art. 6 point 41) of the Code of Criminal Procedure.

From the provisions of art. 21 paragraph (2) of the Code of Criminal Procedure it appears that the rule to propose the person to make revealing statements (...) belongs only to the criminal investigation body. We believe that the procedural-criminal law must be amended and supplemented, as this rule should also expressly refer to the ascertaining body, prosecutor and court. Alternatively, in all phases and stages of the criminal process there may be a situation where these subjects inform the person about these desired.

Another guarantee established by the criminal procedural law is provided in art. 105 paragraph (7) of the Code of Criminal Procedure, according to which, “*compulsory, each witness is asked if he is a spouse or close relative of any of the parties and what kind of relationship he has with the parties. If it turns out to be the spouse or close relative of the suspect, the accused, the defendant; the witness is explained the right to remain silent and is asked if he agrees to make statements.*” We note that the criminal procedural law imposes effective guarantees also in the case of the witness, compulsorily informing him of the right to remain silent, in the cases mentioned in art. 105 paragraph (7) of the Code of Criminal Procedure.

Art. 63 paragraph (7) of the Code of Criminal Procedure prohibits hearing as a witness the person against whom there is certain evidence that he committed a crime. Based on art. 92 paragraph (3) point 8) of the Code of Criminal Procedure: “*As witness cannot be called: (besides other categories of persons), the person against whom there is certain evidence that he committed the crime under investigation.*” At the same time, “*The witness has the right: to refuse to make statements, to present objects, documents, samples for comparative research or data if they can be used as evidence testifying against him or his close relatives,*” in accordance with the provisions of art. 90 paragraph (12) point 7) of the Code of Criminal Procedure.

In the case, *Ibrahim and Others v. the United Kingdom*, it was found that the applicant was initially heard as a witness, i.e. without being granted the right to a defense. During the hearing, it was established that he contributed to the commission of the crime. Although, from this moment on, the authorities were supposed to stop the hearing and guarantee the rights of an accused, implicitly the right to defense, the authorities prolonged his hearing as a witness, and then deprived him of his liberty and sentenced him. “(...) *Recital 21 of Directive 2013/48/EU on access to a lawyer also explains that where, in the course of police questioning, a witness becomes a suspect, questioning may only continue once he has been made aware that he is a suspect and is able to fully exercise his right to legal advice (...).*”³⁴

CC of the Republic of Moldova did not depart from the constant jurisprudence of the ECHR in this matter.

*“Therefore, the reason for the criticized ban [article 90 paragraph (3) point 8) of the Code of Criminal Procedure] consists in the effective provision of the guarantees benefiting the person in respect of whom the criminal investigation body has certain evidence that he has committed a crime, i.e., the right to be assisted by counsel, the right not to incriminate oneself and the right to remain silent. In this sense, the persons considered by article 90 paragraph (3) point 8) of the Criminal Procedure Code - persons “accused of committing a crime”, within the meaning of Article 6 of the European Convention on Human Rights - must be informed of their rights.”*³⁵

*“In the event that the prosecuting body does not have evidence that a certain person committed the crime under investigation and would cite him as a witness in the context of the ongoing investigation, and the person in question would give statements that would contribute to his own accusation, then the prosecuting authority must stop his hearing and notify him about his procedural rights (in this regard, see point 21 of the Preamble of Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013). Otherwise, it is possible to find a violation of art. 6 of the European Convention (see *Ibrahim and Others v. the United Kingdom [MC]*, 13 September 2016, § 301-311).”*³⁶

³⁴ ECHR Judgment, *Ibrahim and Others v. the United Kingdom*, of 13.09.2016 (§ 271). Available: <https://hudoc.echr.coe.int/eng?i=001-166680> [accessed: 28.07.2022].

³⁵ Decision of the Constitutional Court of the Republic of Moldova of 29.01.2019 of inadmissibility of notification no. 17g/2019 regarding the exception of unconstitutionality of Article 90 paragraph (3) point 8) of the Code of Criminal Procedure (the prohibition of hearing as a witness a person accused of having committed a crime) (point 20).

³⁶ Decision of the Constitutional Court of the Republic of Moldova of 29.01.2019 of inadmissibility of notification no. 17g/2019 regarding the exception of

The suspect, the accused, the defendant, has the right: “to make statements or refuse to make them, drawing his attention to the fact that if he refuses to make statements he will not suffer any unfavorable consequence, and if he makes statements they can be used as evidence against him” (art. 64 paragraph (4); 66 paragraph (2) point 8) of the Code of Criminal Procedure).

“The exercise of the right not to give any statement cannot be used against the suspect or the accused in any phase of the criminal process, not being able to form the basis of forming the conviction of the judicial bodies. Before being heard, the suspect and the accused must be informed by the judicial authorities that they have the right not to make any statement; failure to comply with this obligation may attract the sanction of excluding the illegally administered evidence.”³⁷

The suspect, the accused, the defendant cannot be forced in accordance with art. 103 paragraph (3) of the Code of Criminal Procedure “to testify against himself or his close relatives or to admit his guilt and cannot be held responsible for refusing to make such statements.” This provision corresponds to the international rigors in the matter.

In accordance with art. 109 paragraph (7) of the Code of Criminal Procedure, “Compulsorily, each witness is asked if he is a spouse or close relative of any of the parties and what kind of relationship he has with the parties. If it turns out to be the spouse or close relative of the suspect, the accused, the defendant, the witness is explained the right to remain silent and is asked if he agrees to make statements.” In this regard, the criminal procedural law provides effective and concrete guarantees regarding the observance of the right to remain silent.

The analysis of the procedural rules presented allows us to conclude that the principle established by art. 21 of the Code of Criminal Procedure and other criminal procedure rules include both the right of the person being heard to remain silent in some situations strictly determined by the Code of Criminal Procedure, as well as the right not to testify against other persons - close relatives. We can distinguish two categories of subjects benefitting from this right. Firstly, it is about the accused’s right to remain silent; secondly, about the right of the witness to benefit from immunities and privileges. The privilege against self-incrimination and the incrimination of other close persons, exempts from liability for refusal to

unconstitutionality of Article 90 paragraph (3) point 8) of the Code of Criminal Procedure (the prohibition of hearing as a witness a person accused of having committed a crime) (point 21).

³⁷ Mihail Udroi, *Syntheses of Criminal Procedure. General Part*, 2nd edition, Volume I, C.H. Beck Publishing House, Bucharest, 2021, p. 68.

give statements and from any unfavorable consequences for the person who benefited from such guarantee.

“In the case *Funche v. France*, the Court found a violation of the person’s right to remain silent through a request to provide precisely identified documents, namely: the extract from his bank accounts abroad, under the threat of criminal sanctions in case of refusal.”³⁸

There are situations when the person originally cited as a witness is questioned as a suspect. In practice, such situations leave room for abuses, especially in terms of ensuring the right to remain silent.

“In order to ensure the witness this privilege of silence, the court must establish from the circumstances of the case and the nature of the evidence, for the presentation of which he was summoned, that there are reasonable grounds to expect dangerous consequences for the witness, if he will be forced to answer questions. If, after the witness made use of his immunity, he was still required to answer the questions that compromise him (incriminating questions), then, in the further examination of the cause of incrimination of the witness, his answers will not be able to be used in evidence quality.”³⁹

“The privilege against self-incrimination must be respected at any stage of the process, at all levels of jurisdiction. It spreads not only to judicial debates, but also to other procedures related to official hearing. Thus every question, the answer to which the witness can expose, can remain unanswered, if he does not want to speak freely, thus manifesting his consent.”⁴⁰

“According to art. 51 of the Constitution of the Russian Federation, the investigator is obliged to explain to the witness and the injured party the right to refuse to submit statements that expose them and their close relatives in the commission of the crime. This fact is recorded in the minutes confirmed by the signature of the witness (the injured party).”⁴¹

The ECHR has consistently criticized the violation of the right to remain silent, as an indispensable component of the right to defense. The Court concludes that the applicant’s right to legal defense was restricted at the initial stage of the criminal investigation, that there are no compelling reasons for this restriction, and that his self-incriminating statements made during police interrogation without access to a lawyer were used to

³⁸ Vincent Berger, *The Jurisprudence of the European Court of Human Rights*, Romanian Institute for Human Rights, Bucharest, 1998, p. 387.

³⁹ Wimshir A.M., *Criminal Process (translation from English)*. Moscow: Foreign Literature, 1947, p. 188–189.

⁴⁰ V.M. Nikolaychik., *United States Criminal Procedure*. Science, 1981, p. 20.

⁴¹ R.Kh. Yakupov, *Criminal Process. Textbook for Universities*. Zertsalo, 1998, p. 126.

convict him. It follows that, in this respect, there was a violation of art. 6 paragraph 1 together with art. 6 paragraph 3 letter (c) of the Convention.⁴²

In the case *Alexandr Zaichenko v. Russia*, the ECHR also established that persons questioned by the police, other than suspected persons, must be able to be assisted by a lawyer if, during the interrogation, they became persons suspected of having committed a crime.⁴³ In that case, in the context of examining the applicant's complaint regarding the failure to respect his privilege against self-incrimination and the right to remain silent, the Court explained that once there was a suspicion of theft against the applicant, it was up to the police, in all the circumstances of the case, to inform them of these rights.

In the ECHR case, *Schmid-Laffer v. Switzerland*⁴⁴, The Court held that when the applicant was first interviewed by the police, there was nothing in the case file to suggest that she should have been treated as a person accused of a crime and should have been informed of her right to keep silent. However, during the second interrogation, when she was subjected to a "criminal charge" within the meaning of art. 6 of the ECHR, in the circumstances of the case it was up to the police to inform her of her right to remain silent and the privilege against self-incrimination.

Particularly, in the ECHR case, *Țurcan and Țurcan v. the Republic of Moldova*, the Court noted that the refusal to disclose to the prosecution the names of witnesses who could prove the innocence of the person in the trial not only cannot constitute a reason for the arrest of a person, but also constitutes a violation of the accused's right to remain silent.⁴⁵

Also, in the case of *Cebotari v. Republic of Moldova*, the ECHR emphasized that, in the absence of *reasonable suspicion*, the detention or arrest of a person should never be applied with the aim of making him admit his guilt or give statements against other people or to obtain facts or information which could form a basis for reasonable suspicion against it.⁴⁶

In the ECHR case, *Tiron v. Romania*, it was found that the national courts refused to order the release of the applicant because he did not admit certain facts imputed to him. The ECHR mentioned that this circumstance cannot constitute a reason for arresting the person and that

⁴² ECHR Judgment, *Sobko v. Ukraine*, of 17.09.2015, (§§ 62, 63). Available: <http://hudoc.echr.coe.int/eng?i=001-159212> [accessed: 16.06.2022].

⁴³ ECHR Judgment, *Zaichenko v. Russia*, of 18.02.2010 (§§ 52-60). Available: <http://hudoc.echr.coe.int/eng?i=001-97346> [accessed: 17.06.2022].

⁴⁴ ECHR Judgment, *Schmid-Laffer v. Switzerland*, of 16.06.2015 (§§ 29, 39). Available: <https://hudoc.echr.coe.int/eng?i=001-155189> [accessed: 17.06.2022].

⁴⁵ ECHR Judgment, *Țurcan and Țurcan v. the Republic of Moldova*, of 23.10.2007 (§ 51). Available: <http://hudoc.echr.coe.int/eng?i=001-112787> [accessed: 16.06.2022].

⁴⁶ ECHR Judgment, *Cebotari v. the Republic of Moldova*, of 13.11.2007 (§ 48). Available: <http://hudoc.echr.coe.int/eng?i=001-112794> [accessed: 16.06.2022].

the rights not to give statements and not to contribute to self-incrimination, guaranteed by art. 6 of the ECHR.⁴⁷

*“However, the imposition of arrest in any state is not conditional on the person having pleaded guilty to the offense charged.”*⁴⁸

A very interesting topic is the relationship between the privilege against self-incrimination and computer data encryption. In this sense, we were very interested in the analysis made by George Zlati in the research “The Privilege Against Self-incrimination and Cryptography.”⁴⁹

According to him, forcing a person to provide the key for decrypting computer data to the authorities is a violation of art. 6 of the ECHR, which is closely related to art. 8 of the ECHR. In other words, this obligation infringes on the privilege of not incriminating oneself. We support this position because requiring the individual by judicial authorities to provide passwords for decryption (including fingerprints, voice or other means) would jeopardize the individual’s right against self-incrimination. Judicial bodies can obtain information from electronic systems through other legal means (for example, ordering computer expertise, monitoring telegraphic and electronic communications connections, monitoring or controlling financial transactions and access to financial information, collecting information from electronic communications service providers and computer data traffic), other than forcing the individual to disclose those passwords.

As noted, art. 21 of the Code of Criminal Procedure establishes the freedom of the person to testify against himself or against his close relatives, husband, wife, groom, bride or to admit his guilt. The scope and limits of the application of this principle is regulated in other criminal procedural norms that we would like to cite, as follows:

Art. 63 paragraph (7) of the Code of Criminal Procedure prohibits hearing as a witness the person against whom there is certain evidence that he committed a crime.

Based on art. 92 paragraph (3) point 8) of the Code of Criminal Procedure, *“cannot be summoned and heard as witnesses: (in addition to other categories of people), the person against whom there is certain evidence that he committed the crime under investigation.”*

⁴⁷ ECHR Judgment, *Tiron v. Romania*, of 07.04.2009 (§ 43). Available: <http://hudoc.echr.coe.int/eng?i=001-123238> [accessed: 17.06.2022].

⁴⁸ Decision of the Constitutional Court of the Republic of Moldova no. 27 of 30.10.2018 regarding the control of the constitutionality of some provisions of Article 185 of the Code of Criminal Procedure (preventive arrest in case the person did not admit his guilt in committing the imputed act) (point 38).

⁴⁹ George Zlati, *The Privilege Against Self-incrimination and Cryptography*, in Penalmente/Relevant No. 1, 2016, January-June, first year, Solomon Publishing House, p. 20-49.

“The witness has the right: to refuse to make statements, to present objects, documents, samples for comparative research or data if they can be used as evidence testifying against him or his close relatives,” in accordance with art. 90 paragraph (12) point 7) of the Code of Criminal Procedure.

The suspect, the accused, the defendant, has the right *“to make statements or refuse to make them, drawing his attention to the fact that if he refuses to make statements, he will not suffer any adverse consequences, and if he makes statements they can be used as evidence against him”* (art. 64 paragraph (4); 66 paragraph (2) point 8) of the Code of Criminal Procedure).

The suspect, the accused, the defendant cannot be forced in accordance with art. 103 paragraph (3) of the Code of Criminal Procedure *“to testify against himself or his close relatives or to admit his guilt and cannot be held responsible for refusing to make such statements.”*

In accordance with art. 109 paragraph (7) of the Code of Criminal Procedure, *“compulsory, each witness is asked if he is a spouse or close relative of any of the parties and what kind of relationship he has with the parties. If it turns out to be the spouse or close relative of the suspect, the accused, the defendant, the witness is explained the right to remain silent and is asked if he agrees to make statements.”*

We consider that the provisions of art. 90 paragraph (2) of the Code of Criminal Procedure - ***no person can be forced to make statements contrary to his or his close relatives’ interests*** - do not meet the requirements of quality, predictability in application and clarity, examined both in the context of all the norms cited above, and in the context of the conclusions that can be made on their side.

Conclusions

To correspond to the three quality criteria – *accessibility, predictability* and *clarity* – the rule of law must be formulated with sufficient precision, so as to allow the person to decide on his conduct and foresee, reasonably, depending on the circumstances of the case, the consequences of this conduct. Otherwise, although the law contains a rule of law, which apparently describes the conduct of the person in the given situation, the person can claim that he does not know his rights and obligations. In such an interpretation, the norm that does not correspond to the criteria of clarity is contrary to art. 23 of the Constitution, which stipulates the state’s obligation to guarantee every person the right to know their rights (point 10 of the DCC no. 26 of 23.11.2010 *on the exception of unconstitutionality of the provisions of paragraph (6) art. 63 of the Code of Criminal Procedure*).

It is not clear whether the provisions of art. 90 paragraph (2) of the Code of Criminal Procedure refers only to witnesses or only to other participants in the process, because the title art. 90 of the Code of Criminal Procedure is **The Witness**. The criminal procedural norm in question could also concern other participants in the process, given the fact that the phrase **No person** is used in this norm (...). We could reasonably assume that by the phrase **No person** (...) - both the witness and other participants in the process are considered.

It is also not clear what is the meaning intended by our legislator when expressing the phrase (...) **to make statements contrary to his interests or those of his close relatives**. We might assume that when it is mentioned - **No person can be forced to make statements contrary to his interests or those of his close relatives**, the legislator had in mind the right not to incriminate oneself and the right not to incriminate close relatives.

Nevertheless, there can be another interpretation, given the fact that several rules of the Code of Criminal Procedure, which regulate the privilege of non-self-incrimination of the witness, the suspect, the accused, the defendant (art. 21, art. 63 paragraph (7), art. 64 paragraph (4), art. 66 paragraph (2) point 8), art. 90 paragraph (3) point 8), art. 90 paragraph (12) point 7), art. 103 paragraph (3), art. 109 paragraph (7) of the Code of Criminal Procedure) do not reserve this right by using the expression: **against his interests and those of his close relatives**, but, as noted, - by using other expressions that regulate the right to remain silent:

- **No one can be forced to testify against himself or his close relatives, (...) or to confess his guilt** (art. 90 paragraph (1) of the Code of Criminal Procedure);

- **The witness has the right to refuse to make statements, ... if they can be used as evidence against him or his close relatives** (art. 90 paragraph (12) point 7) of the Code of Criminal Procedure);

- **The suspect, the accused, the defendant, has the right: to make statements or refuse to make them, drawing his attention to the fact that if he refuses to give statements, he will not suffer any adverse consequences (...)** (art. 64 paragraph (4), art. 66 paragraph (2) point 8) of the Code of Criminal Procedure);

- **The suspect, the accused, the defendant cannot be forced to testify against himself or his close relatives or to admit his guilt** (art. 103 paragraph (3) of the Code of Criminal Procedure);

- **the right to remain silent** (art. 109 paragraph (7) of the Code of Criminal Procedure).

The fact that no person can be compelled **to make statements contrary to his interests and those of his close relatives** - can be interpreted otherwise than in the sense of the privilege against self-incrimination.

The analysis of the procedural rules presented allows us to conclude that the principle established by art. 21 of the Code of Criminal Procedure and other rules of criminal procedure:

- includes both the right of the person being heard to remain silent in some situations strictly determined by the Code of Criminal Procedure, as well as the right not to testify against other people - close relatives;
- two categories of subjects benefiting from this right are distinguished: first of all, it is about the accused's right to remain silent; secondly, about the right of the witness to benefit from immunities and privileges;
- the privilege against self-incrimination and the incrimination of other close persons exempts from liability for refusal to give statements and from any unfavorable consequences for the person who benefited from such guarantee.

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DEVELOPING THE CONCEPT OF SUSTAINABLE AGRICULTURE IN THE ECONOMY OF ROMANIA

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Abstract: *Society faces major challenges such as climate change, degradation of natural resources and meeting the food needs of a constantly growing population, therefore sustainable agriculture plays an important role, this approach focusing on how to cultivate and manage agricultural resources and ensure prosperity long-term impact on the environment, rural communities and farms. Our analysis highlights that Romania's economy risks stagnation or underdevelopment due to the degradation of conventional programs and policies, and the absence of consideration of long-term interests, related to economic sustainability and climate neutrality, can have dire consequences. Agriculture has always encountered difficulties in obtaining adequate financing, the lack of significant investments in a competitive agricultural market at European and global level affecting both producers and consumers.*

Keywords: *agriculture policy, economic development, European funds, growth, sustainability.*

Introduction

The implementation of common agricultural and other policies within the European Union (EU) has resulted in the establishment of a significant unified marketplace for agricultural goods, this collective effort also contributing to positioning the EU as a prominent global participant in the realms of agriculture and food production¹. As an important branch of any modern economy, agriculture contributes to economic growth and is an important factor of social stability. According to the data published by the

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¹ European Commission, Directorate General for Agriculture, 2004. Common Agricultural Policy on the understanding of all. Available at: http://www.primaria-vidra.ro/imagini/continut/files/integrare_europeana/agricultura_politica_agricola_com_una_pe_intelesul_tutoror.pdf.

European Parliament², in 2019, in Romania, value added benefit (VAB) in agriculture was at the value of 8980.2 million euros, 4.8% of gross domestic product (GDP). Compared to other EU member countries, Romania has a high percentage of gross value added (GVA) in GDP, for example Germany has a percentage of only 0.9% in 2019⁴. This underlines the importance of this sector for Romania's economy, and that is why future policies carefully elaborate programs and measures for development and innovation.

In 1987, Brundtland provided a definition for sustainable development as the progression that fulfills present requirements while safeguarding the capacity of forthcoming generations to fulfill their own necessities³, a definition that is related to the active population. Figure 1 shows that in Romania the agricultural sector experienced a decrease in the number of employed persons, from 1950 to 2017, with a more significant increase in 2000, but then the decrease continued. The population's lack of interest in agriculture is determined by hard work and relatively low incomes, but its importance to the economy determines the need for development for the future and with the help of European funds and the support of the corresponding programs, the agricultural sector must be stimulated and organized.

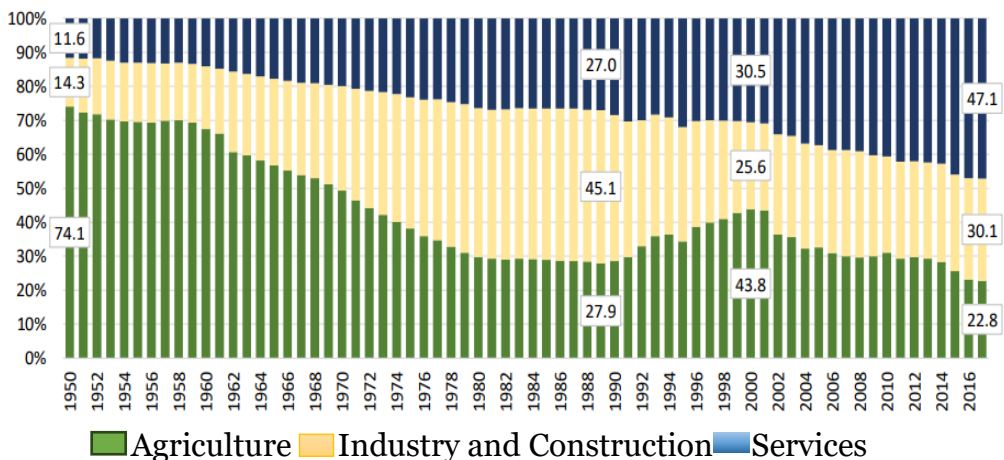


Figure 1. Employed population 1950 – 2017, Romania⁴

² European Parliament, 2023. Common Agricultural Policy in figures, EU Technical Data Sheets. Available at: https://www.europarl.europa.eu/ftu/pdf/ro/FTU_3.2.10.pdf.

³ G.H. Brundtland, *Our Common Future World Commission On Environment And Development*, Oslo, Oxford University Press, 1987, p. 16-17. Available at: <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf>.

⁴ National Institute of Statistics. 2018, Romania, a century of history, p. 52. Available at: <https://insse.ro/cms/files/evenimente/RoCentenar/ROCentenar.pdf>.

The rural problem with its main component agriculture, it is at the center of European debates whose focus is on sustainable development, improving the quality of rural life, food safety and environmental protection.

To begin with, it is important to know the principles of sustainable agriculture:

1. *Soil and biodiversity conservation.* Sustainable agriculture emphasizes the conservation of soil as an essential resource and the protection of biodiversity in agricultural ecosystems. Through practices such as the use of organic fertilizers, crop rotation, and environmentally sound pest control methods, efforts are made to maintain soil fertility and promote biodiversity to ensure the natural balance of the agricultural ecosystem.

2. *Efficient use of resources.* Sustainable agriculture involves the efficient management of resources such as water, energy, agricultural and financial inputs. Efficient irrigation technologies, renewable energy and waste management practices are implemented to minimize resource consumption and environmental impact.

3. *Promoting animal welfare.* In sustainable agriculture, attention is paid to animal welfare and responsible breeding practices are promoted. This includes providing adequate housing, healthy food and access to natural resources for animals, as well as reducing the use of antibiotics and chemicals in animal husbandry.

Next, we will examine the key practices in sustainable agriculture, namely:

a) ecological agriculture, represents an essential component of sustainable agriculture. This is based on principles such as using organic fertilizers, avoiding synthetic pesticides and maintaining a natural balance in the agricultural ecosystem. Through practices such as composting, intercropping and the use of bio-pesticides, organic farming promotes biodiversity and protects the health of the soil and consumers;

b) agroforestry, represents the integration of trees and shrubs in agricultural systems. This brings multiple benefits, such as soil conservation, improving fertility and sequestering carbon from the atmosphere. Trees can provide shade for crops, be used for wood production or provide habitat for local flora and fauna;

c) conservation agriculture, focuses on reducing negative impacts on the soil through practices such as minimal tillage, use of cover crops, and establishing buffer zones around watercourses. This helps to reduce soil erosion and maintain its fertility in the long term.

In this regard, table 1 presents the benefits and challenges of sustainable agriculture.

Table 1. Benefits and challenges of sustainable agriculture⁵

benefits	challenges
Conservation of natural resources and maintenance of biodiversity	Implementing sustainable practices requires adequate financial resources and technical knowledge
Increasing the resilience of agricultural systems to climate change	Changing habits and mindsets among farmers and consumers
Obtaining healthy and quality food products	Adaptation to climatic conditions and market fluctuations
Protecting human health by reducing the use of pesticides and chemicals	Reconciling the growing demand for food with the need to reduce environmental impact
Increasing the economic stability of rural communities by diversifying agricultural production	

Source: compiled by the authors

With the signing of the Accession Treaty by Romania and the EU in 2005, Romanian agriculture and its rural environment had to face the standards and requirements of the Common Agricultural Policy. Agriculture, as an important branch of the economy, must make an important contribution to the rational use of natural resources and rural economic development, and it is necessary to help redistribute the social structure and improve the living standards of the population.

The economic, social and environmental importance of agriculture makes the contribution to the development of the Romanian village require the development and application of agricultural policy strategies that are oriented towards increasing agricultural productivity and sustainable rural development. The development of Romanian agriculture is closely related to the results of the transition in the Romanian countryside and the level of adaptability to EU requirements. The competitiveness of agriculture in Romania has created many difficulties for Romania's integration and approach to the community space, therefore, the agricultural and rural areas have experienced long-term losses, stagnation and regression, ownership and production structures have generated important disturbances regarding concentration and

⁵ M.A. Quddusi, 2019, *Dimensions of Sustainable Development: Social, Economic, Technological, and Environmental Sustainability*. India, The scientific world. Available at:

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qualification. Very low agricultural productivity was generated by low capitalization, energy destruction, lack of investment and shortage of manufacturing and service sectors in the countryside.

Even if Romanian agriculture can be the main competitor of the big European farmers according to the laws of the market economy, having good equipment and diverse terrain, good climatic conditions and cheap skilled labor, it may not be competitive because the modern sector is tearing itself apart and all the four million peasant houses are supported by insignificant amounts⁶. Moreover, the predictable transition from agricultural to ecological sustainability - a fundamental orientation within the EU, is not appropriate for Romania at the current stage⁸. After 2007, after Romania's accession to the European Union, the country sought to develop the infrastructure needed to allow the implementation of European funds and somehow forgot about agricultural works and the market mechanism suffered.

Materials and Methods

This research analyzes the reasons that determined the underdevelopment of Romanian agriculture compared to other member countries of the European Union and seeks to identify possibilities of bringing the Romanian agricultural policy closer to those in the community space. The study identifies the characteristics of agriculture in Romania and proposes useful plans and measures for the implementation of measures that can lead to the development of the principles of sustainable agriculture. We conducted a comprehensive examination of the agricultural sector in Romania, focusing on the potential for sustainable growth. Our aim was to progress towards safeguarding the natural resources involved in agriculture, promoting their appropriate utilization, and enhancing the efficient exploitation of the available agricultural components within a specific timeframe. To carry out the work, we analyzed the documents of the departments of the Ministry of Agriculture and Rural Development, statistical documents and the fulfillment of the Europe 2020 objectives regarding sustainable agriculture. The paper uses the following research methods: critical analysis, logical analysis, conceptualization, hypothesis development. We also made a comparison between the rural area of Romania and the rural area of Germany, the latter being part of the founding countries of the European Union. The subject of existing differences between the rural

⁶ E.Cofas, C.T. Bălăceanu, 2023, *Evaluation of the biomass energy production potential in agricultural holdings in relation to their size*. Case study for crop farms in Romania, Romanian agricultural research, no. 40. DII 2067-5720 RAR 2022-20. Available at: <https://www.inceda-fundulea.ro/rar/nr40fol/rar40.6.pdf>

areas of the EU member countries is of interest in the literature⁷, but issues related to sustainable development are not discussed enough, therefore, to evaluate improvement of agriculture in Romania in recent years from European funds, we will analyze the following relevant economic indicators: investments, productivity, exports, infrastructure, European funds allocated and absorbed in agriculture.

Results and Discussion

For a developed and sustainable economy, the analysis of economic indicators for the agricultural area shows the usefulness of accelerating the modernization and reorganization stages of this area, taking into account the level of importance:

- Investments in agriculture. European funds have helped increase investment in agricultural infrastructure, technology, equipment and training. Romania attracted European funds of 4.4 billion euros through the National Rural Development Program (PNDR), a rate of over 50% of the program for the period 2014-2020⁸.

- Agricultural productivity. According to Eurostat data, shown in figure 2, in 2021 agricultural production in the EU was valued at 449.5 billion euros in basic prices, representing an increase of 8% compared to 2020⁹. An improvement in agricultural production in Romania is observed, the increase was 25% in 2021 compared to 2020.

⁷ E. Medeiros, 2017, From smart growth to European spatial planning: a new paradigm for EU cohesion policy post-2020. *European Planning Studies*, 25(10), pp. 1856-1875.

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⁹ Eurostat, 2022. Value of agricultural output in the EU up 8% in 2021.

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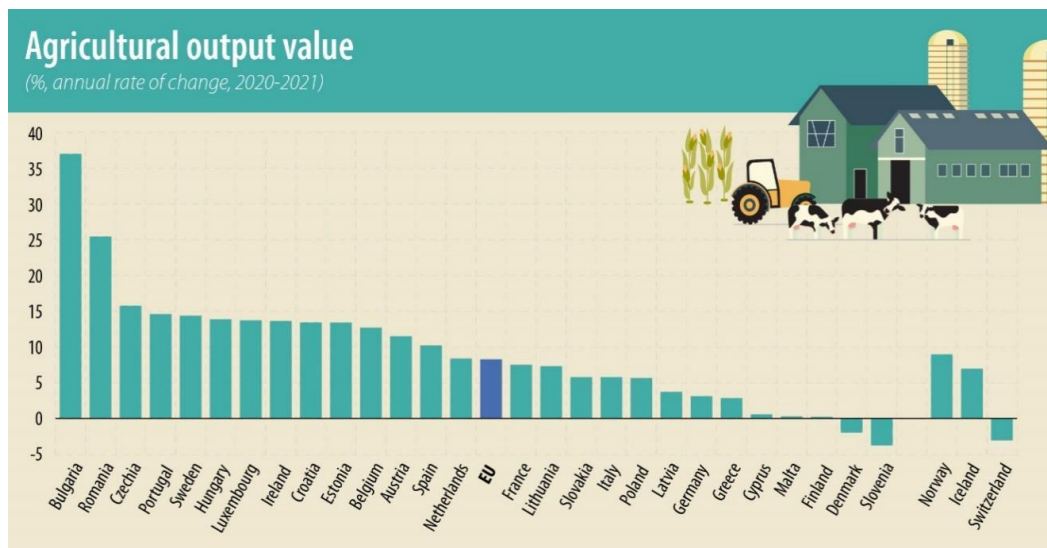


Figure 2. Agricultural output value 2020-2021¹¹

- **Agricultural exports.** European funds have contributed to improving the quality and safety standards of products, thus facilitating access to international markets. In the first five months of 2022, Romania exported cereals and cereal-based preparations worth 2.15 billion euros, up 77.2% compared to the same period in 2021, according to data from the National Institute of Statistics¹⁰.

- **Agricultural infrastructure.** Through the Romanian Agency for Rural Investment Financing (AFIR), submeasure 4.3.a provides non-refundable amounts to farmers for investments, modernization or adaptation to agricultural and forestry infrastructure. The support is 100% of the total eligible expenses, and will not exceed 1,000,000 Euro/project for agricultural access roads¹¹. According to the data published by AFIR, the total public value of the projects selected for investment and modernization financing, between 28.10.2021 and 27.11.2021, was 51,236,218.00 Euros, 55 projects¹².

¹⁰ Forbes Romania, 2022. Exporturile de cereale au crescut. Available at: <https://www.forbes.ro/ins-exporturile-de-cereale-au-crescut-cu-772-in-primele-cinci-luni-ale-acestui-an-283605>

¹¹ Ministry of Agriculture and Rural Development, AFIR, 2023. Informatii generale PNDR. Available at:

https://portal.afir.info/informatii_generale_pndr_investitii_prin_pndr_sm_4_3_infrastructura_agricola_si_forestiera_sm_4_3_infrastructura_de_acces_agricola.

¹² Ministry of Agriculture and Rural Development, AFIR, 2021. Selection Reports 2021.

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• The structure of the allocated European funds. Table 2 reflects the amounts received by Romania in the period 2007-2022 from the European Union budget. Romania contributed to the EU budget with the amount of 26,458 billion euros and the European Union granted 79,985 billion euros, the difference of 53,527 billion euros being absorbed funds¹³.

Table 2. The balance of EU Romania flows 2007-2022, million euros¹⁵

No.	Name	2007-2021 execution on 31.12.2021	appraisal 2022	2022 execution on 30.11.2022	2007-2022 execution on 30.11.2022
i.	Amounts received from the EU budget (A+B+C)	70 743,87	19 409,04	9 241,25	79 985,11
1.	Amounts received from the EU budget from the 2007-2013 MFF	36 685,99	X	X	36 685,99
2.	Amounts received from the EU budget from the 2014-2020 MFF	31 983,86	8 718,01	7 195,23	39 179,09
3.	Amounts received from the EU budget from the 2021-2027 MFF	99,98	274,86	273,70	373,68
4.	Next Generation EU 2021-2023	1 974,03	10 416, 18	1 772, 32	3 746,35
II.	Amounts paid to the EU budget	24 005, 68	2 787, 68	2 452, 46	26 458,15
1.	contribution to the EU budget	23 472,13	2 763,24	2 428,96	25 901,10
2.	Other contributions	533,55	24,44	23,50	557,05
III.	BALANCE OF FLOWS = I - II	46 738,18	16 621, 36	6 788,78	53 526,97

¹³ C. Zamfir, 2023. European funds, Startupcafe, accesat 07.01.2023. Available at: <https://www.startupcafe.ro/fonduri-europene/absorbti-e-fonduri-europene-romania-16-ani-uniunea-europeana-cati-bani-primit-cati>

Continuity and predictability in the implementation of community plans and programs are absolutely necessary, both for agriculture and for the entire Romanian economic system. For Romania it is necessary to ensure, in accordance with the principles of the PAC and evolution European rural space, sufficient income for farmers, the specificity of rural areas, employment in rural areas, avoiding the depopulation of rural areas, maintaining specificity local traditions, strengthening the objectives of the PAC regarding food security.

European funds serve as instruments within the market mechanism, intended to foster the advancement and stimulation of a contemporary agricultural market. This market should be equipped to fulfill the requirements of a European network of agricultural goods, all while contributing to the progression of modern rural development¹⁴. While the influx of communal funds might offer a partial remedy to the financial challenge, the primary goal of Romanian agriculture is to articulate the notion of arranging and effectively implementing agricultural practices¹⁶. After 2007, with the help of the agricultural policies implemented by the European Union and adapted by Romania, community funds have brought benefits to agriculture and the rural area, and this guideline must be maintained, in order to solve all the problems arising from the rural environment.

The period following accession necessitated a shift in perspectives and mindset, introducing novel approaches to the structuring of agricultural policy. Romania found itself compelled and driven to transition from a cautious and reserved strategy for mere survival to a bold and audacious approach capable of capturing external and international markets¹⁵.

By reference to quantitative, geographical, geodesic, morphological variables, agriculture enjoys a high potential but which does not generate added value due to the lack of a medium and long-term strategic vision that leads to development on efficient, sustainable, compatible bases with the sustainable development objectives specific to the Europe 2020 Strategy.

Next, we analyzed the rural area in Romania compared to the rural area in the EU 27 and Germany, table 3 underlining the fact that Romania

¹⁴ E. Cofas, C.T. Bălăceanu, 2023. Evaluation of the biomass energy production potential in agricultural holdings in relation to their size. Case study for crop farms in Romania, Romanian agricultural research, no. 40. DII 2067-5720 RAR 2022-20. Available at: <https://www.inceda-fundulea.ro/rar/nr40fol/rar40.6.pdf>

¹⁵ C. Bălăceanu, M.A. Predonu, 2011. *Efficiency methods to absorb structural funds for the Romanian agriculture*. Annals of the „Constantin Brâncuși” University of Târgu Jiu, Economy Series, Issue 4/2011. Available online:

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has high values in all categories, territory, population, added value, employees, which confirms the importance of this area for Romania.

Table 3. Rural areas in 2009,%¹⁶

Area	Territory	Population	Added value	Employed population
US 27	56.7	23.6	17.2	21.7
Germany	39.8	17.3	14.5	15.7
Romania	59.8	45.7	32.4	41.5

Given that the area used for agriculture in Romania is not much different from the area used for agriculture in Germany, the large number of existing holdings in Romania should be taken into account in future policy making.

Table 4. Number of holdings, area used 2010¹⁷

Area	Number of holdings	The surface used
	thousand	in 1000 ha
US 27	12 053.8	170 027.3
Germany	299.1	16 704
Romania	3 856.3	13 298.2

Table 5. Number of holdings 2016, area used 2018¹⁸

Area	Number of holdings 2016	Area used 2018
	thousand	in 1000 ha
US 28	10467.7	179163
Germany	276.1	16 645
Romania	3422.0	13 413

Table 5 shows that the number of holdings at the level of the European Union decreased from 2010 to 2016, but the total area used in agriculture increased from 2010 to 2018, which means that land was merged and

¹⁶ European Commission, 2012, Rural Development in the EU Statistical and Economic Information Report 2012. Available online:

http://ec.europa.eu/agriculture/statistics/ruraldevelopment/index_en.htm.

¹⁷ Eurostat, 2011, EU-Agricultural census 2010 – first results, Eurostat news release 147/2011, 11 October. Available online:

http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/5-11102011-AP/EN/5

¹⁸ European Parliament, 2023. Common Agricultural Policy in figures, EU Technical Data Sheets.

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interest in agriculture increased, meaning that the EU common agricultural policy met the proposed objectives.

Viewed internally, Romania's agricultural sector exhibits sluggish growth rates stemming from inadequate productivity and underdeveloped human capital and this deficiency arises from the absence of a suitable rural educational infrastructure that aligns with the demands of a competitive agricultural market and harmonizes with the common agricultural policy. The dearth of rural infrastructure poses a tangible barrier to the advancement of this domain and by bolstering physical infrastructure, the current disparities in urban and rural living standards could be mitigated. Furthermore, these endeavors would facilitate non-agricultural job opportunities and catalyze investments in the rural landscape.

The progress of rural communities' economic growth relies predominantly on similar elements to those influencing urban development: employment opportunities, availability of essential services like education, healthcare, technology, transportation, and communication, along with the maintenance of a sustainable natural environment¹⁹.

Relative to urban regions, rural areas offer numerous benefits, including an abundant and cost-effective labor pool, more affordable land and construction expenses, lower living costs, and increased serenity. Consequently, three fundamental elements prove crucial for fostering rural economic diversification:

- investment of capital to drive business expansion;
- guiding the rural populace toward alternative realms of employment;
- enhancement of essential infrastructure to support a range of diverse economic pursuits²⁰.

Having sufficient liquidity and financial resilience at a particular juncture holds significance when initiating and solidifying a business venture, particularly within rural domains and these resources prove essential for procuring high-performance machinery, embracing technology, or modernizing the entirety of operations. In this context, the compensatory allocations furnished by the European Union offer invaluable support.

¹⁹ European Commission, 2022. The economic, social and environmental development strategy of the Jiu Valley 2022-2030. Available at: <https://sgg.gov.ro/1/wp-content/uploads/2022/07/ANEXA-26.pdf>

²⁰ European Court of Auditors. 2015 Special report. EU support for rural infrastructure: much better value for money can be achieved. Available at: https://www.eca.europa.eu/Lists/ECADocuments/SR15_25/SR_RURAL_RO.pdf.

Creating and upholding an adequate level of infrastructure stands as a fundamental requirement to promote both economic and social progress in rural areas²¹. It is imperative to emulate the developed nations' blueprint, wherein the construction of novel roads and bridges offers significant advantages to rural regions. The presence of contemporary infrastructure plays a pivotal role in determining the capacity of rural areas to competently work for internal investment promotion²¹. This additionally aids in enhancing the appeal of rural regions as desirable residential and employment locales²². The presence of transport services, telecommunications, and electricity infrastructure is indispensable for fostering business growth and enticing fresh investments into rural regions²³.

Capital, as the third essential factor of production in agriculture, assumes a pivotal role, as the potency and effectiveness of agricultural development hinge upon its magnitude and arrangement. The augmented role of capital in substituting labor stems from the evolution towards a technically advanced and technologically modern agricultural landscape and, in the context of Romania, the agricultural sector has endured significant decapitalization, compounded by a marked lack of enthusiasm for investments. This circumstance has led to a decline in the technological resources necessary for proficient mechanical operations across the majority of holdings.

An evaluation of the current state of Romania's agricultural sector, conducted with the aim of fostering sustainable economic growth, underscores the imperative to expedite processes of rural restructuring and modernization, given their undeniable economic and societal significance.

Conclusions

To effectively harness the natural agricultural resources at its disposal, Romania must diligently adopt the principles underpinning sustainable agriculture, this strategic shift promising to unlock fresh avenues toward climate neutrality, yielding substantial health benefits for the populace. Achieving sustainable agriculture within Romania hinges upon a dual approach: continued attraction of non-repayable European funds and their judicious allocation towards modernization, innovation, and educational advancements within the sector.

Concurrently, Romania is tasked with identifying opportunities to bolster the income of producers and enhance consumer advantages over

²¹ Ibidem

²² Ibidem

²³ Ibidem

the medium and long term, consequences stemming from participatory agricultural practices. The pursuit of sustainability in agriculture emerges as a pivotal objective within the broader context of Romania's economic advancement and environmental safeguarding. To realize this goal, a comprehensive array of measures and policies must be implemented, promoting responsible agricultural methodologies, safeguarding natural resources, and ensuring the enduring and sustainable growth of the agricultural domain.

In order to achieve a sustainable agriculture in Romania, we have outlined some recommendations:

1. Promotion of ecological agriculture. Encouraging and supporting the transition to organic farming is an essential step towards sustainability, the Government should provide subsidies and tax facilities for farmers who adopt ecological practices, such as the use of natural fertilizers, integrated pest control and compliance with organic production methods. It is also important to promote the certification of organic products and encourage their consumption.

2. Effective management of natural resources. The rational use of natural resources such as water and soil is essential for sustainable agriculture, the implementation of efficient irrigation systems and water conservation technologies can help reduce excessive water consumption in agriculture. Also, applying soil conservation methods such as crop rotation, mulching and erosion control can improve soil fertility and reduce pollution.

3. Promoting biodiversity and agroecology. Conserving biodiversity and promoting agroecology are essential aspects of sustainable agriculture, the creation of buffer zones such as pastures and areas of natural vegetation can support the existence and migration of plant and animal species. Implementing agroecological practices, such as the use of natural pollinators and crop diversification, can help maintain ecological balance and reduce reliance on chemical pesticides.

4. Development of agricultural infrastructure. The government should allocate funds for the modernization and expansion of the irrigation network, the construction of warehouses and processing centers for agricultural products, as well as the development of transport infrastructure to facilitate the marketing and export of agricultural products.

5. Education. Farmers' access to up-to-date information and knowledge about sustainable agricultural practices needs to be improved. It is also necessary to support agricultural research institutions and promote cooperation between them and the agricultural sector for the

development and implementation of innovative technologies and solutions.

6. Supporting local production and marketing: The state should provide support and facilities for small and medium-sized farmers involved in local production and distribution of agricultural products. In addition, promoting short supply chains and organizing local markets and agricultural fairs can increase the link between producers and consumers, thus reducing intermediaries and promoting the development of rural communities.

To achieve sustainable agriculture in Romania, a holistic and integrated approach is needed, including government policies and measures, support for farmers, education and research, as well as the involvement of local communities and consumers. The implementation of the aforementioned recommendations can contribute to the creation of a more efficient, resilient and environmentally friendly agricultural sector, promoting the sustainable development of Romanian agriculture.

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THE ITINERANT PUPPETEERS OF JAPAN: WHAT KIND OF PROJECTION OF THE IMAGINARY IS THERE IN THE PUPPET THEATRE?

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Abstract: *To answer this question, let's examine some theories of anthropomorphism, channeling them as an introduction to anthropological studies on the puppet theatre, in particular the Japanese puppet theatre. Japanese puppets, known as "bunraku theater" were originally tools used in magic rituals not unlike the use of woo doo dolls. In a brief historical excursus involving the use of the human anthropomorphic figure, we examine its archaic origins as a religious idol, proceeding then to insert them into a typical and current animistic panorama of the Japanese archipelago.*

Keywords: *anthropomorphism, apotropaic rites, woo doo dolls, Japanese puppets*

Introduction

Human beings frequently attribute anthropomorphic features, motivations and behaviors to animals, artifacts, and natural phenomena. Historically, many interpretations of this attitude have been provided within different disciplines. Anthropomorphism is a process which invests the environment and which foresees a transformation of the object from inert matter, i.e. blind and deaf, to a gifted subject of life and soul, and therefore to another entity full of extraneous meanings that derive from the observer. It is a process of projecting contents onto the object, interpretations that belong to the uses that human beings make of that object¹.

The traditional view of anthropomorphism separates infantile from adult manifestations. The use made by children of this form of thinking would depend on conceptual confusion, while for adults it would be a matter of a regression that manifests itself only in particular circumstances of fear, anxiety or strong desire.

Psychologists believe that anthropomorphism does not depend on a belief system but is the extension to non-human entities of forms of

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¹ Edgar Morin, transl. by Gennaro Esposito, *Il cinema o l'uomo immaginario*. Milano, Silva, 1962. (original title *Le Cinéma ou l'homme imaginaire*, 1956)

interaction typical of human communication. The artifact or animal is placed in the position of interlocutor in an imaginary dialogue. This implies that the mental states and emotions that characterize the human mind are attributed to him².

Puppet and doll are used in dementia treatment therapies. Doll therapy is a non-pharmacological intervention aimed at reducing behavioral and psychological disorders in institutionalized patients with dementia³.

According to Edgar Morin, in his *Le Cinéma ou l'homme imaginaire*, in addition to anthropomorphism we should speak of cosmomorphism, a process through which humanity feels part of nature, because it charges man with a cosmic presence and because it represents an exchange between man and the cosmos.

Morin maintains that cinema permits the mixing between the cosmomorphism of man (the face becomes landscape) and the anthropomorphism of objects (the landscape becomes face) but we like to hypothesize that what is valid for cinema (projection of light) is valid for shadow theater as well as puppetry. The puppet theater does not have all the scenic effects of cinema: techniques such as the mobility of the camera, music, acceleration, slow motion, but it has the concrete, factual presence on its side that makes it an idol and involves the tactile element.

Magic is connected at the same time to cosmomorphism and anthropomorphism: there is a magical aspect in the fact that man feels part of the cosmos and nature feels humanized. It's called animism. Animism has as its deep root a fundamental process through which man feels and recognizes nature by projecting himself into it: anthropomorphism. Cosmomorphism and anthropomorphism are associated and become anthropocosmomorphism. It is therefore in relation to this anthropo-cosmomorphism through which man feels analogous to the world and at the same time feels the world under human dimensions, that we must conceive the magical universe⁴.

Anthropomorphic figures have always been a hallmark of every development of human civilizations but it is their animation that involves

² Gabriella Airenti, "The Development of Anthropomorphism in Interaction: Intersubjectivity, Imagination, and Theory of Mind". In: *Frontiers in Psychology*, 05 November 2018, *Sec. Cognitive Science*, Volume 9 - 2018

<https://doi.org/10.3389/fpsyg.2018.02136>

³ R. Pezzati, V. Molteni, M. Bani, C. Settanta, M.G. Di Maggio, I. Villa, B. Poletti, R. Ardito, "Can doll therapy preserve or promote attachment in people with cognitive, behavioral and emotional problems? A pilot study in institutionalized patients with dementia". In: *Frontiers in Psychology*: 21 April 2014, *Sec. Emotion Science*, Volume 5 - 2014 | <https://doi.org/10.3389/fpsyg.2014.00342>

⁴ Edgar Morin, *ibidem*

the divine element. The idol is still but if it is animated it becomes magic and theatre. If today we talk about cinema or pure animation once upon a time and in different places in different places statues or dolls were placed which they represented divinities and were moved by ropes and threads⁵.

The most famous example is the “Stories” of Herodotus who, in the second book on the uses and customs of Egypt, speaks of a festival that the Egyptians celebrate in honor of Dionysus (probably Osiris), very similar to that made by the Hellenes, except for a strange ceremony featuring puppets with a huge phallus. On the eve of the festival, a procession of women runs through the streets of the city preceded by the sound of a flute: the women sing hymns in honor of Dionysus and bring to their side some puppets about a cubit high (52cm) and moved by a string. The puppets have a huge wooden phallus moved by the string and as big as the puppets itself⁶.

The Japanese puppets

In the last thirty years great importance has been given to studying Japanese ritual puppets, perceived as tools similar to African fetishes or woo doo dolls to pacify the gods.

During the early 1600s, the Tokugawa ruled that traveling artists such as storytellers and ritual puppeteers needed licenses to perform. These licenses proved their affiliation with some sanctuary or temple which certified their professionalism. It was a way to control the masses of desperate people who were trying to earn their living through performances, whether by singing or by performing in puppet theatre to raise alms.

These licenses were generally scrolls containing the mythological story of their guilt and the veneration of some patron saint or Ujigami.

What united these artistic figures, as often happens in the history of the theatre, was their religious origin or motivation. The ritual puppeteers performed apotropaic rites or purification rites during which they summoned the tormented spirits to enter the puppet’s body to free from haunted space or people.

The puppets served as *shintai* 神体 that is, spiritual “vessels” in which the spirit of a god could reside⁷. On the other hand, the storytellers

⁵ Dora Eusebiotti, *Piccola storia dei burattini e delle maschere*, Torino: Società editrice internazionale, 1966, p. 17.

⁶ Carles Magnin, *Histories des Marionnettes en Europe-depuis l’antiquité jusqu’à nos jours*, Paris: Michel Lévy Frères, Libraires-éditeurs, deuxième édition, revue et corrigée, 1862, p. 10.

⁷ Jane Marie Law, “Religious Authority and Ritual Puppetry. The Case of Dōkumbō Denki,” in *Monumenta Nipponica* 47, no. 1 (Tōkyō, Sophia University, Komiyama Printing, 1992), p. 84.

helped spreading the Buddhist faith. Basically, they told stories of Indian or Chinese origin that had a religious background linked to the spread of the faith and the hope of rebirth in nirvana or *jōdo* (pure) land.

Jane Marie Law, a researcher of Japanese theatre, presents three types of ritual puppeteers from the Muromachi period, in the article “Religious Authority and Ritual Puppetry”:

1) puppeteers specialized in sacred rites, who performed in Shinto shrines, in front of nobles and local authorities or, as new year’s purification rites, passing from one family to another or door to door. These were called the *Ebisu-kaki* 夷舁き, or *ebisu mawashi*, 夷廻し, *dōkunbō mawashi* 道薫坊廻し or *sanbasō- mawashi* 三番叟まわし.

2) puppeteers whose sole purpose was entertainment and who organized themselves in theatrical companies or *zamoto*. These puppeteers were called *ningyō tsukai*, e.i. simple puppet operators specialized in dramatic works of *jōruri* as, domestic drama (*sewamono*) and historical drama (*jidaigeki*).

3) itinerant puppeteers who presented along roadside, in small villages and where they managed to gather an audience and showed skits, parts of famous *jōruri* ballads, brief version of ritual, etc., These were called *hako-mawashi* 箱廻し or *ningyō mawashi* ⁸.

The *ebisu-kaki* were itinerant puppeteers. They were affiliated with the Ebisu Shrine complex in Nishinomiya *jinja* (西宮神社), a big shrine near Kobe. They lived in Nishinomiya *sanjō* district, although outside the precincts of the shrine. The *sanjō* districts were infertile lands, near the bed of rivers and subject to flooding, therefore not taxed. These areas were given to people involved in trades considered impure and subject to contamination or *kegare* (穢れ)⁹.

People who had to do with *kegare* meant people dealing with death (gravediggers) and the slaughter of animals. This is because in Shinto (as in many other African and South American religions) the souls of the dead, especially tormented souls, contaminated those who came into contact with them, handling the body, and brought them bad luck. The same applies to the souls of slaughtered animals laden with suffering. Then there were those who had to deal with spiritism (a different way of being in touch with death or dead) as a profession as: “*diviners, shamans, magicians, and other sacred specialists, of which puppeteers were but one type*”¹⁰.

⁸ Jane Marie Law, “Religious Authority”, p. 79.

⁹ Jane Marie Law, *Puppets of Nostalgia, The Life, Death, and Rebirth of the Japanese Awaji Ningyō Tradition*, Princeton: Princeton University Press, 2015, p. 70.

¹⁰ Jane Marie Law, “Religious Authority”, 83.

The main task of *ebisu-kaki* was to spread the Ebisu cult in the suburbs. The patron saint or protector (*ujigami*) of the *ebisu-kaki* was Hyakudayū 百太夫, a puppeteer who created the first puppet capable of appeasing a hostile divinity. This hostile divinity was the leech child, or Hiruko, is also strongly associated with Ebisu.

The *ebisu-kaki* always carried with them a scroll called Dōkunbō Denki, which legitimized their profession as ritual puppeteers. Currently, in Japan, eight manuscript copies have been found bearing the date of 1638. The scroll tells the discovery of the divinity Hiruko, by the hand of the fisherman Hyakudayū. Hiruko had long wandered in the waters of the sea, abandoned by his parents Izanagi and Izanami at the time of the creation of the island of Japan. Hyakudayū understood that it was a deity. The divinity Hiruko or Ebisu asked that a hall of veneration be built for him, if he had not been satisfied serious calamities would have strike the country. The temple of Nishinomiya was built. At first the officiant of Hiruko's veneration was a man named Dōkunbō, a kind of priest. Unfortunately, Dōkunbō died and the divinity unleashed his punishments. Hyakudayū went to the capital to spoke with the authorities (the Fujiwara family) and an imperial order asked that a puppet with the likeness of Dōkunbō be built. Hyakudayū carved the puppet very similar to Dōkunbō and the divinity was appeased. The scroll of this story was a kind of license for the *Ebisu-kaki* that they showed to present themselves in the various places where they were given the opportunity to perform their rites.

The *ebisu-kaki* were initially sedentary puppeteers in the *sanjō* of Nishinomiya shrine, but then they became itinerant¹¹. Their task was to distribute *o-fuda*, talisman bearing the protection of Ebisu in the regions of Japan, mainly around the Inner Sea, in order to spread the Ebisu faith¹².

These puppeteers appear in various texts, and are referred to as *kugutsushi*, *ebisu-mawashi*, *Ebisu-kaki* and, sometimes, *dōkunbō mawashi*.

The text *Kugustunoki* (傀儡子記), by the famed court scholar Ōe Masafusa (1040-1111) contains a short poem which gives a glimpse into the lives and adventures of an itinerant ritual specialist which the author describes as the *kugutsushi*¹³.

In the 17th century, the *kugutsushi* had some degree of popularity not only in villages, but also in cities and even at the imperial court. Despite their popularity, however, they still had low social status, which is likely

¹¹ Ibid., 90-93.

¹² Ibid., 87.

¹³ Darren Jon Ashmore, "The Authenticity of the Other. The Kuiraisi-no-ki and Japanese Ritual Puppet Theatre," in *electronic journal of contemporary Japanese studies*, Volume 13, Issue 3, 2013.

due to their origin in the sanjō, which were considered unclean. Their appearances and the distribution of the *o-fuda* were, in addition to their religious purposes, also a source of income for the shrine itself¹⁴.

Since Ebisu was considered a destructive and dangerous deity, the task of the puppeteers was to pacify him¹⁵. Ebisu was considered too dangerous to represent him with the help of a human body, because they were afraid that he could take possession of the person in question a bit like it happens in the demonic possession described in the Christian religious context.

The *ningyō* were used as some sort of substitute to remove pollution from persons, homes, spaces and even the head of the nation. An effigy or body substitute capable of attracting dangerous forces and even becoming possessed by them. When the *ningyō* was destroyed or allowed to float away, it carried with it the evil spirit or pollution from the person against whose body it had been rubbed¹⁶.

Yet the use of images, including those of the human figure, in ritual magic is prominent in almost all cultures' witchcraft and magical traditions, albeit in vastly varying forms. The type of magic that is most recognizable is what we term the woo doo doll¹⁷.

Woo doo dolls have always had a negative image in our current culture: You create a fetish, a human figure that represents the enemy to be hit and causes him pains and misfortunes by inflicting nails in the simulacrum. In reality, in Caribbean religious as well as in African ones, woo doo dolls also had the function of curing a sick person. A use not unlike the *ebisu-kaki* rituals.

From the Assyrian in the 2nd millennium BC through to the Ptolemaic period in Egypt, enemies of the State and other individuals, whether mortals or deities, had their images subjected to burning, burial or binding in pre-emptive defensive rituals of sympathetic magic¹⁸.

It was common for the figures used in these apotropaic magical rituals to represent spirits or deities rather than individual people; such as the boxes containing clay figures buried beneath the floors in houses thought to be from the Neo Assyrian period of ancient Iraq (c. 934-610 BC) to protect against disease and evil spirits. The early excavations of ancient

¹⁴ Jane Marie Law, "Religious Authority", 84.

¹⁵ Ibid., 84.

¹⁶ Jane Marie Law, *Puppets of Nostalgia*, pp. 33-34.

¹⁷ Natalie Armitage, "European and African figural ritual magic: The beginnings of the voodoo doll myth," in *The materiality of magic*, Oxford & Philadelphia: Oxbow Books, 2015, p. 85.

¹⁸ Christopher A. Faraone, "Binding and burying the forces of evil: the defensive use of 'voodoo dolls', in ancient Greece", in *Classical Antiquity*, Oakland: University of California Press, 1991, pp. 165-205.

Mesopotamian cities unearthed Neo-Assyrian deposit buried beneath rooms floors. Brick boxes often containing clay figurines portraying mythical beings – gods, animals and various hybrid types-found singly, in pairs or groups of seven. Notably, ancient humans placed these boxes under particular areas: flanking doorways, along walls, in corners, thresholds and the middle of rooms. These assemblages, found at Assur, Nimrud, Nineveh, Kish, Ur and Babylon, conformed closely to a practice recorded in various ritual texts that suggest that the ritual served to purify and protect individuals and buildings from disease and evil forces, and entailed a protracted series of elaborate ceremonies and acts performed by a trained practitioner¹⁹.

We must not forget the ancient art of a Theurgy (in ancient Greek, *Theurghía*) is a late Hellenistic and late Neoplatonist religious practice, aimed at producing miraculous benefits and developing powers by which the theurgists came to identify themselves with their own divine part and to obtain immortality²⁰.

Theurgy is known through the studies on the *Chaldean Oracles* which were transcribed and commented on by Michael Psellos or Psellus, a Byzantine scholarly monk who lived in the year one thousand. The oracles have not come down to us entirely but through fragments attributed to Julian the Theurgist who lived under Marcus Aurelius. The oracles were already mentioned in the third century AD by both pagan philosophers and Christian writers²¹.

Michael Psellos considered the Chaldeans one of the major civilizations of the world known at the time together with the Hellens, the Egyptians and the Jews. The Chaldeans were advocates of a profound mystical religious wisdom. The ancients considered the Chaldeans to be a Mesopotamian people identifiable with the Assyrian²².

An important resource of the Theurgists was also constituted by *tekestiké*. It consisted in the Animation of an “inanimate receptacle” which could be, for example, a statue or doll that was then animated by the theurgist’s operations through invocations, insertion of magical herbs, stones or fragments of animals remains. This technique was based on the belief that each divinity had an element or resonance in the physical world (animal, vegetable and mineral) and that by acting on this one was able to

¹⁹ Carolyn Nakamura, “Dedicating magic: Neo-Assyrian apotropaic figurines and the protection of Assur,” in *World Archaeology* 36(1), *The Object of Dedication*, Charleston: Taylor & Francis Ltd., 2014, p. 14.

²⁰ Eric R. Dodds, *I greci e l'irrazionale*. (Milano: Rizzoli, 2009), pp. 345-365

²¹ Michele Psello, *Oracoli Caldaici*, a cura di Silvana Lanzi, Milano: Mimesi Edizioni, 2001, pp. 6-50.

²² Michele Psello, *Oracoli Caldaici*, p. 24.

act on the same will of the divinity. In fact, this is how the oracle says: “*the paternal mind sowed symbols throughout the cosmos*”. The animated statues would have been disposed in this way to prophesy or to grant oracles to those who asked it²³.

Michael Psellos writes in one of his comments on the Chaldeans: with regards to the wisdom of the Chaldeans, these, foreign and polytheistic people convinced that they are practicing religious piety, apply themselves, better than all the others, to astrology. There exists among them a sort of theology, a collection and secret books and written in verse that has a meaning inaccessible to most (...). They believe in an original god and consider matter as a worker of evil. They instituted hieratic art and introduced animal sacrifice, worship underground gods and revealed which of them to sacrifice. They make their gods descend by means of magical incarnation and bind them and free them (...) the theurgist was Julian, who militated together with the emperor Marcus Aurelius, who led the campaigns against the Dacians. Among the numerous services rendered to the emperor, he repelled the Dacians from the roman borders. In fact, having made a man’s face with mud, he placed it so that it looked towards the barbarians; they, as soon as they approached him, were repelled by bright thunderbolts from it. These Chaldeans (I will now make use of their oracles) “drag the soul along the threshold of the 7 ways” (...) and teach those who come forward “*not to leave a material residue in the abyss*”. Then by mixing the separated elements and shaping simulacra of human form with different materials, they produce amulets capable of warding off diseases.

At this point it is easy to make the comparison with the battle, in the year 720 which engaged the Japanese imperial government against the Hayato tribe for the conquest of a stronghold in the province of Ōsumi and Hyūga in southern Kyūshū. In the annals of the Usa Hachiman shrine it is reported that the priests of the temple, with their ritual puppets, were hired by the imperial authority to set up a puppet show that would distract the Hayato’s barricaded in their stronghold which until then had been impregnable.

“*A key source, from the Usa Hachiman shrine Usa Hachiman Hōjō-e Engi, tells us that during the battle the Hayato sequestered themselves in seven castles, and it was not possible to break through their defenses until ritual magicians using puppeteers from the Usa shrine staged a puppet performance on the walls of the castles. The Hayato inside became so enamored with the performances that they let their guard down and were successfully attacked*²⁴.”

²³ Ibid, 49.

²⁴ Jane Marie Law, *Puppet of Nostalgia*, 91.

When the itinerant puppeteers began to expand their repertoire from religious rites to include narrative entertainment such as Heike recitations and *jōruri* pieces, they strived to remove the limitations of their autonomy from the Nishinomiya shrine while at the same time maintaining the higher status such an affiliation afforded them²⁵.

They were the precursor of the later dramatic traditions on *ningyō jōruri*, in which the art of ballad recitations, shamisen playing, and puppet manipulation were combined to create a new dramatic form in the early modern period²⁶. However, we must not overlook the fact that as regards Sado, an island of gold mines subjected to exploitation by the Tokugawa government since the early 1600s, there is clear evidence of the arrival of ritual puppet companies that are mentioned in the annotations of the magistrates of the city, sometimes also concerning legal disputes.

Other terms indicated the inhabitants of the *sanjō* districts were *bunrakumin eta* or *hinin*. In 1840, magistrate Kawaji Toshiakira 川路聖謨 wrote in *Shimane no susami* (島根のすさみ), a sort of diary of the Sado mines, which list the diseases that were found in the area such as silicosis, about the few entertainments reserved for miners. In speaking of puppeteers he used a generic term like *eta-hininmono*, instead of the more technical *Dōkunbō-mawashi*:

“It is ordinary for the eta-hininmono to work with shamisen and otherwise with long verse lyrics. There are no people who did it before. Those who come and go and come and go singing are all hinin. That is something that must be praised²⁷.”

(三味線

その外長うた等の類は、えた非人物もらひの業とて賤しみ、かつてなす者なし、往来など唄往来候は皆非人なりとぞ、是は賞すべき事也)

The *Sado no Kuni no Ryakki* (佐渡国の略記) was a diary that reported the major events of the year and was written by the various magistrates who took turns as the highest authorities of the island where, in the year 1785, it seems that there had been a complaint against a puppet show organized without an official permission. In this case, the puppeteers are also referred to as “medicine sellers”.

²⁵ Jane Marie Law, “Religious Authority”, 93.

²⁶ Jane Marie Law, *Puppet of Nostalgia*, 111.

²⁷ Sasaki Yoshihisa; 佐々木義榮, *Sado ga Shimaningyō Banashi* 「佐渡が島人形ばなし」, (Sado: Sadogashima ningyō-banashi kankō-kai 佐渡が島人形ばなし刊行会. 1997), 108.

It can be deduced that the puppeteers were also seen as a kind of healers, another proof of the arrival of ritual puppet companies on the island. It is recorded that in the fifth month of 1785 (天明5年5月) that:

“In Gorozaemon machi there was an order for a house arrest at Raikōji temple. Twenty-one days until there is forgiveness. This is for medicine sellers who came from another province. There are people at Raikōji who are puppeteers. Many people were there to see without notification to officials. This is thus akin to impoliteness²⁸.”

(「五郎左衛門町来迎寺押込仰せつけられ、同二十一日御免、之は他国より来り候薬売、

来迎寺にて人形を遣ひ候処、大勢見物有之処、御役人へ届無く致させ候篠無調法にてかくの如し」)

Charles Magnin left us a treatise on European puppets which is considered a milestone in the historiography of the theatre. Through the analysis of classical sources, he was able to highlight the religious origin of European puppets. In addition to the aforementioned Herodotus, he lists a series of Greek historians (Lucian of Samosata, Diodoros Siculus, Callixenus of Rhodes) who speak to us of rites with self-propelled statues, manipulated by ropes, spring of other mechanisms, which emit oracles, sweat, get up and they perform movements and, carried in procession, indicate with nods of the head to the priest the way to follow. From these examples it is easy to imagine the evolution of the puppets that were called *neurospastos* by the Greeks. Authoritative literary sources (Plato Aristotle, Marcus Aurelius) tell us of a very refined puppet theatre in Greece and Rome²⁹.

The same can be found in Cristian hieratic sculpture. The pattern is always the same. Puppets always have an origin in hieratic mobile sculptures used in liturgical rites, such as representation of the holy week. An example is the Palmesel, widespread in Northern Europe starting from the 9th century. Where the figure of Christ, riding a donkey, was carried in procession³⁰.

At this point it is necessary to specify that, despite the proven presence of mechanical dolls and puppets for divination already in ancient times, not all critics take the side of those who place these events as similar to the puppet show: although they constitute an ancestor, they lack the talent of the puppets and the interpretative intent for dramaturgical purposes³¹.

²⁸ Sasaki Y., *Sado ga Shimaningyō Banashi*, 6.

²⁹ Charles Magnin, op. cit., p. 40

³⁰ Christophe Chaguinian, «Y a-t-il eu des marionnettes religieuses au Moyen Âge ?. Retour sur l'hypothèse classique de Charles Magnin », in *Cahiers de Recherches Médiévales et Humanistes*, no. 40, (Paris : 2020 – 2), 379-408

³¹ Dora Eusebietti, 13-15.

Kinosuke is the main character of *noroma ningyō* on Sado Island. He is the only puppet with arms and legs and, by the end of the performance, he is naked, his penis is out, and he urinates in the direction of the audience. The other puppets are Shimonochō, his wife Ohana and Busshi.

The characters in Sado's *noroma ningyō* are always the same with a well-defined personality: Kinosuke is the free spirit but also the madman; Shimonochō is the tich gullible; Busshi is the crafty cheater; Ohana is the licentious wife.

According to Aristotle the comedy derives from the *kòmos*, the procession associated with the phallus, a festival that took place on the occasion of sowing and working in the fields. The comedy initially had an apotropaic function.

In the classical Greek world, the phallophories, were solemn processions in honor of Priapus and Dionysus in which huge wooden phalluses were carried in procession. In the propitiatory phallophories of the harvest, very widespread in the agricultural word of ancient

Greece and then in Italy and in the territories dominated by the Romans, the processions with the phallus ended with a rain of water mixed with honey and grape juice, directed towards the fields, which represented the ejaculation of the seed origin of life and therefore propitiated the abundance of the harvest³².

Regarding ancient Rome, there are many dolls discovered in pagan and later Christian tombs. However, several classical texts clearly indicate that the puppets and their mechanism were familiar to the Roman public. Aulus Persius Flaccus and Marcus Aurelius Antoninus compare our passions to the threads that make us act, like the threads of puppets. Some Latin writers marveled at the perfection of their movements and the skill of the manipulators. Claudius Galenus drew a parallel between the creation of the human race by the creator God and that of the puppets³³.

Charles Magnin, wondering what the puppet repertoire could be in ancient Rome, hypothesizes that surely the features or the puppets recalled the Atellan farces³⁴.

The farces called *Atellanae* were popular farces created by the Oscan populations of Campania, based on the use of masks that represented certain types of characters. They rose around the 5th century BC and took their name from the ancient city of Atella, a strategic hub connecting Capua to Naples.

³² Umberto Albin, Fritz Bornmann, Mario Naldini, *Manuale storico della Letteratura greca*, Milano: Le Monnier, 1977, pp. 179-180

³³ Gaston, Baty, René Chavance, *Histoire des Marionnettes*, Paris: Presses Universitaires de France, 1977, p. 19.

³⁴ Charles Magnin, op. cit., pp. 41-42

The Atellan Fabulae were born when the Oscan populations, who were in close contact with the Greek culture from the south of Italy, while imitating a kind of popular farce, accentuated their biting tone. The farces consisted of skits, lively and realistic, based on the contrast between fixed types, characterized by well-defined psychologies, such as: the miserly master and the jealous servant; the foolish peasant and the intelligent passerby; the old lover and the young rival; in which the plot dissolved between contortions, grimaces, acrobatics, chase, spectacular falls and in the context of situations funny and paradoxical; in short, the farcical aspects were the essential element of the show.

In the VI-III century BC the farce was introduced in Rome. Initially the Atellan Fabulae were recited in Oscan: over time they began to be recited also in Latin. According to some testimonies, the *Atellana* was later revived at the end of the official representation of the tragedy; as the end of the Show, in sort of improvised farces.

It was defined as comedy with masks. The masks were made with tree bark. Originally used as an element of worship, the mask had already become an integral part of the scene with the Greek theatre. However, it will be the Roman theatre that will make it a real professional tool: the foundations for the contributions are undoubtedly laid by the Atellan comedy which, in turn, has had a fundamental impact on the modern *Commedia dell'Arte*³⁵. Now we just have to remember the similarities between the divinity of Ebisu and Dionysus/Osiris and the circle is closed.

In the puppet there is the principle of the theatre, since puppets are the initial symbols of gods and forces of nature, the first disguises of sorcerers. Before the actor, there was the puppet. Before we talked about a scenario, the puppets acted as mobile idols. This is the origin of theatre. In order to study the history of the theatre, therefore, one must inevitably study the history of religions. The first theatrical representations are the liturgical ones, since religion and theatre are united in their beginnings. The priest is the first actor, the scenery is the first altar and the faithful are the first spectators. The idol is not only the representation of the god on earth: the idol is the excuse to represent a show around him, with its lights, its sound, its declamations.

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³⁵ Le Maschere Atellane – PRO LOCO SANT'ARPINO (prolocosantarpino.it)
<https://prolocosantarpino.it/notices/le-maschere-atellane/> 01.10.2022

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ENHANCING EFFECTIVE COMMUNICATION IN PUBLIC ADMINISTRATION: THE ROLE OF PHRASEOLOGICAL UNITS IN FOREIGN LANGUAGE LEARNING

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Abstract: *The article delves into a unique avenue through which effective communication in public administration can be enhanced—the strategic incorporation of phraseological units in foreign language learning. Effective communication lies at the heart of successful management, serving as a linchpin for collaboration, innovation, and organizational growth. In our globalized world, where international interactions are commonplace, proficient communication in foreign languages is an indispensable skill for public administrators.*

In the realm of public administration, effective communication is paramount for successful collaboration, decision-making, and leadership. In the article the peculiarities of communication of a public administrator in professional activities are considered. The role of phraseology in the business communication of a public administrator is also analyzed on the basis of the English language. The relevance of the topic is due to the modern tendency to reduce formality in business communications, and, as a result, the use of phraseology by public administrators is increasing. The article considers how phraseological imagery enlivens the speech of a public administrator, gives it an ironic or humorous color, and also emphasizes the need to prevent possible violations in intercultural business communication through the appropriate use or translation of phraseological units.

Keywords: *effective communication, public administration, phraseological units, information, competence, global mentality.*

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The effectiveness of management today depends largely on the ability of public administrators to find a common language with employees of different cultural and social backgrounds, to lead and motivate people using the inexhaustible language resources. Hence, the development of intercultural professional and communicative competence of public administrators is an important consideration.

The communicative process consists of two main elements: non-verbal means of communication and the degree of perception and assimilation by the recipient of the transmitted information, which includes the content, structure and method of sharing different forms of information. By using original, concise and accurate phraseology, public administrators can explain the requirements in more detail, enliven their speech and augment the effectiveness of its perception by listeners, create a humorous effect or mitigate tension in conflict situations. Despite the current tendency to lessening the strict norms of business communication, public administrators should take into account the degree of formality when choosing between the synonymic phrases in different business contexts in order to be adequately understood. The knowledge of figurative phrases and their correct application testifies to the advanced level of foreign language competence of a public administrator.

The problem of the development of cross-cultural professional and communicative competence of public administrators has always been and is relevant, since every highly qualified public administrator must find a common language with employees of different cultural and social environments, influence people, sometimes even jokingly. And that's why today public administrators increasingly seek to use phraseological wealth as an inexhaustible treasure trove of vocabulary. Their business speech becomes more expressive and colorful due to the use of proverbs and sayings, turns of phrase and emotionally colored phrases.

A prominent place in the development of the theoretical foundations of phraseology belongs to the works of the outstanding linguist, academician V. Vynogradov, who studied the problems of linguistic and stylistic aspects of phraseological units and emphasized that stylistics includes the characteristic of expressive shades of phraseological units, the definition of language spheres and the literary-genre boundaries of their use¹. Many scientific works of linguists (S. Havryna, O. Demska, N. Kirilkova, Zh. Kolois, L. Suprun, V. Uzhchenko, L. Bulakhovskiy, F. Medvedev, B.D. Antonenko-Davydovych) and linguistic-stylistic works performed in Ukraine are devoted to the study of theoretical problems of

¹ V.V., Vinogradov, *The results of discussion of stylistic issues*. Issues of linguistics, 1955. No 1, p. 54.

the functioning of phraseological units. B.D. Antonenko-Davydovych² claims that, "just as the language of each person has individual features - with a rich or poor vocabulary, with favorite words and phrases, with a simple or complex sentence structure, so the language of an entire nation has its own expressive, unique properties that are marked not only by certain by the rules of combining sounds into words and words into sentences, and absorb a number of concepts". Public specialists point out that the effectiveness of business management largely depends on the public administrator's moral qualities, which are manifested in his business behavior, interaction and culture of thinking and communication. Based on this understanding, it can be said that a public administrator, no matter in which field he works, is exactly the kind of person who sets goals and knows how to achieve them, analyzes tasks and decisions, mobilizes people to fulfill assigned tasks, measures performance results, supports motivation employees and communication in the organization as a whole and in groups. In the era of the development of the information economy, a public administrator can make a qualified conclusion only on the basis of a collegial, comprehensive discussion and study of the situation, balanced assessments, deep analysis of the essence of the matter, having the talent of a leader, the abilities of a teacher and to some extent a diplomat, that is, a high level of culture of communication and ethics of business behavior. Mike Schultz and John Dorr³ give an example that the results of the work of "rainmakers", i.e. rain spellers (people who generate profits for the company by skillfully conducting negotiations) in the field of sales often exceed the average indicators by 300-500%.

At the modern high-tech stage of socio-economic development, the success of firms, companies, and organizations is determined by a set of standard management techniques and a control system, and by a flexible management mechanism that focuses on rapid business change, maximum satisfaction of customer interests, and is based on the values of people working in organizations and on their cultural communication and interaction. Modern public administrators have a global mentality and dream of success not only at the national, but also at the international level, and therefore they must understand different cultures, business etiquette in oral and written communication, in particular in English. According to statistics, about 85% of managerial success depends on

² B.D., Antonenko-Davydovych, *Yak my govorymo* [How we speak]. 1970. Kyiv: Lybid', 182.

³ M., Shults, G. Dorr, *Methods RAIN. How to sell to make buy*.
<https://books.google.com.ua/books?id=FKuXBgAAQBAJ&>

communication skills⁴. The best specialists in the field of public administration not only speak several foreign languages, but also study psychology and rhetoric. Business communication, as a process of exchanging ideas and information, is ensured through mutual understanding in achieving goals. The main types of professional communication are: vertical managerial communication; business communication with representatives of the external environment of the organization (buyers, partners, competitors); internal organizational business communication horizontally. The communicative process is formed from two main elements: non-verbal means of communication and the degree of perception and assimilation of the information transmitted by the recipient. The second factor includes: content, structure and method of presenting information. It can be presented to employees in various forms, but for a more effective perception of information it is possible to use figurative means of language, such as idioms, that is, established word combinations. Modern public administrators increasingly use phraseological wealth as an inexhaustible treasury of vocabulary. Their business speech acquires greater expression, becomes expressive and colorful.

Phraseological units are fixed combinations of words that have a specific meaning that goes beyond the individual meanings of the words. In management speech, these units add precision, conciseness, and cultural authenticity to communication. Public administrators⁵ often employ idiomatic expressions to convey complex concepts succinctly, making discussions more efficient and avoiding ambiguity. Phraseological units serve as linguistic gems that illuminate the language of management. In this realm, where precision and effective communication is imperative, these units offer a palette of expressions that encapsulate complex ideas and convey a depth of meaning beyond literal words. The imagery characteristic of phraseological units enlivens statements, gives them an ironic, sometimes humorous color. Public administrators especially prefer to use colloquial, stylistically reduced phraseology, mixing different styles, using distorted book phraseology, thereby creating a comic effect. Such communication allows public administrators to explain job requirements in more detail and mitigate negative aspects of business communication. In the business speech of public administrators, phraseological units are widely used, which are used in their unchanged form (proverbs, sayings,

⁴ *Very Effective Communication Skills*. <http://advancedlifeskills.com/blog/14-very-effective-communication-skills/>

⁵ L.O., Shanaeva-Tsymbal, *Formation of ecological self-awareness of citizens of Ukraine* / L.O. Shanaeva-Tsymbal // Bulletin of the Academy of the Customs Service of Ukraine. Series: Public administration. – 2014. - No. 2(11), p. 136-140.

catchphrases). These phrases were formed during many ages of communication and in a short figurative form characterize certain phenomena of our life: they allow us to express ourselves in more detail. If in written business speech, as a rule, phraseological units are avoided, in oral speech they are not only allowed, but also help to convey one's opinion. Using such expressions as “not a rocket science” (not difficult to understand - an unsophisticated matter), “reinvent the wheel” (waste time doing something that has already been done satisfactorily), “the talk of the town” (to be what everyone is talking about- on everyone's lips), or “to talk the idea up” (to skillfully present the advantages of the idea - to praise an idea) makes communication interesting, and original, concise and accurate speech. Other figurative expressions help to remove or reduce tension in conflict situations, which is very important in the activities of public administrators as organizers of collective work. For example, we will give such expressions as “chase rainbows” (pursue unrealistic goals), “cold piece of work” (a person difficult to deal with), “hit the panic button” (to panic suddenly), “talk the truth and shame the devil” (be frank and speak your mind boldly), “talk until one is blue in the face” (talk excitedly and endlessly), “run out of steam” (lose energy, enthusiasm or interest in something)⁶.

As we can see, phraseology allows the public administrator to introduce an element of informality into business communication and more convincingly present this or that information to his employees; exert a managerial influence on their subordinates, while ordinary business communication cannot achieve the same effect, because in a formal business environment public administrators use exactly terminological phrases devoid of any elements of imagery. However, it is possible to cite many cases of public administrators' use of terms and phrases borrowed from various spheres of life that have acquired a metaphorical meaning, for example from sports: “carry the ball” (take charge and control of an activity and be considered reliable enough); “set the ball rolling” (start something), “track record” (a person or organization's past performance); religion: “come hell or high water” (determination to do something despite difficulties), “a Mecca for someone” (a place known for something that people want to see or do); music: “call the tune” (be the one who controls a situation and has the most power and authority), “it takes two to tango” (in order to work a situation and has the most power and authority), “it takes two to tango” (in order to work properly the cooperation of two parties is needed), “play second fiddle” (to take a subordinate or weaker position than someone else); stories: “meet your Waterloo” (to be challenged by

⁶ *Talking idioms*, <http://www.english-at-home.com/idioms/talking-idioms/>

someone who is stronger), “Rome wasn't built in a day” (great work takes time to do). When participating in negotiations, work meetings, meetings with foreign partners, telephone conversations or presentations, public administrators increasingly use such figurative expressions as: “to be on the same wavelength” (agree on most things – to have the same views), “to get straight to the point” (talk about the most important thing), “can't make head nor tail of it” (to fail to understand anything), “be at about the bush” (to discuss a matter with outcoming to the point). The explanation for such a tendency may be an attempt to create a relaxed business atmosphere. Deviation from the usual strict norms and standards, novelty and originality of idioms give business communication an expressive effect, even without taking into account the possible difficulties in the adequate understanding of foreign idioms by the interlocutors. Expressive and emotionally-colored compounds are preserved in memory because they are marked by a certain artistic originality, such as: “not to be worth beans”- something of little value, “bone of contention”- a subject or issue over which there is continuing disagreement. As L.G. Skrypnyk⁷ notes, that they were formed not only as a result of the usual selection of words, but also as a result of the manifestation of fantasy, the play of imagination, which is expressed in the successful figurative use of words, the aptness of juxtaposition, comparison. It's no secret that knowledge of established expressions and their correct application indicates a high level of foreign language competence of a public administrator. For example, the phraseology “talk the talk”, which is explained in Oxford Dictionary as “to speak fluently or convincingly about something or in a way intended to please or impress others” in various business contexts, figuratively characterizes both professional masterful speech and can express a negative assessment of long and impressive speeches, not supported by any actions. Let's consider several possible translations of the phrase: "He can certainly talk the talk" (his tongue hangs out nicely; he does not reach for a word in his pocket; he is a master of speak-ing; he can engage in chatter). It is obvious that there is a degree of formality in these samples and the public administrator should take this factor into account in various situations of business communication⁸. Very often figurative expressions

⁷ L., Shanaieva-Tsymbal, N., Yamnych, *The efficiency of application of various models such as blended learning, flipped learning, case method in a professional sphere.* Euromentor Journal Studies About Education, Volume XII, No. 2/June 2021, p. 52-64.

http://euromentor.ucdc.ro/EUROMENTOR_nr_2_2021.pdf#page=52

⁸ L., Shanaieva-Tsymbal, S., Kachmarchyk, S., Khrystiuk, *Using blended learning technology in foreign language communicative competence forming of future International relations specialists.* Revista Romaneasca pentru Educatie Multidimensional. –2019, Volume 11, Issue 4, p. 84-99.

<https://lumenpublishing.com/journals/index.php/rrem/article/view/1555/pdf>

take the form of proverbs and sayings. Here are some examples with the keyword 'talk': "Don't talk the talk, but walk the walk" (more action, less words); "If you are going to talk the talk, you've got to walk the walk" (all talk and no action), "Home affairs are not talked about on the public square" (keep your family affairs at home, they have no place in public). In business communication, sometimes it is enough to say only part of a figurative expression so that the interlocutors understand what is being said. So, for example, the proverb: "Talk of the devil and he is sure to appear" (used when a person meets quite unexpectedly another person whom the first one wanted to meet so much), in the Ukrainian version, can only sound like "talk about a wolf...", since it is assumed that the ending "... and he is here as here" is generally known. Another example, the phrase Ukrainian phrase "talk is cheap" is an abbreviated version of the common business idiom "talk is cheap but it takes money to buy whiskey", which can be translated as "you won't go far with just words" or "you can't sew a jacket with just words". As you can see, the Ukrainian version is significantly shorter and cannot be shortened. When translating phraseological units, equivalent fixed expressions should be found and words cannot be arbitrarily replaced, because then they lose their semantic independence. This can be confirmed, for example, by the fact that figurative expressions use words that are not understood by everyone, for example, "to get into halepa", or "to sharpen the cleats", although not everyone knows what "halepa" or "cleats" are. There are quite a lot of idioms from just one word "halepa"- trouble: jump into trouble, make trouble, get into trouble, make trouble, and others. Using such idioms, people do not even think about the fact that the word in the phrase is unfamiliar to them. The use of dictionary sources when translating such expressions is invaluable. For example, for the word "halepa" the explanation is «a situation in which you are in trouble or have difficulties» and several synonyms are offered: misfortune, trouble, scrape, predicament, and plight. Translation sub-variants of the phrase "get into halepa" such as "to get into a scrape" and example sentences: "He got into all sorts of scrapes as a boy" (as a child, he always got into some kind of trouble). The selection of an adequate version of the translation is quite time-consuming, and a feature of business communication is the fastest and most understandable transfer of an idea, action or request. Therefore, for a long time, business communication was considered a field in which expressiveness and allegorality were inappropriate. Even today, business correspondence is characterized by an official register, avoidance of figurative, colloquial, spatial expressions, a tendency to use concise, understandable vocabulary, while in oral communication, managers use colloquial phraseology endowed with immediacy and ease; they are

characterized by a domestic character, a certain freedom, softening. It is not surprising that the manager's sphere of activity can be clearly traced in the use of certain phrases. For example, in the field of logistics services, administrators often use such expressions as: “to resume its natural course” (to allow something to happen without trying to control it), “to give the green light” (to give permission for someone to do something or for something to happen), “to go off the rails” (begin behaving in an uncontrolled or unacceptable way), “to pull out all the stops” (make a very great effort to achieve something), “to put it in to reverse” (to start to happen or to make something happen in the opposite way), “to soft-pedal” (deliberately reduce the amount of activity or pressure that you have been using to get something done or seen), “to take in tow” (to pull (another boat or ship) that is attached by a rope or cable), “in full sail” (with all the sails in position or fully spread), “to free-float” (to go with the flow), “to pursue a course” (to stay the course), “to drop the anchor” (to find shelter, a place to live).

Thus, modern business communication tends to reduce formality and officiality. And although the use of phraseology gives business communication expressiveness, quality, imagery, emotionality and expressiveness, often behind the outwardly bright and effective phrases, little meaningful, unclear or dishonest intentions of the speaker are hidden. This especially applies to situations of intercultural business communication. Public administrators, who seek to create a relaxed business atmosphere, following the modern trend, should take into account not only the peculiarities of translation, but also the social and cultural components of phraseological expressions for a clear expression of their opinion. By recognizing the transformative potential of phraseological units, public administrators can harness these linguistic tools to transcend linguistic barriers, enhance cross-cultural understanding, and enrich communication strategies.

The authors came to the conclusion that although the use of phraseology makes intercultural business communication emotionally expressive and less official, often seemingly vivid phrases may conceal obscure or dishonest intentions of the speaker. Public administrators should take into account the peculiarities of translation as well as the social and cultural components of phraseology for a clear expression of their views.

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INVESTIGATING NARRATIVE LEVELS: A NARRATOLOGICAL APPROACH TO KAMALA MARKANDAYA'S *A HANDFUL OF RICE*

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Abstract: *Kamala Markandaya voices the untold sufferings of the rural farmers, middle-class city dwellers, impact of industrialization and the position of women in society. She is interested in both 'what' and 'how' of the narratives. She uses different techniques to make her story powerful and instils message in readers mind. Her narrative techniques abound in modes of expression and narrations. A Handful of Rice (1966) is known for her experimental techniques to uncover the individual rebellion and acceptance of social expectations. This study analyses narratological approach to the novel to identify the narrative levels. Narratology is the study of 'how' narratives create meaning, and focuses upon 'what,' pertaining to the basic mechanism and procedures of it. The study traces Gerard Genette's concept of narrative levels, narratives and narrators in Kamala Markandaya's A Handful of Rice. The narrative of the novel covers period of ten years accompanying different narrators, narratives and their levels. This study elucidates the correlation of narratological interpretation in emphasizing themes such as poverty, hunger, struggle of middle class city dwellers and impact of industrialization on them through excerpts of the novel.*

Keywords: *narrative levels; narratological analysis; Kamala Markandaya; A Handful of Rice; narrators.*

Introduction

The fundamental step to interpret any literary text from narratological perspective is to know the function of narrator, narrative and narrative levels. This study is based on Genette's *Narrative Discourse: An Essay in Method* where he developed a framework of the relation between narrative, story, and narrating. Discourse analysis is used as a method in this study to interpret the novel. Discourse analysis recognise underlying beliefs embedded in the stories and the cultural prevalence that creates the

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narrative. It is imperative to study and understand narratology before understanding and interpreting *A Handful of Rice (1966)*. The novel serves us with good instances that appear to be capable of facilitating an extended discussion on the narratological analysis of the novel which leads to the analysis of narrative, narrators and narrative levels. Narrative is part of human life¹ and Markandaya, through this novel pronounces the discrimination between upper and middle class, gender, alienation, identity crisis and position of women in the family and society. She is renowned for using lucid English even though she is not a native writer of English fiction. She uses local terminologies to build connect with readers.². This study focuses on the biases present in the society and also whether Markandaya provides a remedy for it or just reflects it through the novel.

Defining the Concepts

Narratology

Narratology as a discipline was first emerged in the mid 1960's. Gerard Genette, French theoretician, provided a theoretical framework to study narratives, he defines narratology as “a study of the relationships between narrative and story, between narrative and narrating, and (to the extent that they are inscribed in the narrative discourse) between story and narrating”.³ Genette narrative analysis is based on three aspects, ‘Time, Voice, and Mood’.⁴ While discussing ‘Voice’, he explains the concept of ‘Person, Narrative levels and Time of the Narrating.’ This study deals with the aspect of ‘Voice’. Genette explain ‘Person’ which he calls narrator and introduces fixed parameters to determine the status of narrators. There are three types of narrators:(i) one who is absent from the story is ‘heterodiegetic’⁵,(ii) one who participates in it, is the ‘homodiegetic’⁶, and (iii) one who is the protagonist of the narrative, is ‘autodiegetic’. Genette classifies the narrative into two categories: primary narrative/framing narrative which he calls ‘extra diegetic’, and framed narrative which he calls ‘intra diegetic’.

¹ M.C.G ,Rodriguez, “The stories we tell each other”: Using technology for resistance and resilience through online narrative communities. In *Emotions, technology, and health*,2016, p. 125-147

² A.V. Krishna Rao & Menon, *Kamala Markandaya: A Critical Study of Her Novels, 1954-1982*. Delhi: B.R Publishing Corporation, 2017, p. 84

³ Gerard, Genette, *Narrative discourse: An Essay in Method*. Ithaca, New York: Cornell University Press, 1980, p. 29.

⁴ Idem, *Narrative discourse: An Essay in Method*. Ithaca, New York: Cornell University Press, 1980.

⁵ Ibidem, p. 244.

⁶ Ibid, p. 244

Narrative Levels

Genette states 'narrative level is discernible by the scene, the agent of narration (who is telling and what is story), and more prominently by the time of the narrated story.'⁷ While the narrative time may overlap with other diegetic levels, nonetheless each narrative possesses its temporality. Genette says "any event a narrative recounts is at a diegetic level immediately higher than the level at which the narrative act producing this narrative is placed."⁸ He opines a text can contain stories within stories, wherein a character in one story may appear as the narrator in another. Genette distinguishes the multiple diegetic levels possible in a single text as he opines that one narrative may enclose or generate another narrative.⁹ He discuss three narrative levels i.e. level one *extradiegetic*, level two, incorporated within the first one *intradiegetic*, and level three *metadiegetic*.

The concept was further elaborated by Wolf Schmid in *Narratology: An Introduction* (2010), where he explains narratives within narratives through the concepts of 'Narrative levels'¹⁰. He explains that these levels arise from the elementary nature of writing novels, even omniscient narrators are themselves fictive constructs and act on a level beyond the author simply communicating with the audience. He posits,

"The narrated world is the world created by the narrator; the represented world created by the author is not limited to the narrated world. The represented world includes the narrator, his or her addressee and the narration itself. The narrator, the listener or reader whom the narrator assumes and the act of narration is represented in the fictional work and are fictive entities. Therefore a narrative work doesn't just narrate but represents an act of narration."¹¹

Literature Review

The works of Markandaya is researched upon length from thematic aspect. The researchers agrees on her stature as a renowned Indian English novelist. She is recognized for contributing to the development of Indian English fiction. Her popularity arises from her narrative techniques which she uses to present her craft and the depiction of characters.¹² Her representation of women's sensibility and attitudes in social, political and

⁷ Ibidem,

⁸ Ibidem, 229.

⁹ Ibid, p. 227

¹⁰ Wolf, Schmid, *Narratology: An Introduction*. Walter de Gruyter, 2010.

¹¹ Essman, Henry Wilson, *Fragmented Worlds, Fractured Families-Narrative Levels in Graphic Memoir*. Graduate diss., Missouri State University, 2021, p.7

¹² A.V. Krishna Rao and K. Madhavi Menon, *Kamala Markandaya: A Critical Study of Her Novels, 1954-1982*. Delhi: B.R Publishing Corporation, 2017, p.29

spiritual crises makes her a distinctive novelist from her contemporaries.¹³ Markandaya began her career as a journalist in India before moving to England and gained accolades for the depiction of the changing social and cultural landscape of India in her novels.

Kamala Markandaya was born as Kamala Purnaiya in 1924 in Mysore. The use of a pseudonym was common during the time of Markandaya especially for female authors to hide their real identity. She used her pen name to conceal her gender, as she believed that her work should be judged on its own merit rather than being prejudiced based on gender expectations. This reflects the gender bias and challenges that female writers faced during that era. As a prominent Indian author her works reflected social issues, particularly those concerning women. She was a precursor of the feminist and progressive women writers who gained prominence later in Indian literature in English. Markandaya made significant contributions to Indian literature and gained international acclaim for her insightful depiction of the human experience and societal issues in her novels. Markandaya's writing depicted the experiences and emotions of women in a patriarchal society. Her works explored the societal constructs that confined women and the ways they sought to break free from these constraints. Her narratives showcased the struggles of women, the impact of traditions and societal norms, and the desire for self-expression and freedom. Through her novels and stories, she paved the way for subsequent generations of women writers who courageously tackled themes related to gender, social inequalities, and cultural norms.

A Handful of Rice is the story of Ravi, protagonist, and his struggles to earn a respectable life in the city, Madras. The story is set in India and delves into the life of Ravi highlighting the struggle for survival and the complexities of human relationships. It is a linear narrative with minute nonlinear interludes of Ravi's migration to the city to earn a livelihood for himself. The story revolves around Ravi and his relationships with other characters in the novel. After moving to Madras he struggles to fulfill the basic needs of life which forces him to choose the wrong path to fill the stomach. The novel starts when Ravi is running from a policeman in order to escape from him. He breaks the gate of Apu to hide and encounters Nalini, Apu's daughter. He falls in love with her and aspires to marry her. In order to marry her, he creates fake scenarios to impress Apu and his wife, Jayamma. He portrays himself as middle class having a roof of his own. His tactics work in favour of him and he succeeds in convincing the parents of Nalini for the marriage. After his marriage with Nalini he shifts in Apu's house which was full of their relatives. As the story progresses

¹³ S.C. Harrex, "A Sense of Identity: The Novels of Kamala Markandaya." *The Journal of Commonwealth Literature*, vol. 6, no.1:65-78, 1971.

Ravi bears one child Raju with Nalini. They manage to live a happy and peaceful life but after the death of Apu, Ravi is compelled to take familial responsibility. He struggles to earn a handful of rice for the family and due to the poor financial condition he lost his child in a disease. The novel ends with his revolt against the society by joining the mob. The novel highlights the life of migrants to the city in hope of a better living and succumbing there. Ravi's struggles, sufferings, responsibilities and growth to live a respectful life is the crux of the novel. The novel comprises of forty chapters carrying different narratives and narrators as well as different levels of the story.

It is essential to look on to the study of Kamala Markandaya's novels before proceeding with the analysis of *A Handful of Rice*. Sharma discusses the various facets of the parent-child relationship, wherein she highlights the association between parent- children, and illustrates the influence of social, political, and economic conditions.¹⁴ Mishra and Agarwal discuss the issues of women suppression. They illustrate Markandaya's novels to criticise the socio-cultural norms and the identity of women.¹⁵ Mokashi and Mahadev talk about the female characters and their representation in a traditionally male-dominated society. They also analysed her manner of describing the supremacy of women in maintaining the sanctity of the domestic life.¹⁶

Narratology is applied in many areas from fiction to media and from movies to graphics. In the past few decades i.e. 1960s up to now, the theory of narration has evolved considerably, and has advanced through times. It is applicable to both, new writing trends as well as it provides new insights to older works. Many researchers have worked on narratology and its application to fiction; however, after reviewing the literature, it is clear that no researcher has employed it as a tool to interpret the works of Kamala Markandaya. The purpose of this study is to trace narrator and narrative levels employed by Markandaya in *A Handful of Rice*.

Narratological Organization of a *Handful of Rice*

The novel consists two narrative discourse, where Narrative-one is framing narrative, i.e. primary narrative, narrated by Markandaya as heterodiegetic narrator and Narrative-two is framed narrative, i.e. embedded narratives, narrated by the characters of the novel as

¹⁴ Sharma, Mona, "A Parent-Child Relationship in the Major Novels of Kamala Markandaya." *Indian Literature*, vol.54, no. 2:177-187, 2010.

¹⁵ Mishra, Parul, and Sugandha Agarwal, "Interrogating Women Identity in the Novels of Kamala Markandaya," *MIT International Journal of English Language & Literature*, vol. 01, no 2:51-59, 2014.

¹⁶ Mahadev, Mokashi, "Feminine sensibility in the novels of Kamala Markandaya." *IRJMSH*, vol. 09, no 2: 2348-9359, 2018.

homodiegetic narrators. To comprehend the narrative structure it is essential to consider status of the narrator in the story.

Framing Narrative of the novel

The novel unfolded through heterodiegetic narrator accompanying a subtle series of embedded narrators. In narrative-one i.e. framing narrative, Markandaya employs the heterodiegetic narrator to escort the reader through the course of the novel. The narrative begins with the dramatic moment where Ravi is running in the street to escape from the policeman.

“He ran, heard the man's sharp yelp, and gloated. Big boots were after him, challenging and purposeful, but the feet inside were Indian, unused to running in boots. He, Ravi, on the other hand, though barefoot was drunk, which evened the odds. Well, he was not so drunk that he could not shake off his official tail. Abruptly he stopped, looked for a turning, and doubled back on his tracks.”¹⁷

Through the heterodiegetic narration, narrator gives a glimpse of Ravi's life in the city, and his struggle to find food. It also explores the difference between an ordinary man and a respectable policeman while Ravi is running barefoot in the cold and policeman is wearing boots still he couldn't match the speed of him and Ravi manages to escape from his eyesight. Ravi is the prototype of any young man trying to climb the social ladder from its lowest rung, and discovering the challenges of greater social forces that impede his progress at every step.

The narration of the novel begins not at the beginning of his life rather in the middle of his life; three years after he left his village for city, Madras. The narration starts when he is chased by a policeman and to save himself, he kills his conscience, ends up breaking the gate and entering Apu's house. He enters the house not with the intention of robbery but to save himself from the police and to get a meal.

Framing narrative set the course of action in the novel and provide the outer view to the readers about the characters. It also gives an objective view about Indian society after its independence where rural people were migrating to city to earn a livelihood, a job, eradicate poverty and hunger. The middle class city dwellers were also struggling to live a peaceful and respectable life.

Framed Narrative of the novel

Narrative-two is a framed narrative, where characters of the novel narrate their own stories. Through this the readers gets to know their

¹⁷ Kamala Markandaya, *A Handful of Rice*. Penguin Random House India, 2008. p. 1.

impact on Ravi's life. Ravi is the central character of the novel and the status is 'homodiegetic narrator' as per Genette's criteria. He also functioning as an 'autodiegetic narrator'¹⁸ because he is the protagonist in narrative-two. " 'I'm hungry, I want a meal. You let me in, do you hear? I'll give you one minute'."¹⁹ This event is narrated in first person narration by him and he is the 'experiencing I'²⁰ where he asks for the food. The passage depicts the hunger issues he was facing in the city and shows his desperation for food because of which he ends up threatening Apu's family. He left his village to eradicate poverty and hunger but he had to face the same issue in the city as he was not educated so he could not get any office job and has to go the daily wages to survive. After realising his mistakes he again visit Apu's home to rectify it.

" 'you've got it wrong. I wasn't going to do anything, I was just wondering If I could put the bars back for you seeing it was I who did the damage'....'If I could lie to you I would lie to my own mother.'"²¹

His visit to Apu's home to repair the gate was one of the excuse to see Nalini again and a tactic to get a position in the house. He tries to impress Jayamma, Apu's wife as he sensed that she is the head of family and exercises more power in the family.

Framed narratives in the novel defines the action of the novel as it demonstrates the struggle of Ravi and other characters to survive in the city and the impact of industrialization on their lives. Due to the transition India was going through there were no office jobs for the uneducated, and poor people. This forced them to go for daily wages to earn livelihood.

Analysis of Narrative levels in *A Handful of Rice*

After decoding the structural organization of the narratives in the novel, this study analysis narrative levels in *A Handful of Rice*. Markandaya uses various styles of expression to narrate the story of Ravi and his struggles to remain a respectable tailor amidst the industrial changes. There are constant shift of narrative levels throughout the story. Through the characters of the novel she depicts the impact of industrialization in the lives of commoners in India occurring at the time of 1960's. She also demonstrates the picture of society going through a transition period after independence through the lives of characters in the novel.

¹⁸ Gerard Genette, *Narrative discourse: An Essay in Method*. Ithaca, New York: Cornell University Press, 1980, p. 230

¹⁹ Kamala Markandaya, *A Handful of Rice*. Penguin Random House India, 2008, p.3

²⁰ Gerard Genette, *op.cit.*

²¹ Kamala Markandaya, *op.cit.*, p. 16

Markandaya as a heterodiegetic narrator starts narrating at an extra diegetic level. She informs reader about Ravi's life in the city, and his intervention in Apu's life.

“He had left his family, a long time ago- three years was it?- as his brothers had done, as all the young men he knew had done or wanted to do, joining the exodus to the cities because their village had nothing to offer them.”²²

Through the extra-diegetic level, Markandaya depicts the transition of society and how it has affected the lives of commoners as India was going through a transition. She informs the reason behind Ravi's departure from his village as it has nothing to offer him, neither job nor security. All the youngsters in his village migrated to the city to get a job and eradicate poverty and hunger.

The events narrated by the characters of the novel i.e. Ravi, Damodar, Nalini, Apu, and Jayamma will be considered as homodiegetic narration. They narrate their stories at intra-diegetic level. The novel is infused with interesting style of diverse narratives, twists, analepsis and the characters narrating their survival challenges.

Ravi's early life is narrated in the manner of analepsis as the novel starts from the middle of his life, three years after migrated for his village. Ravi at an intra-diegetic level narrates the innocence of the villagers and the issues of poverty and hunger they were going through.

“They did not lie, they did not cheat, they did not steal. But then in that small struggling farming community what was there to steal? As far as he could see they had all lived between bouts of genteel and acute poverty- the kind in which the weakest went to the wall, the old ones and the babies, dying of tuberculosis, dysentery, the ‘falling fever’ ‘recurrent fever’ and any other names for what was basically, simply, nothing but starvation.”²³

In this passage Ravi is addressing the reader directly which connects him to readers and invoke sympathy not only for himself but also for other villagers as they were dying due to the recurrent diseases. Starvation was the root cause of all the diseases which was the result of independence. The passage also shows the impact of industrialization and the transition of India. The villagers were unemployed and for the employment they were moving to cities. Booth says, “the sustained inside view leads the reader to

²² Ibidem, p. 26

²³ Ibid, p.12.

hope for a good fortune for the character with whom he travels quite independently of the qualities revealed.”²⁴

Markandaya at an extra-diegetic level narrates the inner thoughts of Ravi, while he compares himself to Damodar and his ways of living and surviving in the city. Ravi also talks about the unjust he faced in the city as he was too naïve to understand the ‘man made jungle’ whereas Damodar was well aware about the city life and knew how to make money by any means.

“He knew that life was a battle in which the weak always went under, he accepted the fact that man who did not do all he could to keep on top was a fool. He would never fault Damodar on that score.”²⁵

Markandaya at extra-diegetic level ushers the readers into Ravi’s thought, “Ah, Nalini, he thought. Soon the level shifts to intra-diegetic, where Ravi, narrates about Nalini, “Nalini, she was worth it, worth anything, even worth giving up the sweet life for.”²⁶ This shows the impact of her in Ravi’s mind, as he is ready to give up his life for her. Again Markandaya takes the narrative in her hand and narrates at extra-diegetic level, “He put it all on her forgetting the trinity of hunger, drink and misery that had been intermittent companion to his sweet life.”²⁷ This shows that the narrative instance is about Nalini but it occurred in her absence.

Ravi was delighted when Apu, tailor, offered him a job. He is taken as ‘an apprentice’. He was overjoyed because it will give him chances to get attention from the Naline and also time to talk to her. After joining Apu’s job he manages to come close to her and impresses the family with his tricks and techniques. He manages to get married to her after the approval of the both the families.

Nalini, Ravi’s wife, narrates at an intra-diegetic level, about her life. When Ravi comes home after consuming liquor and not in his senses, she confronts him for the same. He denies and tells a flat lie but she caught him and says, “I can smell it. The whole room racks”.²⁸ After the confrontation he promises not to have liquor again. She tells him that they are not “high and mighty putting...on a level with high-class folk.”²⁹ Nalini makes all the possible efforts to enlighten him and to get him on the right

²⁴, Wayne C. Booth, *The Rhetoric of fiction*. University of Chicago Press, 1983, p. 246

²⁵ Ibid, p. 15.

²⁶ Ibid, p. 40.

²⁷ Ibid, p. 40.

²⁸ Kamala, Markandaya, *A Handful of Rice*. Penguin Random House India, 2008,p.85.

²⁹ Ibid, p.85

path. She does not want him to run after money and ask him to be content with whatever they have. Ravi wants to keep her wife happy by providing everything to her but for a middle class family like them, it's not possible to have everything as they desire.

Ravi at an intra-diegetic narrative level narrates about his basic needs for the life. He compares himself to the people he works for, and refers them 'memsahibs'. The passage demonstrate the discrimination between two classes. It depicts that there are two classes of people in the society, where one is getting everything and the other is not able to fulfil the basic needs of life .When he visits their home to deliver their dresses, he is surprised by the bedrooms they have and tempted by the wealth they own.

"I want a bed for one thing! I'm fed up sleeping on the floor. They all have beds, the people we slave for, do you know that? Daybeds, night-beds, double-beds, divans."³⁰

As the novel progresses, Nalini gets pregnant, because of which her stomach bulged out, Ravi's behaviour changes towards her. He calls her "what with you like pregnant cow". These words by him hurts her and also displays the hypocrisy of the Ravi. He married to her for the beauty but when gets pregnant and her stomach bulged out he started abhorring her. Through intra-diegetic level of narrative the reader comes to know the thought of them as they were entering in parenthood.

Ravi and Nalini feels delighted with the birth of 'boy'. They named him Raju. He changed considerably after the birth of Raju. He relinquishes the early life of fancifulness, imagination and becomes more practical. The birth of Raju changes his perspective towards life and He wants a respectful life and instil the values in his son. Markandaya at an extra-diegetic level narrates about the incidence where Raju, demands pattani and in his childish behaviour and annoys the seller by dragging his loincloth, seeing the matter getting out of hand,

"They were all shouting. The tray tilted, scattering a handful of pattani. Suddenly Ravi began hitting the child, on his back and buttocks, both fists doubled." Raju let go at once, but Ravi could not stop, he kept hitting his child and sometimes his blows fell on Nalini, who had intervened."³¹

The equation in the family changes when Apu is attacked by paralysis. After Apu's paralysis Ravi has to deal with the customers and their need s but he's unable to do the modification according to them in a very short

³⁰ Ibid, p. 85

³¹ Ibid, p. 158

span of time. Markandaya as extra-diegetic level narrates the past life of Apu and Jayamma relation,

“..... When they married her to him. She did not love him then. She did not love him afterward. She did not even know that she did not because she did not know what it meant. The discovery came with the birth of her children. Suddenly she knew what love was, felt the happy delirium, the joy, the anguish, felt the yearning and strain when her arms were empty, the possessive, protective passion when they were full.”³²

Through the extra-diegetic level she explores the marital relation between Apu and Jayamma. She discloses that at initial years of their married life she could not understand the meaning of love but after his illness she started loving him deeply like any devoted women.

Narrative level again changes when Markandaya narrates at extra-diegetic level, where she informs about the helplessness of Ravi when his son Raju, is afflicted with meningitis and died deprived of medical intervention. Raju’s distress at the time of death resonates in Ravi too:

“But Raju could not hear. He had withdrawn, his mind disposed, his body jerking in convulsion. Terror was beating at Ravi, paralysing wings, but he fought it off and gathered his child to him and held him tightly, feeling the kicking muscles and nerves as if they were joined to his own tortured body, not putting him down until they ceased.”³³

Damodar’s makes a dig at Ravi’s respectability, he portrays the another side of a society where people believe that in order to earn decent money one has to do things without following the guidelines set by society. He tries to convince Ravi to join hands with him so that they can make handsome amount. Ravi rejects the world of Damodar, who appeared to be the key to unlock the glittering world of excitement. A world that revived the incandescent glow the city had once kindled. Damodar's narration in first person condenses the relation between Damodar and the readers. Damodar understand Ravi’s perspective behind doing things to survive in this man made jungle, “If you like decent money, you know where to come. Of course you’ll have to get rid of your beggar mentality first, otherwise you’ll never want decent money, will you?”³⁴

As the novel progresses Ravi gets annoyed with society and becomes cruel to Nalini and beats her “he began to slap her then, sharply, blow after blow across her face”,³⁵ because of which she almost had miscarriage but was somehow saved by doctors with the help of new equipment at the

³² Ibid, p. 173

³³ Ibid, p. 271

³⁴ Ibid, p. 73.

³⁵ Ibid, p. 219

hospital. She is frustrated by his behaviour, continuous blame game and walks out on him for her sister's, Thangmma house. Thangmma gets angry at Ravi when he goes to bring her back in order to preserve the appearance of respectability. Ravi shows his authority over her and they had an exchange of dialogue, "So you want her back do you like you are like all men. you think."³⁶ to which Ravi replies "She is my wife," then he turned to Nalini and said, "come" and Nalini, "rose at once obediently."³⁷. This incident shows that despite of been brought up by a strong women Jayamma, she could not take stand for herself and follows Ravi. Markandaya through this conversation reflects the society of that time when the wives were financially dependent on men, obedient and follows the instruction of husband.

Ravi's burden increases when Apu dies and he has to provide for the whole family. Responsibility towards Nalini, to his children, and to his own self, challenges Ravi at every turn,

"He perpetuated the rottenness, this vicious living that had pared them down to one meal a day...one good meal, and he had to watch lies children seeking their fingers grown silent and anxious, long before the next one was due. This one good meal was not enough for him. He wanted more. It was his right, his children's right."³⁸

Markandaya at extra-diegetic level demonstrate the discrimination between upper, middle and poor class society. Through this passage she demonstrates the the injustice Ravi faces in memsahibs house,

"He retailed the day's events, dwelling on the injustice, on the humiliations heaped upon the poor by the rich that they were expected not to feel, and he spoke with the subconscious hope that she would be one with him, take his side and comfort him."³⁹

The unspoken reminder enables him to resist the lifestyle that Damodar tempts him to. It is by no means easy to resist it, he was aware that if he seeks help from Damodar, he could enter a life which could be "piquant with possibilities"⁴⁰.

The last desperate bid to join the mob for looting the granary is an attempt to summon the energy to protest. But at the crucial moment Ravi withdraws from the loot, "I don't feel in the mood today"⁴¹ here narrative

³⁶ Ibid, p. 242

³⁷ Ibid, p.242

³⁸ Ibid, p. 221

³⁹ Ibid, p. 218

⁴⁰ Ibid, p. 211

⁴¹ Ibid, p. 280

level changes from extra-diegetic to intra-diegetic to convince readers about the thoughts of Ravi, where his moral conscience does not allow him to be part of the loot despite of not having even a handful of rice, “he answered, a great weariness settling upon him. ‘But tomorrow, yes, tomorrow’”⁴²

There are situations in the novel where Ravi is compelled to compromise between his own codes of conduct and the necessity of survival. The external circumstantial engagements faced by Ravi conflicts with the social beliefs. This mirrors subterranean clash between the belief in free will and social conscience. Prof. K. Vekata Reddy confirms the same,

“it is this struggle in Ravi’s conscience that constitutes the kernel of the novel. His active conscience has to choose between penurious respectability and affluent disrespectability. He wants to be honest but, at the same time, he realised that honesty buys no rice and pays no bills.”⁴³

Markandaya as extra-diegetic level narrates with objectivity to let readers have their own analysis and interpretation of the actions executed by the characters. Different narrative levels are seen when Ravi flags the novel’s beginning and end with an action that merely is an attempt to act violently. The narration start from heterodiegetic narration at extra-diegetic level and ends at homodiegetic narration of Ravi at intra-diegetic levels which leaves question for the readers. The readers are thrust by the novelist into the characters’ psychological state.

Conclusion

This study analyses narrative levels in *A Handful of Rice* and through constantly shifting narrative levels, narrators Markandaya arouses the curiosity in the readers mind and sustains the suspense in the novel. The reader feels attached to the characters of the fictional world as the characters narrate their stories. Through the heterodiegetic narration, Markadnaya maintains the distance between characters and the reader which reveals hypocrisies of Ravi and his struggles to provide for the family in a city. The narrative of Ravi’s past is narrated in a framed narrative and at intra-diegetic level. The rest of the events concerning Ravi’s present are narrated by the heterodiegetic narrator i.e. Markanadaya at extra-diegetic level. This analysis reveals that *A Handful of Rice* incorporates styles that mirror the experimentation with the

⁴² Ibid, p. 280

⁴³ K.V. Reddy, *A Tryst with Conscience: A Handful of Rice. Perspectives of Kamala Markandaya*, (ed). Madusudan Prasad Ghaziabad, 1984.

narrative levels, narratives and narrators. The novelist keeps the end of the story elusive through the development of Ravi's consciousness.⁴⁴ This characteristic styling practice maintains the artistic grace. Although the main characters of the novel are men, they cannot be studied in isolation as their personalities are influenced by their wives. Markandaya as didactic novelist does not provide any solution to the biases present in the society, rather she reflects it through her narration. The narrative effect of a novel is achieved through the study of narrative levels, their narratives and narrators. This study contributes to the study of Markandaya as well as literature on the interpretation of *A Handful of Rice*, as it offers a fresh understanding of form and structure of the novel.

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⁴⁴ A.V. Krishna Rao and K. Madhavi Menon, (2017), *Kamala Markandaya: A Critical Study of Her Novels, 1954-1982*. Delhi: B.R Publishing Corporation, p. 92

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COGNITIVE ASPECTS OF ENGLISH FISHERY TERMINOLOGY

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Abstract: *This scientific article explores the cognitive aspects of English fishery terminology, aiming to uncover the intricate relationship between language and cognition. Fishery, as a specialized domain, exhibits a rich set of terms that enable effective communication and knowledge transfer among professionals in the field. While linguocognitive research has been carried out in various fields, the fishery terminological system has received limited attention. The cognitive approach emerged within the framework of cognitive linguistics considers terms as lexemes that model the world and reflect special knowledge. By analyzing the cognitive processes underlying the formation and comprehension of fishery terms, the study uncovers the cognitive mechanisms shaping language use in this sector. The article presents an analysis of the fishery concept's structure, hierarchy, and organization using methods from cognitive linguistics, focusing on its core, nuclear zone, and periphery. The study of the terms used to denote fishery in the cognitive aspect involves the selection and description of its key concepts, the identification of their main categorical features, the unification of identical concepts into categories of this field of knowledge. The results emphasize the importance of understanding how cognitive mechanisms influence the development and use of fishery terminology. The findings have implications for language teaching, communication in fishery-related industries, and the development of domain-specific terminology.*

Keywords: *term, fishery terminology, concept, cognitive approach, categorization, conceptual analysis.*

Introduction

The problem of formation, storage and transfer of professional knowledge through the use of terminological units is becoming more and

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more relevant in the modern context of the rapid development of science and technology, the growth of new specializations. The development of science and its branches has led to the branching of the structure of terminology and changes in vocabulary. At the beginning of the 21st century, terminology is becoming a complex discipline that studies the possibilities of fixing the latest information, which allows to optimize the solution of various problems facing humanity.

The cognitive approach that appeared within the framework of cognitive linguistics at the turn of the 20th and 21st centuries continues to solve the problems of traditional terminology (describes the semantics of terms, distinguishing them from the word, studies the origin of terminological units, etc.). But in the context of cognitive research, the terms are revealed as lexemes that model the picture of the world, as concepts that reflect the experience of the people, their knowledge in a special area.

In recent years, scientists, touching on the cognitive aspect of terminology, affect such scientific fields, as legal, economic, medical, sports, etc. Fishery terminological system, which is a subject of this study, very rarely addressed to cognitive research.

A small number of works by N. Zujenko, D. Dobrynska¹; N. Olkhovska, O. Koltsova² are devoted to the study of different aspects of English fishery terminology. Special vocabulary in this field of knowledge was not an object of study in cognitive linguistics, so its research within the framework of the cognitive paradigm seems relevant.

The field of fishery, encompassing the study and management of fish and aquatic resources, plays a crucial role in sustaining global food security and supporting livelihoods worldwide. As an inherently interdisciplinary domain, fishery relies heavily on effective communication and knowledge transfer among professionals from diverse backgrounds, including biologists, ecologists, economists, and policymakers. Central to this communication is the use of specialized terminology that accurately represents the intricacies of fishery concepts, processes, and practices. However, linguistic and cultural differences between fishing countries can make it difficult to understand and use English fishery terminology effectively.

The purpose of this article is to investigate the cognitive aspects of English terminology within the fishery domain. By analyzing the cognitive

¹ N. Zuienko, D. Dobrynska, *Lexical translation methods of fishery and aquaculture terminology (a case study of English and German languages)*. Scientific herald of International humanitarian university. Series: Philology, 20(2), 2016. p. 130.

² N. Olkhovska, O. Koltsova, *Lexical features of the fishing and aquaculture terminology translations*. Scientific Herald of NULES of Ukraine. Series: Philology, 292, 2018. p. 235.

processes underlying the formation and comprehension of fishery terms, this study aims to uncover the cognitive mechanisms that shape and influence the language used in this field.

Materials and methods of research

English scientific articles, reference literature and specialized dictionaries: Glossary of Fisheries Management and Science Terms³, FAO Glossary⁴, Glossary of Fisheries, Glossary of seafood terms⁵, were used as the sources for our research.

The main methods used in our research are the continuous sampling method, definition analysis method, semantics and categorical analyses, and elements of conceptual analysis.

Literature Review

The cognitive approach describes terms (units of term systems) from the point of their reflection of the cognition process as a whole and the creation of fragments of the scientific picture of the world. The theoretical foundations of cognitive linguistics were the subject of research by such foreign linguists as P.F. Benitez⁶, G. Lakoff⁷, G. Finch⁸; Ukrainian: O. Vorobyova⁹, O. Yuzhakova¹⁰, O. Syrotina¹¹ and others.

Studies by D. Geeraerts¹², G. Lakoff¹³, E.H. Rosch¹⁴, D. Sageder¹⁵ in the

³ *Glossary of Fishery management and Science Terms*. Retrieved from: <https://www.nefmc.org/files/Glossary.pdf>

⁴ *FAO Glossary*. Retrieved from: <https://www.fao.org/faolex/glossary/en/>

⁵ *Glossary of seafood terms*. Retrieved from:

https://www.sustainweb.org/goodcatch/glossary_of_seafood_terms

⁶ P.F. Benitez, *The cognitive shift in terminology and specialized translation*. MonTI. Monografías de Traducción e Interpretación, 22(1), 2009. p. 107.

⁷ G. Lakoff, *Women, fire, and dangerous things: What categories reveal about the mind*. University of Chicago press, 2008. p. 155.

⁸ G. Finch, *Linguistic terms and concepts*. New York: Palgrave, 2000. p. 120.

⁹ O.P. Vorobyova, *Cognitive poetics: achievements and perspectives*. Kharkiv: Scientific Herald of Kharkiv National University named after V.N. Karazin, 35, 2004. p. 19.

¹⁰ O.I. Yuzhakova, *Studying Ukrainian term systems and term nominations: cognitive aspect*. Lviv: Scientific herald of National University Lviv Polytechnics. Series: Issues of Ukrainian Terminology, 73, 2012. p. 66.

¹¹ O.O. Syrotina, *Verbalization of the Biotechnology Concept in the Terminological System of the English Language*. International journal of philology, 12(4), 2021. p. 63.

¹² Geeraerts, D., *Methodology in Cognitive Linguistics*. Cognitive Linguistics: Current Applications and Future Perspectives. Berlin-N.Y: Mouton de Gruyter, 2006. p. 225.

¹³ G. Lakoff, *Women, fire, and dangerous things: What categories reveal about the mind*. University of Chicago press, 2008. p. 221.

¹⁴ E.H. Rosch, *Natural categories*. Cognitive psychology, 4(3), 1973. p. 65.

¹⁵ D. Sageder, *Terminology today: a science, an art or a practice? Some aspects on terminology and its development*. Brno: Brno Studies in English, 2010. p. 115.

field of cognitive linguistics are relevant.

The formation of the cognitive paradigm in linguistics certainly changed the views on the study of the laws of language development and its connections with the activities and features of human consciousness and thinking. Considering the relationship between terminology and cognitive paradigm in linguistics, we share the view of Yu. Rozhkov, that terminology as a result of the generation of scientific knowledge and a tool for the development of this knowledge is closely connected with cognitive sciences, primarily with information theory and cognitive psychology¹⁶.

M. Uschold claims that the term itself becomes a tool of knowledge, fixing the acquired information in its content. It provides an opportunity to generalize scientific knowledge, improve it and pass it on to the next generation of scientists. Consideration of terminology within the framework of cognitive linguistics involves building a conceptual model of this area of knowledge and determining the relationship between knowledge structures and language forms¹⁷.

During the period of dominance of cognitive linguistics, terminological research acquired a new vector of development, where the term is understood as a dynamic formation that serves as a means of verbalizing a scientific (special) concept. A person categorizes the surrounding reality, transforming it into a system of conceptual concepts, which, thanks to the cognitive functions of language, are actualized, among other things, in terms¹⁸.

The cognitive direction of terminology in Ukraine is being developed by I. Zhyhorenko, O. Vorobyova and others. Thus, O. Vorobyova emphasizes the possibilities of the cognitive-communicative approach, which allows for the development of new directions and methods in terminology, in the interpretation of the language of science as a means of categorizing human activity¹⁹.

The possibilities of cognitive linguistics methods in structuring industry terminologies are widely presented in scientific studies of Ukrainian linguists. The objects of cognitive terminology were found in the instructions for medical drugs studied by R. Perkhach²⁰. Cognitive

¹⁶ Yu.H. Rozhkov, *Linguistic-cognitive paradigm in the study of terminology*. Scientific journal "International Philological Journal. 13 (1), 2022. p. 35.

¹⁷ M. Uschold, *Knowledge level modelling: concepts and terminology*. *The knowledge engineering review*, 13(1), 1998. p. 49.

¹⁸ O. Houdé, D. Kayser, O. Koenig, J. Proust, *Dictionary of cognitive science: Neuroscience, psychology, artificial intelligence, linguistics, and philosophy*. Routledge, 2004. p. 112.

¹⁹ O.P. Vorobyova, *Cognitive poetics: achievements and perspectives*. Kharkiv: Scientific Herald of Kharkiv National University named after V.N. Karazin, 35, 2004. p. 18.

²⁰ R.U. Perkhach, *Terminology in the instructions for medicines: linguocognitive and linguocultural aspects (based on Ukrainian, Polish, German languages)*. Dissertation

approach to the study of the terminology of veterinary medicine and biotechnological sphere was studied by O. Syrotina²¹. The work of L. Proskurina is devoted to the study of the terminological subsystem "repair of aircraft" in the linguistic-cognitive aspect²². The analysis of Ukrainian term systems and term nominations in the cognitive aspect was carried out by O. Yuzhakova²³. In the Yu. Rozhkov's research, it is proposed to study term systems with the involvement of cognitive analysis methods and the construction of specific cognitive models²⁴.

Terminology in Cognitive Linguistics

During the period of dominance of cognitive linguistics, terminological research acquired a new vector of development, where the term is understood as a dynamic formation that serves as a means for verbalizing a scientific concept. A person categorizes the surrounding reality, transforming it into a system of concepts, which, due to the cognitive functions of language, are actualized, among other things, in terms.

The majority of modern researchers in the field of terminology prove the advantages of the cognitive approach, which "enables the analysis of the emergence and evolution of special knowledge in a broad civilizational context, allows to reveal the causes and mechanisms of dynamic processes in the field of terminological nomination, taking into account the changing cognitive and communicative needs of people. All this deepens the scientific understanding of historical processes in term systems, reveals the dynamics of the complex relationship between special structures of knowledge and language structures"²⁵.

Taking into account the systematic nature of terminology, it is important for cognitive terminology to understand not only the formation and development of professional concepts and categories, but also their

abstract to obtain a candidate of philological sciences. Odesa: Ushynskiy South Ukrainian Pedagogical University, 2017. p. 20.

²¹ O.O. Syrotina, *Categories of space and time in the English terminology of veterinary medicine*. Studia humanitatis, 2020. Retrieved from:

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²² L.N. Proskurina, *Terminological subsystem of Russian language "maintenance of aerial vehicles": linguocognitive aspect*. (Dissertation abstract to obtain a candidate of philological sciences). Kyiv: National Academy of Sciences of Ukraine. 2016. 281 p.

²³ O.I. Yuzhakova, *Studying Ukrainian term systems and term nominations: cognitive aspect*. Lviv: Scientific herald of National University Lviv Polytechnics. Series: Issues of Ukrainian Terminology, 73, 2012. p. 65.

²⁴ Yu.H. Rozhkov, *Linguocognitive approach to studying the terminology of veterinary medicine*. Scientific herald of National University Ostroh Academy. Series: Philology, 66, 2017. p. 76.

²⁵ Maria Teresa Cabré, *Theories of terminology, their description, prescription and explanation*. Terminology, 9(2), 2003. p. 188.

structure, hierarchy, and organization. The cognitive approach allows one to consider the available information on the term system from a different angle, which is based on cognitive and nominative mechanisms. In this connection, the definition of the term has also changed.

In the paradigm of cognitive terminology the term is perceived as "a multidimensional linguistic-informational construct that simultaneously integrates many semiotic essential specific properties, signs, qualities", as a cognitive-informational structure in which the professional-scientific knowledge accumulated by mankind during the entire period of its existence, expressed in a specific linguistic form, accumulates, which optimizes the cognitive and transformative activity of people, its content is objectified in a special sense, represented not only by the object of knowledge, but also by the mental process associated with it²⁶.

The informational-cognitive nature of the term is revealed in the nominative activity of the specialist, when the new term becomes a representative of the processes of human speech consciousness. In addition, it accumulates general and special information, acts as a mediator in the formation of special knowledge and is inextricably linked with the development of scientific knowledge, as it is a carrier of collective professional and scientific memory²⁷.

The cognitive approach complements the traditional descriptive methods of analysis of terminologies, allows to model the internal meaning of the term, to analyze its system connections of a linguistic and cognitive nature. Modern science is characterized by the use of a polyparadigmatic approach to the study of objects of reality, which involves a broad view and takes into account the interaction and distribution of objects²⁸.

Based on its own terminological apparatus and its principles of linguistic material research, linguoconceptology uses various methods, including the propositional-linguistic method, the theory of categorization, conceptual analysis, the frame approach, the theory of conceptual metaphor, the theory of "mental spaces", cognitive mapping, etc. One thing is certain: the choice of certain research methods depends on the goals and tasks that the researcher sets for himself. The study of the fishery terms in the cognitive aspect involves the selection and description of its key concepts, the identification of their main categorical features, the unification of identical concepts into categories, presentation in the form

²⁶ N.N. Boldyrev, *Cognitive studies of a language*. Derzhavin's Publishing House, 2009. p. 220.

²⁷ Y.H. Rozhkov, *Linguistic-cognitive paradigm in the study of terminology*. International journal of philology. 13 (1), 2022, p. 24-33.

²⁸ D. Geeraerts, *Methodology in Cognitive Linguistics*. Cognitive Linguistics: Current Applications and Future Perspectives. Berlin-N.Y: Mouton de Gruyter, 2006. p. 112.

of schemes (frames) of individual fragments and the entire structure of science as a whole²⁹.

Fishery Terminology: Conceptual Structure

The fishery terminology can be defined as the specialized vocabulary comprising words and phrases that specifically designate or denote various aspects, entities, processes, and practices related to fishing, aquaculture, fish processing, and the overall fishery sector. This terminology serves as a precise and efficient means of communication within the industry, allowing professionals to refer to specific realities and concepts unique to the fish industry³⁰.

The terms of the fishery can also be explored from the standpoint of cognitive linguistics, since each term of the fishery sphere represents a mental image, or a concept, a unit of universal subject code, which is itself a structured knowledge of fishery professional community, its information base³¹.

Component and descriptive analysis of dictionary definitions is an important and necessary stage of studying the concept structure, noted by many scientists, because the lexical system presented in different types of dictionaries is a reflection of the specificity of the linguistic picture of the world³².

Using electronic resources of the professional sphere of fishery in English, dictionaries of fishery terms, lexicographic sources, we were able to analyze the definition of the fishery concept. Let's present some of them.

A fishery is an activity leading to the harvesting of fish, within the boundaries of a defined area. The fishery concept fundamentally gathers indication of human fishing activity, including from economic, management, biological/ environmental and technological viewpoints³³.

According to the UN Food and Agriculture Organization (FAO), a fishery is typically defined in terms of the "people involved, species or type of fish, area of water or seabed, method of fishing, class of boats, purpose of the activities or a combination of the foregoing features". The definition often includes a combination of fish and fishers in a region, the latter

²⁹ S.L. Halverson, *A Cognitive Linguistic Approach to Translation Shifts*. Belgian journal of linguistics, 21(1), 2007, p. 33.

³⁰ N.J. Brown-Peterson, *A standardized terminology for describing reproductive development in fishes*. Marine and Coastal Fisheries, 3(1), 2011. p. 66.

³¹ W.J. Fletcher, *The "How To" guide for wild capture fisheries*. National ESD reporting framework for Australian fisheries: FRDC Project 2000/145. 2002. p. 125.

³² Geeraerts, D., *Methodology in Cognitive Linguistics*. Cognitive Linguistics: Current Applications and Future Perspectives. Berlin-N.Y: Mouton de Gruyter, 2006, p. 145.

³³ B.R. Murphy, D.W. Willis, *Fisheries techniques*. Bethesda, Maryland: American fisheries society, 1996, p. 156.

fishing for similar species with similar gear types. Fishery is the industry of catching, processing and selling fish³⁴.

Fishery or "Fisheries" means one or more stocks of fish or any fishing operation based on such stocks which can be treated as a unit for purposes of conservation and management, taking into account geographical, scientific, social, technical, recreational, economic, and other relevant characteristics³⁵.

A fishery is an organized effort (industry, occupation) by humans to catch and/or process, normally for sale, fish, shellfish, or other aquatic organisms. The activity of catching the aquatic species is called fishing, and it is employed in the business of a fishery. Generally, a fishery exists for the purpose of providing human food, although other aims are possible, such as sport or recreational fishing), obtaining ornamental fish, or producing fish products such as fish oil. Industrial fisheries are fisheries where the catch is not intended for direct human consumption³⁶.

Fishery is the people involved, species or type of fish, area of water, method of fishing, class of boats, purpose of the activities, or a combination of all of the above, engaged in raising or harvesting seafood³⁷.

Fishery is the industry or occupation of catching, processing, and selling fish or other aquatic organisms from natural bodies of water for human consumption, trade, or recreational purposes. It involves various fishing methods, equipment, and management practices to ensure sustainable utilization of fishery resources and the protection of marine ecosystems. In a broader sense, fishery includes not only the fishing activities but also the processing, distribution, and marketing of fish and fish products³⁸.

Based on the analysis of lexicographic sources and texts, we identify cognitive features that form the concept. Under the cognitive feature, we, following L.V. Adonina understand "a separate feature of the object, reflected in the structure of the researched concept"³⁹.

Conceptual features of the "Fishery" concept encompass the fundamental characteristics and attributes that define and describe the domain of fishing and fishery-related activities. Here are some key

³⁴ *FAO Glossary*. Retrieved from: <https://www.fao.org/faolex/glossary/en/>

³⁵ *Fisheries Glossary* Retrieved from:

<https://serc.carleton.edu/eslabs/fisheries/glossary.html>

³⁶ *Glossary of Fishery management and Science Terms*. Retrieved from:

<https://www.nefmc.org/files/Glossary.pdf>

³⁷ *Glossary of seafood terms*. Retrieved from:

https://www.sustainweb.org/goodcatch/glossary_of_seafood_terms

³⁸ L. Rojo, *Dictionary of evolutionary fish osteology*. CRC Press, 2017. p. 301.

³⁹ L.V. Adonina, *Methods of conceptual analysis*. Scientific herald of Vernadskyi, 11(4), 2007. p. 185.

conceptual features of the concept "Fishery": fish resources, catching and harvesting, fishing gear, fisheries management, fishing methods and techniques, market and trade⁴⁰.

These conceptual features provide a comprehensive understanding of the "Fishery" concept and the multifaceted aspects involved in its practice, management, and impact on the environment and society.

Using the analysis of lexicographic sources, we have identified the core of the concept, which includes the main and most significant attributes and characteristics that are closely related to the very essence of this concept.

The key elements forming the core of the "Fishery" concept are the following:

1. *Fishing gear*: the equipment and tools used in fishing, including nets, lines, traps, and fishing vessels.

2. *Fish stocks*: the various species of fish and their populations that are targeted in fishing activities.

3. *Fishing methods*: refer to the various ways and strategies employed to catch fish and other aquatic organisms.

4. *Fish processing and marketing* are essential aspects of the fishery industry that occur after fish have been caught and harvested. These processes involve preparing fish for consumption or commercial purposes and distributing them to consumers or various markets.

5. *Fisheries management*: the policies, regulations, and practices aimed at ensuring sustainable use and conservation of fishery resources.

6. *Fishermen*: individuals directly involved in catching fish and other aquatic organisms for commercial or subsistence purposes.

Traditionally, in the structure of the concept, in addition to the core, the core zone and the periphery are distinguished. The core zone consists of essential, but not basic ideas, and peripheral elements make up the content of other concepts. Further, the peripheral level is divided into close and far areas.

In the nuclear zone of the "Fishery" concept we find concepts that are closely related to the core but are not as central to the fundamental nature of fishing. Here are examples that can be considered part of the nuclear zone of the "Fishery" concept:

1) *Aquaculture and fishery*: the practice of farming and cultivating fish and other aquatic organisms in controlled environments, which complements traditional fishing methods and contributes to the overall fish supply; 2) *Environmental aspects* in fisheries refer to the

⁴⁰ *Condition of the world fishery and aquaculture*. Retrieved from: <http://www.fao.org/3/a-i3720r.pdf>

considerations and impacts of fishing activities on the marine environment and its ecosystems.

The near periphery (less closely related to the core, but still connected) is represented by the following concepts: 1) *Marine conservation*: conservation efforts focused on protecting marine biodiversity, habitats, and endangered species, which indirectly impact fishery resources; 2) *Fishery policy* refers to a set of rules, regulations, and guidelines established by governments or governing bodies to manage and regulate the fishing industry and the use of fishery resources; 3) *Fishery studies*: scientific research and educational initiatives that contribute to the knowledge and understanding of fishery resources, ecosystems, and sustainable fishing practices; 4) *Sustainable fisheries*: practices and strategies aimed at maintaining the health of fish stocks and ecosystems for long-term productivity.

The features related to the far periphery, judging by the data of the lexicographic description, are not among the basic ones identified on the basis of the analysis of the lexical meaning, as evidenced by the fact that the definitions do not reflect the corresponding conceptual information, which is revealed, however, in the process of studying examples selected by the method of continuous sampling from journalistic sources.

Far periphery (more distantly related to the core, with indirect connections) is represented by the following concepts: 1) *Climate change*: the long-term changes in global climate patterns that can impact fish habitats and migration patterns; 2) *Food safety* in fisheries refer to the measures and considerations taken to ensure that fish and fishery products are safe for human consumption and provide essential nutrients for a healthy diet; 3) *International cooperation*: collaborative efforts between countries to manage shared fishery resources in transboundary waters; 4) *Maritime safety*: safety regulations and practices related to fishing vessels and maritime operations; 5) *Tourism and fishing vacation*: fishing activities pursued for sport, leisure, and relaxation, which also have economic and cultural significance. 6) *Economic impact of fishery*: the sustainable use of ocean resources to foster economic growth, including fisheries, aquaculture, and tourism.

These examples of far-flung concepts may have a distant connection to the central concept of "Fishery" but still have a significant impact on fisheries and their environment.

These are just some examples of concepts that can refer to the core, the nuclear zone, near and far periphery of the "Fishery" concept. It is important to note that the "Fishery" concept is broad and multifaceted, and these concepts may vary depending on the context and level of detail of the analysis.

The result of the analysis of the "Fishery" concept structure within the framework of linguistic-conceptual research is a graphic representation of the concept content (Figure).

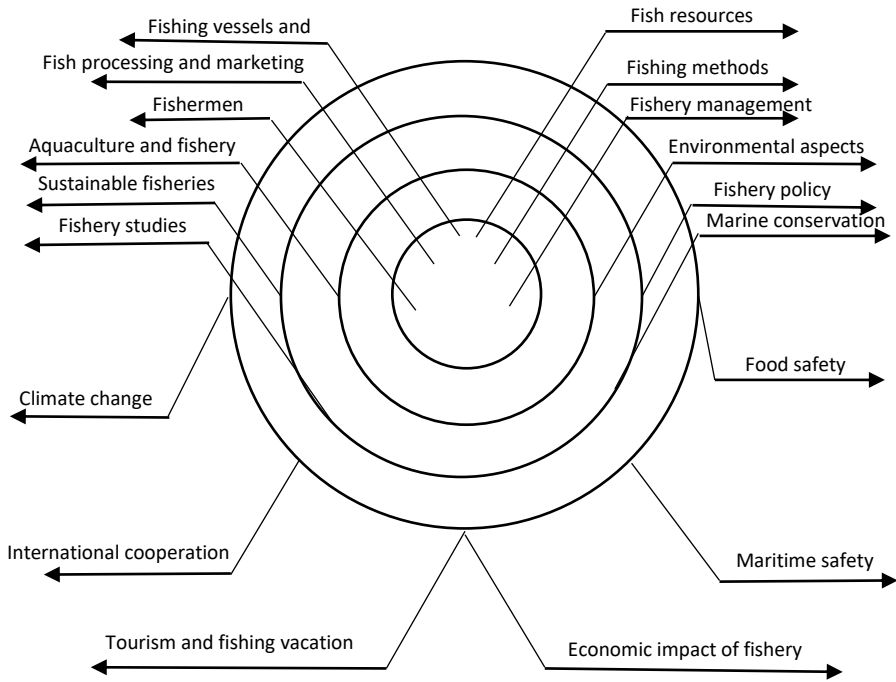


Figure. Structural model of the “Fishery” concept

The modeled structure of the “Fishery” concept makes it possible to obtain certain ideas about the features of its representation. It should be noted that the classification of concepts according to the core, close-nuclear zone, close and far periphery is relative and depends on the context. The same concepts can be found in different areas in various aspects of fisheries research and resource management.

Categorization of the Fishery Terminology

Categorization is one of the key concepts in the description of human cognitive activity and is considered as a reflection of the process that correlates the subject of scientific thought with a certain conceptual category embedded in the memory of a specialist and determined by a linguistic sign⁴¹.

One of the well-known cognitologists, studying the concept of categorization, J. Lakoff believes that it underlies all human thought

⁴¹ E.H. Rosch, *Natural categories*. *Cognitive psychology*, 4(3), 1973. pp. 328-330.

processes. “Had we not had the ability to categorize we would not have the ability to act at all, neither in external world nor in our social and intellectual lives. Understanding the fact that we categorize is the necessary precondition for understanding the way we perceive, and the way we act, therefore it is necessary for our understanding of what makes us human beings”⁴².

The categorization occurs unconsciously and a human takes it into account in problematic situations only. Choosing one or another language tool, speaker suggests a particular means for perceiving a subject or a phenomenon relying upon a collective experience of world categorization in the language, which is reflected in the language knowledge. Any knowledge, received by a human, is the external world’s categorization outcome⁴³.

The term category is a widely used and ambiguous term in cognitive linguistics. In our research we used such definition, suggested the authors of the “Dictionary of cognitive terms”: “category” is “one of the cognitive forms of human thinking, which allows one to generalize his experience and classify it”⁴⁴.

Categorization is based on cognitive mechanisms common to all people. For example, in the study of fishery terminology, propositional models for representing knowledge about a phenomenon or an object of reality were used, reflecting a certain way of conceptualizing knowledge in a given area in accordance with the concepts that characterize the fishing activity itself, the result of this activity, and the tool⁴⁵.

The results of our study showed that the concepts of “space”, “object”, “process”, “state”, and “quality” of fisheries, fish resources formed the basis of fishery terms, including new ones, reflecting the most relevant aspects for this field of activity.

The basic category for the terminologies of the field fishery is the category of “space”. It includes a collection of specialized terms and concepts that describe various geographical locations, environments, and physical areas relevant to fishing activities and the fishing industry. This category encompasses a range of spatial aspects that are crucial for understanding the distribution of fish populations, fishing grounds,

⁴² G. Lakoff, *Women, fire, and dangerous things: What categories reveal about the mind*. University of Chicago press, 2008, p. 123.

⁴³ N.N. Boldyrev, *Cognitive studies of a language*. Derzhavin’s Publishing House, 2009, p. 65.

⁴⁴ O. Houdé, D. Kayser, O. Koenig, J., Proust, *Dictionary of cognitive science: Neuroscience, psychology, artificial intelligence, linguistics, and philosophy*. Routledge, 2004, p. 97.

⁴⁵ M. Uschold, *Knowledge level modelling: concepts and terminology*. *The knowledge engineering review*, 13(1), 1998, pp. 45-46.

marine ecosystems, and the logistical elements of fishing operations. Each term within this category provides insights into specific spatial contexts that impact fishing practices and resource management. The category of “space” in fishery terminology is represented by specialized terms and concepts that can be classified as follows.

1. Geographic locations: 1) fishing grounds: specific areas in oceans, seas, lakes, or rivers where fishing activities take place; 2) exclusive economic zone (EEZ): a maritime zone within which a coastal country has special rights for exploring, exploiting, and managing marine resources⁴⁶.

2. Marine ecosystems: 1) benthic zone: the bottom layer of a body of water, which includes the seafloor and its associated organisms; 2) pelagic zone: the water column above the benthic zone, where fish and other marine organisms swim and feed; 3) coral reef: a diverse underwater ecosystem built by coral organisms that provide habitats for various fish species⁴⁷.

3. Fishing environments: 1) shoreline: the boundary between land and water, often associated with recreational fishing activities; 2) estuary: a partially enclosed coastal body of water where freshwater from rivers meets saltwater from the ocean, serving as a vital fish nursery⁴⁸.

4. Fishing zones: 1) inshore fishing zone: waters close to the shore, suitable for small-scale and artisanal fishing; 2) offshore fishing zone: deeper waters farther from the shore, often accessed by larger vessels for commercial fishing.

5. Vessel and equipment locations: 1) fishing vessel position: the precise coordinates or location of a fishing vessel at sea; 2) mooring points: designated areas where fishing vessels anchor or secure to maintain their position.

6. Fishing management areas: 1) Marine Protected Area (MPA): a designated region where fishing is restricted or prohibited to conserve marine ecosystems; 2) fishery management zone: a demarcated area subject to specific regulations to ensure sustainable fishing practices.

7. Migration routes: 1) spawning grounds: locations where fish migrate to lay their eggs and reproduce; 2) feeding areas: regions where fish gather to find abundant food sources.

8. International zones: 1) high seas: the open ocean beyond the jurisdiction of any single country, subject to international law; 2) territorial waters: waters within a certain distance from a country's

⁴⁶ N.J. Brown-Peterson, *A standardized terminology for describing reproductive development in fishes*. *Marine and Coastal Fisheries*, 3(1), 2011. pp. 55-56.

⁴⁷ *Condition of the world fishery and aquaculture*. Retrieved from: <http://www.fao.org/3/a-i3720r.pdf>

⁴⁸ *FAO Glossary*. Retrieved from: <https://www.fao.org/faolex/glossary/en/>

coast, subject to its jurisdiction.

9. Research and observations sites: 1) research stations: facilities established for studying fish populations, marine ecosystems, and related research; 2) monitoring points: locations where data on fish stocks, environmental conditions, and fishing activities are collected.

This classification provides insights into the diverse spatial contexts that shape fishery activities and resource management, highlighting the importance of understanding the geographical elements inherent in the fishing industry.

By categorizing the basic concepts in fishery terminology under the category of “space,” we emphasize the fundamental role that spatial dimensions play in the identification, understanding, and management of fishery resources. Spatial considerations provide a framework for organizing and communicating information related to fishing locations, fishing grounds, habitat conservation, vessel operations, and resource management strategies within the fishery domain.

The category “object” in the fishery terminology is represented by a set of terms and concepts, describing various physical entities, tools, equipment, and substances used in fishing activities and the fishing industry. This category encompasses a range of objects that are essential for performing different fishing tasks, managing resources, and ensuring the success of fishing operations. Each term within this category provides insights into specific objects and materials that play a vital role in the practical aspects of fishing and resource management. We include the following terms in this category.

1. Fish: fish are the primary object in fishery. This term encompasses various species of finfish, shellfish, and other aquatic organisms that are targeted for commercial, subsistence, or recreational fishing.

2. Fishing personnel: 1) fishermen: individuals engaged in catching fish and other aquatic organisms, contributing to the fishing industry; 2) deckhands: assistants working on fishing vessels, aiding in various tasks during fishing operations.

3. Fishing vessel: a fishing vessel is a specific type of watercraft designed and used for fishing operations. This object is integral to the fishery domain, representing the means through which fishing activities are conducted.

4. Fishing gear: fishing gear refers to the equipment, tools, and devices used for capturing fish. This object includes nets, lines, traps, hooks, and other gear types that are essential for the success of fishing operations.

5. Fish processing equipment: fish processing equipment includes machinery, tools, and facilities used to handle, clean, preserve, and

prepare fish for consumption or further distribution. This object represents the equipment involved in the processing and value-adding stages of fishery.

6. Fish market: a fish market is a physical or virtual place where fish are bought and sold. It serves as a commercial exchange point for fishery products, connecting fishermen, buyers, and consumers.

7. Fishery scientist/observer: a fishery scientist or observer is an individual who conducts scientific research or monitoring activities within the fishery domain. They serve as observers to collect data on catch, bycatch, fishing practices, and other relevant information.

These terms related to objects in fishery highlight the entities, equipment, and components directly involved in fishing activities and fishery management. They help categorize and identify the objects associated with fishery operations, resource utilization, and the various stakeholders within the fishery domain.

The category “process” in fishery terminology includes a group of specialized terms and concepts describing various actions, steps, methods, and procedures involved in the activities related to fishing and the fishing industry. This category encompasses a wide range of dynamic and sequential actions that are essential for successful fishery operations. It provides a comprehensive framework to understand the intricacies of fishing practices, from the initial stages of preparing equipment to the final steps of processing. Each term within this category sheds light on a specific process that contributes to the overall functioning of the fishing sector. The classification of types of processes in the context of fisheries terminology can be presented as follows:

1. Catching processes: 1) harvesting: the process of catching fish from their natural habitats using various fishing methods; 2) netting: catching fish using different types of nets, such as seine nets, gillnets, and trawl nets; 3) hooking: capturing fish using hooks attached to fishing lines.

2. Processing and handling processes: 1) cleaning: removing scales, guts, and other undesired parts from the caught fish; 2) filleting: cutting fish into boneless pieces, usually fillets, for consumption or further processing; 3) preservation: applying techniques like freezing, canning, or smoking to extend the shelf life of fish; 4) packaging: properly storing and sealing fish for transportation, sale, or further processing; 5) quality control: ensuring that caught and processed fish meet specific standards for freshness and safety.

3. Monitoring and management processes: 1) stock assessment: evaluating fish populations to determine their size, health, and reproductive capacity; 2) bycatch reduction: implementing strategies to

minimize the unintended capture of non-target species; 3) regulation compliance: ensuring that fishing practices adhere to local, national, and international regulations; 4) fisheries management: developing and implementing plans to sustainably manage fish stocks and ecosystems.

4. Marketing and distribution processes: 1) offloading: transferring fish from fishing vessels to onshore facilities; 2) sorting and grading: categorizing fish based on size, species, and quality for sale; 3) processing and packaging: preparing fish products for market distribution; 4) wholesale and retail: selling fish products to distributors, retailers, and consumers.

5. Research and data collection processes: 1) tagging and tracking: marking fish for research purposes, often involving electronic tracking; 2) biological sampling: collecting data from fish populations to study their characteristics; 3) ecosystem monitoring: assessing the health of marine ecosystems and their impact on fish populations.

6. Sustainability and conservation processes: 1) aquaculture: cultivating fish and other aquatic organisms in controlled environments. 2) habitat restoration: rehabilitating degraded habitats to support fish populations; 3) educational outreach: raising awareness about sustainable fishing practices among stakeholders.

7. Vessel operations and maintenance: 1) navigating: operating fishing vessels to reach fishing grounds and return to port safely; 2) maintenance: ensuring fishing vessels are in good working condition through repairs and upkeep.

8. Trade and international processes: 1) import and export: trading fish and fish products across international borders; 2) international agreements: participating in treaties and agreements related to fishery management and conservation.

This classification illustrates the diverse range of processes involved in fishery activities, from catching fish to distributing products, ensuring sustainable practices, and contributing to global trade and resource management.

In the context of fishery terminology, the category of "state" is represented by specialized terms and concepts describing various conditions, statuses, and situations related to fishing activities, fish populations, and the fishing industry. This category encompasses a range of states that provide insights into the health, management, and regulatory aspects of fishery resources and ecosystems. Each term within this category sheds light on specific states or conditions that impact the dynamics of fishing operations and the sustainability of marine resources. We present the classification of term types that describe the category

“state” in fishery terminology:

1. Fishery resource states: 1) overfishing: a state where fish stocks are being caught at an unsustainable rate, leading to population decline; 2) fully exploited: fish stocks being harvested at their maximum sustainable yield; 3) underexploited: fish stocks not being harvested to their full potential, often due to low demand or lack of infrastructure; 4) depleted stocks: fish populations that have been significantly reduced due to overfishing or other factors; 5) stock recovery: efforts to rebuild depleted fish stocks through conservation and management measures.

2. Ecological states: 1) eutrophication: a state of excessive nutrient enrichment in water bodies, often leading to harmful algal blooms and ecosystem imbalances; 2) biodiversity: the variety and variability of fish species and other organisms in a specific habitat; 3) habitat degradation: the decline in the quality of aquatic habitats, affecting fish populations and ecosystems.

3. Regulatory and management states: 1) closed season: a specific period during which fishing for certain species is prohibited to protect breeding or vulnerable stages; 2) fishing ban: an official prohibition on fishing in a particular area or for a specific period to conserve resources; 3) quotas: limits on the amount of fish that can be caught within a specified period to prevent overfishing; 4) moratorium: temporary suspension of fishing for a particular species or in a specific area to allow stocks to recover; 5) no-take zone: an area where all fishing activities are prohibited to support ecosystem conservation.

4. Health and quality states: 1) fish health: the condition of fish populations in terms of diseases, parasites, and overall well-being; 2) fish quality: the state of caught fish in terms of freshness, appearance, and edibility.

5. Economic states: 1) profitability: the financial gain or loss associated with fishing operations, influenced by catch, expenses, and market demand; 2) fishermen's livelihoods: the socioeconomic state of fishing communities, including income, employment, and sustainability.

6. Climate and environmental states: 1) climate change impact: the influence of climate-related changes, such as rising sea temperatures, on fish habitats and migration patterns; 2) ocean acidification: a state where seawater becomes more acidic due to increased carbon dioxide absorption, affecting marine life.

7. Conservation and sustainability states: 1) sustainable fishing: a state of utilizing fishery resources in a manner that maintains ecological balance and supports future generations; 2) conservation measures: regulatory actions taken to protect and sustain fish populations and their habitats.

This classification provides insight into the various states and conditions relevant to fisheries, resource management, ecological balance, and the overall health of marine ecosystems.

In the fishery terminology, the category of “quality” is represented by the terms describing various attributes, characteristics, and standards related to the excellence, condition, and value of fish and seafood products. This category encompasses a range of terms that address factors such as freshness, taste, texture, appearance, and safety, ensuring that fishery products meet the expectations of consumers, regulators, and industry standards. Each term within this category provides insights into specific aspects of quality assurance and management in the fishery industry. The classification of quality types in the context of fisheries terminology can be presented as follows:

1. Freshness and appearance: 1) freshness: the state of being recently caught or harvested, indicating optimal taste and texture; 2) odor: the characteristic smell of fresh fish, often used to assess its quality; 3) color: the natural hue of fish flesh, which can vary by species and indicates freshness; 4) texture: the feel and firmness of fish meat, reflecting its quality and edibility; 5) gloss: the natural shine or luster of fish skin, indicating freshness.

2. Edibility and flavor: 1) taste: the sensory perception of flavors in fish, influenced by diet and handling; 2) fish flavor: the distinct taste profile of different fish species; 3) off-flavors: undesirable or unusual flavors in fish, often due to spoilage or environmental factors; 4) flesh composition: the balance of fat, moisture, and protein in fish meat, affecting taste and texture.

3. Safety and hygiene: 1) food safety: assurances that fish products are free from harmful contaminants or pathogens; 2) microbiological quality: the absence of harmful microorganisms in fish products; 3) toxin levels: monitoring for the presence of natural toxins in fish, such as mercury or histamines; packaging integrity: ensuring that fish products are properly sealed and packaged to prevent contamination.

4. Handling and processing: 1) gutted and gilled: fish that have been cleaned internally, ensuring freshness and safety; 2) filleted: fish meat that has been removed from the bone, suitable for culinary use; 3) deboned: fish fillets or cuts that are free of bones for easy consumption. 4) frozen quality: the maintenance of fish quality during freezing to preserve taste and texture.

5. Quality grading and standards: 1) grade: a classification indicating the quality of fish based on specific criteria, such as size and appearance; 2) standardization: establishing industry-wide quality standards for fishery products; 3) certification: verification by third-party organizations

that fish products meet specific quality and sustainability standards.

6. Presentation and market quality: 1) market readiness: fish products that are prepared and presented for sale, meeting consumer expectations; 2) aesthetics: the visual appeal of fish products, including shape, color, and presentation.

7. Quality control and assurance: 1) HACCP: Hazard Analysis Critical Control Point, a systematic approach to food safety and quality assurance; 2) traceability: the ability to track the origin, processing, and distribution of fish products.

8. Sensory evaluation: organoleptic assessment: using sensory attributes like taste, smell, and appearance to evaluate fish quality.

This categorization provides a comprehensive overview of the specialized terms and concepts related to the “quality” category in the fishery terminology, highlighting the multifaceted nature of quality assessment and management in the industry.

Thus, the exploration of the main categories within fishery terminology has provided valuable insights into the intricate world of fishing activities, resource management, and ecological considerations. This comprehensive analysis has revealed that these main categories, namely “space,” “object,” “process,” “state,” and “quality,” are the conceptual framework of fishery terminology.

Conclusion

Today, the cognitive approach to the study of terminological systems, in which terminological units are described conceptually as certain cognitive structures, is considered one of the relevant directions in terminology. The methods of cognitive terminology provide an opportunity to understand not only the formation and development of professional concepts and categories, but also their hierarchy, organization, structure. In the paradigm of cognitive terminology, a term is not just a basic unit of science, but a linguistic sign that represents an information-cognitive structure that accumulates special knowledge necessary for the scientific activity and communication of specialists in a certain field.

Studying the cognitive aspects of English fishery terminology provides insights about relationship between language, cognition, and specialized knowledge within the fishery domain.

The study revealed that fishery term from the standpoint of cognitive linguistics is a mental image, or a concept, a unit of universal subject code, which is a structured knowledge of fishery professional community, its information base. Fishery terms are more than linguistic units; they are cognitive representations that encapsulate a profound understanding of

fishing practices, ecological dynamics, and resource management. The analysis of the fishery concept's structure highlights the essential features, attributes, and connections that define the field. The core, nuclear zone, and periphery of the concept collectively form a cognitive framework reflecting the multifaceted nature of fishery activities. The analysis of the terms of the studied terminology in the English language showed that fishery terms are structured in the mind of a specialist by the categories "space", "object", "process", "state", and "quality". Using the selection of epistemological categories involved in the process of learning fishery objects, conceptual features of each category and a bank of terminological tools for their display are established. Further study of the fishery terminology in the cognitive aspect presupposes its presentation in the form of schemes (frames) of individual fragments and the entire structure of science as a whole.

As the fishery domain plays a pivotal role in global food security and livelihoods, effective communication among diverse stakeholders is paramount. The cognitive perspective presented in this article underscores the necessity of aligning terminology with cognitive structures, ensuring precise and comprehensible communication. By recognizing the cognitive underpinnings of terminology, educators, communicators, and policy-makers can promote effective knowledge transfer, sustainable fishing practices, and cross-cultural understanding within the fishery sector.

The findings contribute to our understanding of the cognitive nature of specialized language and have implications for language teaching, communication in fishery-related industries, and the development of domain-specific terminology.

Further study of the fishery terminology in the cognitive aspect presupposes its presentation in the form of schemes (frames) of individual fragments and the entire structure of science as a whole.

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