

the iafor european conference series 2014

ecss2014 ecsee2014 ebmc2014 ecpel2014

Official Conference Proceedings ISSN: 2188-1154



“To Open Minds, To Educate Intelligence, To Inform Decisions”

The International Academic Forum provides new perspectives to the thought-leaders and decision-makers of today and tomorrow by offering constructive environments for dialogue and interchange at the intersections of nation, culture, and discipline. Headquartered in Nagoya, Japan, and registered as a Non-Profit Organization (一般社団法人), IAFOR is an independent think tank committed to the deeper understanding of contemporary geo-political transformation, particularly in the Asia Pacific Region.

INTERNATIONAL

INTERCULTURAL

INTERDISCIPLINARY

**iafor**

# The Executive Council of the International Advisory Board

IAB Chair: Professor Stuart D.B. Picken

IAB Vice-Chair: Professor Jerry Platt

**Mr Mitsumasa Aoyama**

Director; The Yufuku Gallery, Tokyo, Japan

**Professor David N Aspin**

Professor Emeritus and Former Dean of the Faculty of Education, Monash University, Australia  
Visiting Fellow, St Edmund's College, Cambridge University, UK

**Professor Don Brash**

Former Governor of the Reserve Bank, New Zealand  
Former Leader of the New National Party, New Zealand  
Adjunct Professor, AUT, New Zealand & La Trobe University, Australia

**Lord Charles Bruce**

Patron, Japan Society of Scotland  
Patron, Scottish Centre of Tagore Studies at Edinburgh Napier University  
Chairman, Kolkata Scottish Heritage Trust

**Professor Judith Chapman**

Professor of Education, Australian Catholic University, Australia  
Visiting Fellow, St Edmund's College, Cambridge University, UK  
Member of the Order of Australia

**Professor Chung-Ying Cheng**

Professor of Philosophy, University of Hawai'i at Manoa, USA  
Editor-in-Chief, The Journal of Chinese Philosophy

**Professor Steve Cornwell**

Professor of English and Interdisciplinary Studies, Osaka Jogakuin University, Osaka, Japan  
Osaka Local Conference Chair

**Professor Michael A. Cusumano**

SMR Distinguished Professor of Management and Engineering Systems, MIT Sloan School of Management, Massachusetts Institute of Technology, USA

**Professor Dexter Da Silva**

Professor of Educational Psychology, Keisen University, Tokyo, Japan

**Professor Georges Depeyrot**

Professor and Director of Research & Member of the Board of Trustees  
French National Center for Scientific Research (CNRS) & L'Ecole Normale Supérieure, Paris, France

**Professor Donald E. Hall**

Herbert J. and Ann L. Siegel Dean  
Lehigh University, USA

**Professor June Henton**

Dean, College of Human Sciences, Auburn University, USA

**Professor Michael Hudson**

President of The Institute for the Study of Long-Term Economic Trends (ISLET)  
Distinguished Research Professor of Economics, The University of Missouri, Kansas City

**Professor Koichi Iwabuchi**

Professor of Media and Cultural Studies & Director of the Monash Asia Institute, Monash University, Australia

**Professor Sue Jackson**

Professor of Lifelong Learning and Gender & Pro-Vice Master of Teaching and Learning, Birkbeck, University of London, UK

**Professor Sing Kong Lee**

Director; The National Institute of Education, Singapore

**Professor Sir Geoffrey Lloyd**

Senior Scholar in Residence, The Needham Research Institute, Cambridge, UK  
Fellow and Former Master, Darwin College, University of Cambridge  
Fellow of the British Academy

**Professor Keith Miller**

Orthwein Endowed Professor for Lifelong Learning in the Science, University of Missouri-St. Louis, USA

**Professor Kuniko Miyanaga**

Director; Human Potential Institute, Japan  
Fellow, Reischauer Institute, Harvard University, USA

**Professor Dennis McInerney**

Chair Professor of Educational Psychology and Co-Director of the Assessment Research Centre  
The Hong Kong Institute of Education, Hong Kong SAR

**Professor Ka Ho Joshua Mok**

Chair Professor of Comparative Policy, Associate Vice-President (External Relations)  
Dean of the Faculty of Arts and Sciences, The Hong Kong Institute of Education, Hong Kong SAR

**Professor Michiko Nakano**

Professor of English & Director of the Distance Learning Center, Waseda University, Tokyo, Japan

**Professor Baden Offord**

Professor of Cultural Studies and Human Rights & Co-Director of the Centre for Peace and Social Justice  
Southern Cross University, Australia

**Professor Frank S. Ravitch**

Professor of Law & Walter H. Stowers Chair in Law and Religion, Michigan State University College of Law

**Professor Richard Roth**

Senior Associate Dean, Medill School of Journalism, Northwestern University, Qatar

**Professor Monty P. Satiadarma**

Clinical Psychologist and Lecturer in Psychology & Former Dean of the Department of Psychology and Rector of the University, Tarumanagara University, Indonesia

**Mr Mohamed Salaheen**

Director; The United Nations World Food Programme, Japan & Korea

**Mr Lowell Sheppard**

Asia Pacific Director; HOPE International Development Agency, Canada/Japan

**His Excellency Dr Drago Stambuk**

Croatian Ambassador to Brazil, Brazil

**Professor Mary Stuart**

Vice-Chancellor; The University of Lincoln, UK

**Professor Gary Swanson**

Distinguished Journalist-in-Residence & Mildred S. Hansen Endowed Chair; The University of Northern Colorado, USA

**Professor Jiro Takai**

Secretary General of the Asian Association for Social Psychology & Professor of Social Psychology  
Graduate School of Education and Human Development, Nagoya University, Japan

**Professor Svetlana Ter Minasova**

President of the Faculty of Foreign Languages and Area Studies, Lomonosov Moscow State University

**Professor Yozo Yokota**

Director of the Center for Human Rights Affairs, Japan  
Former UN Special Rapporteur on Myanmar

**Professor Kensaku Yoshida**

Professor of English & Director of the Center for the Teaching of Foreign Languages in General Education, Sophia University, Tokyo, Japan

The International Advisory Board is composed of distinguished academics, business executives, former and current government officials, and community leaders. Its role is to consult and provide counsel on the business and affairs of IAFOR, and suggest areas of scholarly investigation. Membership of the International Advisory Board is by invitation only. For a full list please see the IAFOR website.

The European Conference on the Social Sciences 2014

Brighton, United Kingdom

Official Conference Proceedings

ISSN: 2188-1154

© The International Academic Forum 2014  
The International Academic Forum (IAFOR)  
Sakae 1-16-26-201  
Naka Ward, Nagoya, Aichi  
Japan 460-0008  
[www.iafor.org](http://www.iafor.org)



## Table of Contents

<i>The Significance of Demographic and Psychological Attributes in M-Addictive Behaviour among Students at a South African University</i> Nobukhosi Dlodlo	pp. 1-16
<i>Transformation in Sociocultural Identity: Causes and Effects</i> Bushra Zalloom Mohsen Aboutorabi	pp. 17-30
<i>Solidarity in Modern Liberal Societies</i> Martin Jungkunz	pp. 31-40
<i>Palestinian Liberation Theology. Seeking Social Justice through a De-Zionization of the Holy Scriptures</i> Elisa Farinacci	pp. 41-52
<i>Reframing the Conflict of Interest: The Public/Private Interface in the Context of Slovakia</i> Gabriela Bereghazyova	pp. 53-64
<i>"Just Ask Me": Mechanisms for Being Together in Fragile Communities</i> Jillian Marchant	pp. 65-74
<i>The Use of a Problem Based Learning Approach to Teach Islamic Ethics: An Action Research in the Indian Context</i> Parvez Sadruddin Kotadia	pp. 75-88
<i>Applying Grounded Theory Methodology with Mixed Methods in Occupant Energy Behaviour Research</i> Jill Zhao	pp. 89-100
<i>Notions of "Home," "Nation," "Identity," and "Belonging": The Case of Filipino Migrant Workers in Asia</i> Analiza Liezl Perez-Amurao	pp. 101-112
<i>Emma's Journey: A Case Study on the Death Penalty and Some Inequalities in the Criminal Justice System</i> Ruth Johnson Carter	pp. 113-134
<i>Legislation of Open Source Usage in Public and Private Institutions in Comparison in Developing Countries, Existing Legislation and New Challenges</i> George Skeberis Nikolaos Koutsoupas	pp. 135-142

*Gender Dynamics and the Sacred Space of Goa*  
Padmaja Vijay Kamat

pp. 143-156

*An Assessment of the Socio- Economic Impact of  
Medical Tourism on the Mauritian Community*  
Asrani Gopaul

pp. 157-173



***The Significance of Demographic and Psychological Attributes in M-Addictive Behaviour Among Students at a South African University***

Nobukhosi Dlodlo, Vaal University of Technology, South Africa

The European Conference on the Social Sciences 2014  
Official Conference Proceedings

**Abstract**

Evidence suggests that the excessive use of mobile communication technologies may lead to uncontrollable emotional attachment to the device and various other problematic behaviours. Therefore, a gap exists in identifying the extent to which excessive use can result in the development of distinguishable addictive tendencies and personality inconsistencies among male and female users. The primary purpose of this study was to identify the mobile-device addiction indicators that are pertinent among students within a South African university. The secondary purpose of this study was to investigate whether demographic and psychological attributes of individuals were related to m-addiction (in general). A quantitative study was conducted using a self-administered questionnaire on a probability sample of 187 university students, aged between 18-28 years. Exploratory factor analysis identified four m-addiction indicators, namely; tolerance (.891), dysfunctional life (.847), compulsion (.810) and dependency (.802) depicting adequate internal reliability and homogeneity among the scale items. From the study, it emerged that gender ( $p < 0.05$ ) and self-esteem ( $p < 0.01$ ) were statistically significant in terms of predicting the overall m-addictive tendencies among students. Although these findings may present novel implications for social psychologists and mobile software application developers; it is noteworthy to mention that this research did not intend to create an exposé of behaviour that could incontestably be categorised as a bad habit, but rather aimed to unravel the potential negative consequences and related psychological indicators of m-addiction among a student populace.

**Keywords**

Mobile device, addiction, tolerance, compulsion, dependency, dysfunctional life.

**iafor**

The International Academic Forum  
[www.iafor.org](http://www.iafor.org)

## Introduction

Mobile devices have transformed the way in which people communicate as well as how they arrange their daily activities (Ling, 2000). The proliferation of mobile phones (Oksman & Turtiainen 2004), widespread diffusion of mobile devices above other information communication technologies (ICTs) (Shambare, Rugimbana & Zhowa, 2012) as well as the maturing nature of the mobile telephone market (Dimmick, Feaster & Hoplamazian, 2011) has had a phenomenal impact in global markets. Chin (2005) estimated that at least 70 per cent of the Japanese population, 81 per cent of the Australasian inhabitants and 62% of the citizens in the United States of America used mobile phones in 2005, with the number expected to increase at a compounded rate every decade, thereafter. Similarly, access to and use of mobile telephony in sub-Saharan Africa has increased exponentially over the past decade. There are ten times as many mobile phones as landlines in sub-Saharan Africa and 60 per cent of the population has mobile phone coverage. Mobile phone subscriptions increased by 49 per cent annually between 2002 and 2007, as compared with 17 per cent per year in Europe (ITU, 2011).

According to mobile communication theorists (Gergen, 2002; Katz & Sugiyama, 2006; Leung, 2007), young people use mobile devices to explore (find new friends and new social circles), enhance (maintain a continuous presence with family and friends while at school) and build social capital (uphold the collective value of all social networks). Mobile devices have also been hailed for convenience, portability, ubiquity and personalisation (Hooper & Zhou, 2007). The content of mobile use spans from communication, economic transactions to planning for social activities (Grinter & Eldridge, 2001; Bruner & Kumar, 2005; Ling, 2007). Users enjoy the privileges of chatting without the interruptivity of advertising clutter from marketers (Igarashi, Motoyoshi, Takai & Yoshida, 2008) as well as dynamic real-time communication with different user groups (Lin, 2012; Oksman & Turtiainen, 2004). Information and graphics that users do not want others to hear or messages that would otherwise be considered inappropriate for conversations in public settings (example classrooms and cinemas) are easily sent over text formats on mobile devices (Aoki & Downes, 2003).

A mobile device is any tool that allows access to a ubiquitous network beyond one specific access-gate (Kaplan, 2011). Common examples of mobile devices include cellular phones, smartphones; tablet PCs and personal digital assistants (PDAs) (ITU, 2011). In South Africa alone, more than 70% of the populous are users of mobile phones (35 million out of a population of nearly 48 million). Moreover, South African adolescents and youth are the first adopters of mobile technology, with 72 per cent of 15 to 24 year olds owning a mobile device (UNICEF, 2012).

Various mobile devices run operating systems (OSs) that allow the installation of third party vendor applications (Apps) from a portal or application store. Popular mobile applications in South Africa include, Facebook chat, Google talk, Skype chat, Yahoo chat, Mxit, WhatsApp, Viber, WeChat, Nimbuzz and MIG33. There are also platform-specific systems such as Blackberry messenger (BBM) that is specific to the Blackberry operating system whereas a majority of messenger applications are network-independent since they operate between users on any network provider (Chigona & Chigona, 2008).

However, in spite of the broadly perceived merits of this tool, psychologists and educators have been aware of the negative impacts of its use, especially the over or misuse and the related physical and psychological problems associated with over-use (Zulkefly & Baharudin, 2009). One of the most common of these problems is mobile-device addiction (thereafter referred to as M-addiction) which pertains to problematic use and dependence on the mobile device as a technology platform as well as excessive usage of its applications. This problem is rising in prevalence, affecting people with varying frequency around the world and also creating negative impacts on the academic, relationship, financial and occupational aspects of many lives (Han & Hur, 2004; Chen & Katz, 2007; Sanchez-Carbonell *et al.*, 2008; Zulkefly & Baharudin, 2009). Within given scenarios, the usage of mobile phones may be considered to be problematic and as a result, there are an increasing number of legislative and societal controls seeking to govern aspects of their use. Consequentially, mobile devices are banned in a variety of public spheres, including aeroplanes and petrol stations owing to the risk of signal interference that is associated with using such technology. Relatedly, evidence suggests that the excessive use of mobile phones may lead to uncontrollable emotional attachment and various problematic behaviours (Bianchi & Phillips, 2005).

Griffiths (1998) proposed the concept of technology addiction, which is demarcated as human-machine interaction and dependency that is non-chemical in nature. This form of addiction may either be passive (e.g. television viewing) or active (e.g. computer games, chatting) of which M-addiction takes the latter formation. Based on this definition, extant scholarship on technology addiction emerged with varying defining criterion. Some scholars have cited that the excessive use of an Internet-enabled mobile device may also be considered problematic. For example, Bianchi and Phillips (2005) found that cell phone dependents usually preoccupy themselves with the device and become worried with the thought of missing a call when out of range from the mobile phone. Other researchers have delimited M-addiction as using the device for an increasing amount of time in order to achieve satisfaction (Baron, 2004). In some cases of pathological use, unsuccessful efforts have been made to control, cut back, or stop cell phone use (Junco & Cotten, 2011). The users end up feeling lost, restless, moody, depressed or irritable when attempting to stop usage. They text longer on the cell phone than originally intended; hiding from family and friends or others to conceal the extent of involvement and using mobile messaging services as a way of escape from problems or to evade loneliness (Lin, 2012). Therefore, in the absence of a universally accepted definition of M-addiction, behaviour which fulfils the aforementioned criteria may be operationalised as mobile-device related addiction.

### **Gender and mobile-phone technology**

Historically, there appears to have been gender differences in relation to the uptake of new technology. Past research, for example, Ray, Sormunen and Harris (1999) established that men are more likely than women to hold positive attitudes towards computers and are thus more likely to embrace computer technology faster. Following on from this notion, logic would lead to the conclusion that males will be more likely than females to fall prey to problematic use of Internet-enabled mobile devices, as they are more likely to use computers more frequently, in the first instance. Some research has shown that this is indeed the case (Young, 1998; Griffiths, 1998; Morahan-Martin & Schumacher, 2000). However, the research findings on technology and gender are not conclusive as existing gender differences may be a

function of levels of socialization, culture and access to technology within a specific society (Chow *et al.*, 2008). It is also possible that with time, any reported gender differences related to technology addiction, will cease to exist. Given the inconsistencies in reported literature, it becomes difficult therefore to establish how this will translate into the addictive usage of mobile-devices among both males and females within the context of university students that are based in South Africa.

### **Addiction and personality attributes among university students**

The excessive usage of the mobile device has had a huge influence on psychological research in understanding its role in emotional states and there has been increased interest in the addictive potential of mobile technology (Griffiths, 1998). There are a number of emotional factors which may be related to university students' M-addiction levels (Kandell, 1998). Among these factors the most remarkable effect on self are depression and self-image (Walsh, White & Young, 2010). Research on Internet addiction demonstrated that the over-use of the technology, which results in a disruption of the normal lives of individuals, was associated with an increase in the frequency of depression (Kraut *et al.*, 1998; 2002). Similarly, the excessive use of mobile devices can displace valuable time that people spend with family and friends, which lead to smaller social circles and subsequently, higher levels of loneliness and reduced self-esteem (Nie, Hillygus, & Erbring, 2002).

Reeling from the latent trauma experienced in the pre-1994 apartheid era, a majority of South African youths are raised in homes suffering from severe 'wounded-ness'. Several traits that include an inability to communicate on an emotional and human level, a tendency towards aggression, apathy and a sense of isolation forms a greater part of the ensuing intergenerational trauma which they and their parents have experienced. The effects of this paradoxical wounded-ness have often translated into delinquent behaviour that characterises the ferocious responses of tertiary students to issues and/or challenges. Other effects of this political fallacy have been aligned to low social self-image, which is linked to addictive behaviour among students.

In this study, self-esteem is operationalised as the evaluation and judgment of the worth of a person that one determines and maintains of him or herself (Leung, 2007). This construct is bound up with an individual's self-views of his/her identity of which these views are sustained by the social relationships that are created on mobile device platforms. Woo (2007) and Ehrenberg *et al.* (2008) reported that people who hold negative evaluations about themselves use addictive substances to escape or withdraw from their low self-conceptions. Baumeister (1997) theorised that low self-esteem may cause people to behave in ways that are self-defeating in order to escape self-awareness. Therefore, mobile devices may be used as a form of escape from situations which the user finds aversive (Aydõna & Sarõ, 2011). In addition, previous studies have demonstrated that low self-esteem is related to addictive behaviour (Niemz, Griffiths & Banyard, 2005; Young, 1998). If people have a low opinion about themselves and find it difficult to socialise because of their shyness or lack of self-esteem, they may use personalised devices as an alternative form of socialising, as this provides them with an opportunity to open up and gain confidence without having to interact face-to-face.

Therefore, to be able to contribute to addiction research literature, this study aimed to unravel the underlying indicators and symptoms of M-texting addiction among

university students in South Africa. To date there has been little description of the ways that young people are engaging in excessive usage of mobile technologies. Similarly, although the relationships between mobile technology addiction with social, educational and physical variables have received extensive scholarly attention, documenting its strong associations with emotional variables such as self-esteem has received less attention. Problematic use of mobile devices among the student community, therefore, remains a colossal challenge for educational psychologists and social scientists and hence a study merited the author's attention. Thus, the aim of the present research is firstly, to identify the set of latent variables that are salient towards M-addiction among students. The secondary purpose of this study was to examine the relationships between m-addiction with both gender and self-esteem.

### **Research methodology**

A quantitative, research design was followed in the study. The participants were self-selected using convenience sampling. A self-administered survey was utilised to collect the data.

### **Measures and instrumentation**

Various instruments have been proposed for technology addiction studies, but it is crucial to establish the validity and reliability of these instruments because 'good measurement is a pre-condition for building up knowledge in the research area' (Maholtra, 2010). Furthermore, many of the studies have reported a multi-factorial structure for the construct. As such, there is no universal agreement on the number of factors, or if indeed the factors identified were highly correlated, possibly resulting in considering the scales used as sufficient toward aggregately forming a single meaningful scale to measure m-addiction.

Therefore, in the absence of a comprehensive M-addiction scale, the author utilised items from the mobile phone problem usage scale (MPPUS) that was validated as a reliable self-report by Bianchi and Phillips (2005). The MPPUS scale was derived from the MMPI-2 addiction potential scale that was developed originally for assessing personality characteristics and lifestyle patterns that are associated with drug and alcohol abuse. In addition, the items on the questionnaire were aligned to the instrument developed by Hooper and Zhou (2007), which was specifically aimed at the student population group and would, therefore, be comprehensible to the target respondents.

On the other hand, the Rosenberg self-esteem scale consisting of ten items anchored on a seven-point Likert scale was used to provide an overall evaluation of one's worth or value. The original Rosenberg scale has been used to classify individuals into either the low social self-esteem (10-39) or high social self-esteem categories (40-70). Items on this scale included 'I feel that I have a number of good qualities', 'I certainly feel useless at times' and 'I am able to do things as well as most other people'. Both sections were anchored on a five-point Likert scale with values ranging from strongly disagree (1) to strongly agree (5). The Likert scale is generally considered as being relatively easy to construct, makes data easy to collect and analyse, thereby making them suitable for surveys (Kothari, 2008). The third section comprised of the demographic profile of the students, measuring different personal attributes of the respondents such as gender, age group and frequency of mobile

device usage. These questions were structured on a dichotomous, multiple choice and ranking-order closed-ended scales.

### **Data analysis**

Data were analysed using the Statistical Package for Social Scientists (SPSS Version 21.0). Initially, descriptive statistics were performed including frequencies. Inferential statistics that include exploratory factor analysis (EFA) as well as independent *t*-tests for means were also conducted on the data set.

### **Sample participants**

Three hundred questionnaires were distributed to randomly selected participants recruited from different programmes within the Management Science faculty at the Vaal University of Technology. The sample size was consistent with previous addiction studies (Bianchi & Phillips, 2005; Woo, 2007; Young, 2004). Of these, 214 were returned, giving a response rate of 80.3 per cent. However, only 187 questionnaires were considered usable while the rest (27 responses) were discarded due to missing values. The study comprised of 51 per cent female respondents ( $n=96$ ) while 49 per cent of the sample were males ( $n=91$ ). Median ages ranged from 18 to 28 years (Mean=20.77; SD=1.66). Based on the self-reported findings of the respondents; 25 per cent ( $n=47$ ) were classified as moderate users; 37 per cent ( $n=69$ ) heavy users and 38 per cent ( $n=71$ ) addicted users. Popular devices among the respondents were smartphones (67%;  $n=125$ ); Ipads (21%;  $n=39$ ) and tablets (7%;  $n=13$ ). All of the participants conceded that they own and use an Internet-enabled mobile device regularly.

### **Reliability and Validity of the study**

The reliability assessment for the m-addiction scale was ascertained by computing the Cronbach alpha coefficient values as shown on Table 1. According to Nunally (1978), Cronbach's alpha coefficients of less than 0.50 are deemed unacceptable; those between 0.50 and 0.69 are considered to be adequate while those above 0.70 are regarded as being acceptable. The standardized Cronbach's alpha value for the entire scale was established at 0.867 indicating satisfactory internal consistency among the scale items. Therefore, these results corroborate the sufficiency of the scale in capturing the elements included as m-addiction determinants amongst university students.

### **Exploratory factor analysis (EFA)**

The primary aim of this study was to investigate the mobile-device addiction tendencies among a cohort of South African university students. Before running the EFA procedure, *a priori* assumptions were checked. The Kaiser-Meyer Olkin (KMO) test produced a value of 0.894 ( $>0.50$ ) while the Bartlett's test produced a chi square value ( $\chi^2$ ) of 3753.686 which was significant at  $p<0.000$ , implying that the data set is not an identity matrix with zero correlations (i.e. variables are correlated). These results implied that exploratory factor analysis was an appropriate statistical procedure to conduct with a view to condensing the experimental variables into identifiable factors. This procedure was conducted with a view to establish construct validity of the scale.

The Principal Component extraction method was performed in the study with Kaiser Normalization. However, since both over-extraction and under-extraction of factors

retained for rotation can have deleterious effects on the results, the default measure used in this study (as in most statistical software packages) was to use Kaiser's (1956) eigenvalues greater than one criteria, whose total variance contribution is considered significant (Zikmund & Babin, 2007). In addition, the percentage of variance explained and the scree plot criterion guided the extraction of factors. Consequentially, seven items were excluded from the scale after a process of item reduction, scale refinement and purification whereby items with low factor loadings (<0.50), low communalities (<0.40) and low-item-to-total correlations (<0.30) were investigated. In addition, items that loaded heavily on more than one factor were eliminated from further scale development with a view to enhance "interpretability of the factor structure" (Mahotra 2010:243). Factor loadings below .0.50 were suppressed and items were assigned to the factor that produced the highest item loading without cross-loading onto another factor. This is consistent with Hair *et al.* (2010) who suggest that factor loadings greater than  $\pm 0.30$  are considered to meet the minimum levels, loadings of  $\pm 0.40$  are considered important and loading of  $\pm 0.50$  and greater are considered more important.

Floyd and Widaman (1995) suggested that the scree test is a more accurate method for retaining factors than the Kaiser–Guttman criterion and therefore, an inspection of the scree plot revealed a clear break after the 4th component, leading to the final decision to retain four components. These four factors, which were rotated to position of maximum orthogonality through Varimax rotation in six iterations, explained together 61% of the total variance, which is considered good for exploratory factor extraction (Malhotra, 2010) while the other 39% is accounted for by extraneous variables that do not constitute part of this study (non-addiction related variables). These factors were labelled; tolerance, compulsion, dependence and dysfunctional life. Thus, these four factors were considered as relevant towards explaining the underlying indicators of m-addiction among university students in South Africa. The description of the factors, percentage of variance, Cronbach alpha coefficients and eigenvalues of each sub-scale are presented in Table 1 of this study.

**Table 1**            **Addiction factors and description of dimensions**

<b>Factor</b>	<b>Label</b>	<b>Items</b>	<b>Cronbach Alpha</b>	<b>Percentage of variance explained</b>	<b>Eigen Value</b>	<b>Description</b>
1	Tolerance	6	.891	23.017	4.503	Phobia that relates to being separated from the mobile device leading to feelings of panic, anxiety and agitation when mobile phone access is inhibited
2	Compulsion	6	.810	17.210	3.902	Loss of control and unsuccessful efforts to cut back on mobile device usage
3	Dependence	6	.847	12.905	2.746	Pathological use leading to relentless pre-occupation with the mobile device even while eating or talking to others

4	Dysfunctional life	5	.802	7.829	1.539	General disruptions to the order of life including reduced productivity, loss of concentration, missed deadlines etc.
---	--------------------	---	------	-------	-------	---

Factor one, labelled tolerance comprised six variables and accounted for 23.1% of the variance in the study. High reliability was obtained on this sub-scale, at a Cronbach Alpha coefficient of 0.891 with an eigen value of 4.503, thus confirming the internal consistency among the scale items along this factor. In addition, high factor loadings were obtained on this sub-scale ( $\geq 0.50$ ) indicating construct validity. Tolerance is perceived as the physical and psychological experience that is related to any attempts to eliminate or reduce the usage of mobile devices by users. Tolerance symptoms are usually related to drug withdrawal symptoms. For example, the respondents reported that they feel lost when they do not have their mobile phone. Woo (2007) suggested that mood swings and relapses during the period of involuntary abstinence are also common among problematic users as they feel separated from their main source of contact comfort. Feelings of restlessness, moodiness, depression and/or irritability when the mobile device is not available are inevitable to these nomophobic individuals (Han & Hur, 2004).

Factor two, labelled compulsion, comprised six variables and accounted for 17.2% of the variance in the study. The items on this scale attained adequate levels of internal consistency with a Cronbach alpha value of 0.810 as well as an eigenvalue of 3.902. High factor loadings were obtained on this sub-scale, ranging between .666 and .853, confirming the internal validity of the factor. The six items that make up this factor reveal that those respondents with problematic usage of mobile devices had continuously made unsuccessful efforts to cut back on their excessive usage of mobile devices. However, in line with the findings of Ling (2000), the irritating urge to still engage with their devices had often led them to persist, uncontrollably with the addictive tendency regardless of the negative consequences of such related behaviour such as lying to friends and family.

Factor three, labelled dependence comprised six variables and accounted for 12.9% of the variance in the study. An eigenvalue of 2.746 as well as a Cronbach alpha coefficient of 0.847 were established along this factor. Furthermore, high factor loadings were obtained on the dependency sub-scale, ranging between .842 and .920, confirming the internal validity of the factor. Past research has confirmed dependency as being an indicator of problematic usage of mobile devices as users demonstrate habitual reliance on their mobile devices and other Internet based mobile applications, despite the negative consequences of such behaviour (Igarashi *et al.*, 2008). Dependent users are often pre-occupied with their mobile devices even while eating, walking or talking to others (Han & Hur, 2004). The respondents further asserted that others would be horrified if they knew about their obsessive conduct and the amount of time spent on mobile devices. Contrary to findings of Hooper and Zhou (2007) this study demonstrated that dependency reflects the emotional attachment to a specific mobile technology and related functionalities. Therefore, dependency may be considered as an indirect indicator of an individual's addictive tendencies.



Factor four, labelled dysfunctional life, comprised five variables and accounted for 7.8% of the variance in the study. High reliability was obtained on this sub-scale, at a Cronbach Alpha coefficient of 0.802 with an eigen value of 1.539, thus confirming the internal consistency among the scale items along this factor. In addition, high factor loadings were obtained on this sub-scale ( $\geq 0.50$ ) indicating construct validity. The association between increased mobile device usage and specific health compromising behaviour such as reduced sleeping hours, compromised concentration levels, poorer attention capacity, reduced educational aspirations and exhaustion were also reported by (Shambare *et al.*, 2012). Additionally, other studies linked the frequency and intensity of mobile device use with physical pain (eyes, back and neck), reduced academic productivity (Leena, Tomi & Arja, 2008) as well as fatigue (Hooper & Zhou, 2011; Han & Hur, 2004).

### **M-addiction and selected socio-demographic variables**

In order to determine if the m-addiction scale used in the study revealed significant differences or not with the gender of the respondents; independent sample t-tests were conducted. The results are shown on table 2.

**Table 2: Test for differences between means: m-addiction and gender**

<b>Group statistics</b>	<b>Gender</b>	<b>n (%)</b>	<b>Mean</b>	<b>Std. Dev.</b>	<b>F</b>	<b>t-statistic</b>	<b>Sig (p value)</b>
	<b>Male</b>	<b>91 (49)</b>	<b>3.782</b>	<b>.564</b>	<b>2.344</b>	<b>3.690</b>	<b>.022*</b>
<b>M-addiction (in general)</b>	<b>Female</b>	<b>96 (51)</b>	<b>4.125</b>	<b>.511</b>			

Statistically significant differences were established between gender and the m-addiction scale ( $F= 2.344$ ;  $t= 3.690$ ;  $p < 0.05$ ). The mean findings indicate that female students ( $\bar{x}=4.125$ ;  $SD=0.511$ ) demonstrate higher levels of mobile phone addictive tendencies as compared to their male counterparts ( $\bar{x}=3.782$ ;  $SD=0.564$ ). In support, the studies of Chiu, Hong and Chiu (2013) indicated that there is a higher mobile phone addiction tendency among female university students rather than males. On the contrary, a plethora of studies have suggested that males tend to be more addicted to mobile messaging (Baron, 2004; Ray *et al.*, 1999) and other online addictive behaviour such as pornography and gambling (Partarelli & Browne, 2002; Lin & Tsai, 2002; Morahan-Martin & Schumacher, 2000) than females.

Independent t-tests were conducted with a view to establish if there were statistical differences regarding the m-addiction tendencies with the reported perceptions of self-esteem. The results are presented on table 3.

**Table 3: Test for differences between means: m-addiction and self-esteem**

Group statistics	Self-esteem	n (%)	Mean	Std. Dev.	F	t-statistic	Sig (p value)
	Low	82 (44)	4.289	.784	7.092	2.438	.008**
M-addiction (in general)	High	105 (56)	3.092	.610			

Statistically meaningful differences were established between self-esteem and m-addiction in general ( $F=7.092$ ;  $t=2.438$ ;  $p<0.01$ ). The mean findings indicate that students exhibiting low levels of self-esteem ( $\bar{x}=4.289$ ;  $SD=0.784$ ) indicate higher affinity towards m-addiction as compared to their counterparts who reported a higher measure of self-esteem ( $\bar{x}=3.092$ ;  $SD=0.610$ ). These findings are in concert with the studies of Leung (2007). Logically, it becomes plausible to suggest that people with low self-esteem are disposed to seeking approval, assurance and admiration from among their peers, thereby indulging in attractive behavioural activities like over-reliance on their mobile devices. Therefore, mobile devices play an important role in sub-group culture and ultimately, shaping individual self-image.

#### **Strengths, limitations and implications for future research**

The findings of this study constitute an important source of knowledge and information on issues pertaining to a relatively unfamiliar phenomenon, m-addiction. It should be noted that while the measuring scale which was used in this study provides a workable measure of mobile-device addiction, further study is needed to determine its construct validity and clinical utility. However, the study has a limitation in that its results are restricted to one university located in only one province in South Africa and the responses from only 187 participants were utilised in the study. This implies that caution must be exercised when generalising the results to other geographical locations and contexts. However, there is a need to internationalise this scholarship in a manner that pinpoints similarities and differences between South African and non-African university students in terms of their behavioural actions, motivation and need, related to technological addictions.

#### **Conclusions and Recommendations**

Mobile technological developments result in a dizzying change in the world, leaving an immense impression on countries, communities and individuals *per se*. As a result, the social, economic, political and cultural impasse posed by such modern developments has become a relevant subject for discussion. Four reliable factors were identified in this study as the underlying m-addiction indicators, namely; tolerance, compulsion, dependency and dysfunctional life. A descriptive survey was conducted on a sample of 187 university students. Statistically significant differences were noted between male and female respondents in relation to their levels of mobile device addiction. In particular, females are more likely to have problematic usage of mobile devices for social reasons rather than business. Statistically significant differences were also noted with self-esteem measures; whereby respondents who reported low self-esteem indicated higher m-addiction tendencies. It is noteworthy to mention that this research did not intend to create an exposé of behaviour that could indeed be

classified as a bad habit, but rather aimed to unravel the potential negative consequences of excessive usage of mobile devices and such related psychological indicators among users. Therefore, several recommendations may be posed in light of this setting. Disclaimers may be presented on various mobile device menu pages, highlighting the dangers of excessive usage of mobile technologies that could futilely lead to m-addiction. Another strategy could be to progressively shift problem users to devices with less intrusive features. A clear understanding of m-addiction detection through educational intervention programmes can provide opportunities for designing new capabilities that will support healthy usage of mobile devices among students.



## References

- Aoki, K. & Downes, E. J. (2003). An analysis of young people's use of and attitudes toward cell phones. *Telematics Information Journal*, 20(4), 349-364.
- Aydna, B. & Sar, S. V. (2011). Internet addiction among adolescents: the role of self-esteem. *Procedia Social and Behavioral Sciences*, 15(1), 3500-3505.
- Baron, N. S. (2004). See you online: gender issues in college student use of instant messaging. *Journal of Language and Social Psychology*, 23(1), 397-423.
- Bianchi, A. & Phillips, J. G. (2005). Psychological predictors of problem mobile phone use. *Cyber Psychology and Behavior*, 8(1), 39-51.
- Baumeister, R. F. (1997). Esteem threat, self-regulatory breakdown and emotional distress as factors in self-defeating behaviour. *Review of General Psychology*, 1(2), 145-174.
- Bruner, G. C. & Kumar, A. (2005). Explaining consumer acceptance of handheld Internet devices. *Journal of Business Research*, 58(1), 553-538.
- Chiu, S-I., Hong, F-Y. & Chiu, S-L. (2013). An analysis on the correlation and gender difference between college students' Internet addiction and mobile phone addiction in Taiwan. *ISRN Addiction*, 2013(360607): doi:10.1155/2013/360607.
- Chen, Y., & Katz, J. E. (2007). Extending family to school life: College students' use of mobile phone. Paper presented at the annual International Communication Association. [Online] Available: <http://www.allacademic.com/meta/p171018.html>. (Accessed 12 May, 2014).
- Chigona, A. & Chigona, W. (2008). MXit it up in the media. Media discourse analysis on a mobile instant messaging system. *The Southern African Journal of information and Communication*, 9, 42-57.
- Chin, J. (2005). Cell phone market development: a Japan-U.S. comparison. (In Japanese) Stanford Japan Center. <http://sjc.r.stanford.edu=research=publication=HE=pdf=SHE-2005-001-J.pdf> (accessed August 21, 2013).
- Chow, S. L., Leung, G. M., Ng, C. & Yu, E. (2009). A screen for identifying maladaptive Internet use. *International Journal of Mental Health & Addiction*, 7, 324-332.
- Dimmick, J., Feaster, J. C. & Hoplamazian, G. J. (2011). News in the interstices: The niches of mobile media in space and time. *New Media and Society*, 13(1), 23-39.
- Ehrenberg, A. S. Juckes., White, K. M. & Walsh, S. P. (2008). Personality and self-esteem as predictors of young people's technology use. *CyberPsychology and Behavior*, 11(6), 739-741.

- Floyd, F. J. & Widaman, K. F. (1995). Factor analysis in the development and refinement of clinical assessment instruments. *Psychological Assessment*, 7(3), 286-299.
- Gergen, K. (2002). The challenge of the absent presence. In J. Katz & M. Aakhus (Eds.), *Perpetual contact: Mobile communication, private talk, public performance* (Pp. 227- 241). Cambridge, England: Cambridge University Press.
- Griffiths, M. D. (1998). Internet addiction: does it really exist? In J. Gackenbach, J. (Ed.), *Psychology and the Internet: intrapersonal, interpersonal and transpersonal applications* (Pp. 61-75). New York: Academic Press.
- Grinter, R. & Eldridge, M. (2001). *Why do teenagers love to text?* In W. Prinz & M. Jarke, Rogers, K. S & V. Wulf (eds.). *Proceedings of the seventh European Conference on Computer Supported co-operative work (ECSCW)* (Pp. 219-238). Dordrecht, Netherlands: Kluwer academic Publishers.
- Hair, J. F., William, C. B., Babin, B. J. & Anderson, R. E. (2010). *Multivariate data analysis*. Englewood Cliffs, NJ: Prentice Hall.
- Han, J. L. & Hur, G. H. (2004). Construction and validation of mobile phone addiction scale. *Korean Journal of Journalism and Communication Studies*, 48(1), 138-165.
- Hooper, V. & Zhou, Y. (2007). *Addictive, dependent, compulsive? A study of mobile phone usage*. Conference Proceedings of the 20th Bled eConference e-Mergence: Merging and Emerging Technologies, Processes, and Institutions held in Bled, Slovenia, June 4-6.
- Igarashi, T., Motoyoshi, T., Takai, J. & Yoshida, T. (2008). No mobile, no life: Self-perception and text-message dependency among Japanese high school students. *Computers in Human Behavior*, 24(5), 2311–2324.
- International Telecommunications Union (ITU) (2011). Yearbook of statistics: Telecommunication services, 1990–1999. Geneva. Available online: <http://www.itu.int.pdf>. (Accessed on 30/09/2011). In brief: digital broadcasting goes global by 2015. Accessed on 16<sup>th</sup> August 2013.
- Junco, R., & Cotten, S. R. (2011). Perceived academic effects of instant messaging use. *Computers and Education*, 56 (1), 370-378.
- Kaiser, H. F. (1956). A second generation little jiffy. *Psychometrika*, 35, 401-415.
- Kandell, J. J. (1998). Internet addiction on campus. The vulnerability of college students. *Cyberpsychology and behaviour*, 1(1), 11-17.
- Kaplan, A. M. (2011). If you love something, let it go mobile: Mobile marketing and mobile social media 4x4. *Business Horizons*, 93(8), 1-11.

- Katz, J. E. & Sugiyama, S. (2006). Mobile phones as fashion statements: Evidence from student surveys in the US and Japan. *New Media and Society*, 8(2), 321–337.
- Kothari, C. R. (2008). *Research methodology: methods and techniques*. (2nd ed.). New Delhi: New Age International.
- Kraut, R., Lundmark, V., Patterson, M., Kiesler, S., Mukopadhyahy, T. & Sherlis, W. (1998). Internet paradox: A social technology that reduces social involvement and psychological well-being? *American Psychologist*, 53, 1017-1031.
- Kraut, R., Kiesler, S., Boneva, B., Cummings, J., Helgeson, V. & Crawford, A. (2002). Internet paradox revisited. *Journal of Social Issues*, 58, 49-74.
- Leena, K., Tomi, L. & Arja, R. (2008). Intensity of mobile phone use and health compromising behaviour: how is information and communication technology connected to health-related lifestyle in adolescence? *Journal of Adolescence*, 28(1), 35-47.
- Leung, L. (2007). Leisure boredom, sensation seeking, self-esteem, addiction symptoms and patterns of cell phone use. In E.A. Konijn, M. A. Tanis, S. Utz & A. Linden. (Eds.), *Mediated interpersonal communication*, (Pp. 359-381). USA: Lawrence Erlbaum Associates.
- Lin, S. (2012). *Instant messaging on interpersonal relationship: How it brings intimacy and negative feelings?* Masters Project. School of Journalism and Communication. Hong Kong: The Chinese University of Hong Kong.
- Lin, S. S. J. & Tsai, C-C. (2002). Sensation seeking and Internet dependence of Taiwanese high school adolescents. *Computers in Human Behavior*, 18, 411–426.
- Ling, R. (2000). We will be reached: The use of mobile telephony among Norwegian youth. *Journal of Information Technology and People*, 13 (2), 102-120.
- Malhotra, N. K. (2010). *Marketing research: an applied orientation*. Eaglewood Cliffs: Prentice-Hall.
- Morahan-Martin, J. & Schumacher, P. (2000). Incidence and correlates of pathological Internet use among college students. *Computers in Human Behavior*, 16, 13–29.
- Nie, N. H., Hillygus, D. S. & Erbring, L., 2002. Internet use, interpersonal relations and sociability: A time diary study. In B. Wellman & C. Haythornthwaite (Eds.). *The Internet in everyday life* (Pp. 215–243). Oxford: Blackwell.
- Niemz, K., Griffiths, M. D. & Banyard, P. (2005). Prevalence of pathological Internet use among university students and correlations with self-esteem, GHQ and disinhibition. *CyberPsychology and Behavior*, 8, 562-570.
- Nunally, J. C. (1978). *Psychometric Theory*. (2<sup>nd</sup> ed.). New York: McGraw Hill.

Oksman, V. & Turtiainen, J. (2004). Mobile communication as a social stage: meanings of mobile communication in everyday life among teenagers in Finland. *New Media & Society*, 6(1), 319-339.

Partarelli, M. E. & Browne, B. (2002). Confirmatory factor analysis of Internet use and addiction. *CyberPsychology and Behavior*, 5, 53–64.

Ray, C. M., Sormunen, C. & Harris, T. M. (1999). Men's and women's attitudes toward computer technology: a comparison. *Information, Technology, Learning and Performance Journal*, 17(1), 1-8.

Sánchez-Carbonell X., Beranuy M., Castellana M., Chamarro A. & Oberst U. (2008). Addiction to Internet and cell phone: passing fad or disorder? *Adicciones*, 20(2), 149-59.

Shambare, R., Rugimbana, R. & Zhoua, T. (2012). Are mobile phones the 21<sup>st</sup> century addiction? *African Journal of Business Management*, 6(2), 573-577.

UNICEF (2012). *South African mobile generation Study on South African young people on mobiles*. Working Paper of the Division of Communication. Digital Citizenship Safety Project, New York, Division of Communication, Social and Civic Media Section: USA.

Walsh, S. P., White, K. M. & Young, R. M. (2010). Needing to connect: The effect of self and others on young people's involvement with their mobile phones. *Australian Journal of Psychology*, 62 (4), 194–203.

Woo, H. J. (2007). A study on the influence of mobile phone users' self-traits on mobile phone addiction. *Korean Association for Broadcasting and Telecommunication studies*, 21(1), 391-427.

Young, K. S. (1998). Internet addiction: the emergency of a new clinical disorder. *CyberPsychology and Behaviour*, 1(3), 237-244.

Young, K. S. (2004). Internet addiction: a new clinical phenomenon and its consequences. *American Behavioral Scientist*, 48(4), 402-415.

Zikmund, W. G. & Babin, B. J. (2007). *Exploring marketing research*. (9th Ed.). USA: Thomson South-Western Publishers.

Zulkefly, S. N. & Baharudin, R. (2009). Mobile phone use amongst students in a university in Malaysia: its correlates and relationship to psychological health. *European Journal of Science Research*, 2(1), 206-218.

Contact Email: [nobukhosid@vut.ac.za](mailto:nobukhosid@vut.ac.za)





## *Transformation in Sociocultural Identity: Causes and Effects*

Bushra Zalloom, Birmingham City University, United Kingdom  
Mohsen Aboutorabi, Birmingham City University, United Kingdom

The European Conference on the Social Sciences 2014  
Official Conference Proceedings

### **Abstract**

We are living in a global world dominated by the capitalist ideology transforming the diverse urban landscape of cities around the world into a solitary imaginary setting for economic purpose. While this transformation increases the potential of the city entering into the world market, promoting economic growth, innovation and social development, at the same time it threatens social cohesion causing poverty, inequality and thrashing urban identity. Dreams of ideal societies and utopias realized through capitalist approach under the global umbrella, consider no respect for local. In this realization there is a fix shopping list of form and function which includes high-rise glass towers, shopping malls and copying styles and symbols -overlooking locality, staring at global. The crucial questions emerge here are: what are the consequences of such transformation on the future of cities; does it deconstruct identity of the city; and finally what impact that would have on the social life of the city?

The process of transformation of the sociocultural and physical environment of the city is based on development policies for physical and economic planning. The integration of policies and practices, therefore, play an important role to develop a concept for urban development, promoting economic opportunities and establishing the future identity of the city. Urban identity is a distinguished image of the city in the competitive global market. Thus, it is important to understand the logic of the dynamic processes and continuous changes in the cities, in order to transform these threats into opportunities.

The paper presents a critique of the transformation of the identity of Amman city in Jordan, discussing changes in sociocultural identity; its causes and effects. It first, presents various theories on the transformations in city identity, and its impact on sociocultural context, then analyzes the transformation of identity of Amman city since the post-World War II, and finally discusses strategies for progressive identity of the city.

**iafor**

The International Academic Forum  
[www.iafor.org](http://www.iafor.org)

## 1. Definition of urban identity

Identity is a complex and multi-dimensional phenomenon, it embraces linkages between the physical and social characters; it has different scales: local, city, regional, and national; it can be seen from various perspectives: personal, collective, external; it develops in time, affected by the change, and influenced by many factors. Identity can be used for romantic and practical purposes, as a tool of social transformation and in branding, and focusing on the spirit of the place, and on collective memories (Scheffler 2009).

Urban identity, according to Antrobus 2009, includes social, economic, cultural, and physical aspects. It is regarded as an important factor with which cities can create a corporate feeling within their citizens and businesses through civic pride, strengthening the identification with the town and place (Scheffler 2009). Old Towns with their well-maintained physical, cultural heritage (monuments, groups of buildings and historic sites) provides this distinct identity. This identity is strongly related to the personal identity of citizens and that of the local community. Citizens generally are proud of their local heritage, identifying themselves strongly with their town, which also leads to the development of a collective identity of the residents and stronger identification with the place (Barreiro et al 2009). Urban identity is one of the essential goals for the future of a good environment that enhances the sense of belonging, individually and collectively (Oktay 2002). It serves to distinguish the city from others by creating a distinct image, and attracting skilled people and investments (Barreiro et al 2009).

Traditionally, identity was based on the cultural history of the place supporting the human creativity to produce the deep meaning of locality, in opposition, today the whole logic is replaced by urban branding where images reflecting power and prosperity, and adoring the surface rather than the roots. Each city had its own distinctive character representing the social culture of the society, its architecture and urban form, as Kostof 2009 remarks, were the transparent medium of cultural expression. This however has changed, or expressing it more carefully, is in the process of changing due to the impact of globalization transforming the world cultures into a single consumerism culture. The process of cultural homogenization promoted by global capitalism has weakened the urban identity, promoting the idea of sameness. Consequently, as Madanipour (1996) argues, cities become homogenized to an extent that one of them can represent the whole urban character of the era. The impact of such a homogenization fosters “entire communities to uproot themselves from their social, historical and cultural context from one moment to the next” which is neither realistic nor sustainable (Woodcraft 2011:13).

Under the influence of globalization the social dimension of the urban environment is often compromised or overlooked to increase the economic potential of the city. The priority of urban regeneration and new development is mostly oriented towards economy (Lin 2010) accelerating the rates of change and transforming the image of the contemporary city. In this process of transformation some cities lose their identity, others manage to develop a new one. Charles Murray (2003) points out that those *elite cities* which develop with a better artistic and cultural atmosphere are more open to

new ideas and have a better opportunity to build an image of elite city. Other cities, however, struggle to develop a new image of their cities since they cannot easily cast away their various legacies and itineraries linked to the past that are no longer relevant, desirable, or practical. They fall into the process of globalization motivated by economic growth, mass production and consumption joining the cultural homogenization. Barreiro et al (2009) also reminds us that for some cities, identity is an anchor, providing continuity for development, preserving the rich traditions of communities, and making sure that changes brought about by time do not carry away essential qualities of the city. In this sense, urban regeneration developments must respect and even build on the positive local identity as it provides a sense of home and security for the society.

As this indicates, Localizing the urban identity is a big challenge that faces the global cities, as *locality* can be conceptualized as comprising layers of different outcomes over time, it contains various surfaces, according to Madanipour et al 2001:54, which are landscape, facilities, institutions, culture, demography, and economy. Understanding the logic behind the urban regeneration projects and their role in re-branding the city identity gives a room for researchers to recognize the importance of localizing urban identity that unifies the city. And since urban identity is formed through the social process (Madanipour, 2001), all stakeholders are “in a position to invent new cultural patterns and new social philosophies, and then choose material conditions and community design to fit the desired cultural goals and philosophies” (Kostof 2009:206). Building contemporary urban identity on the basis of cultural heritage is not a detached process; it is integrated in the general urban development process. Various actions taken by different cities to strengthen their cultural heritage in order to support urban identity such as: Directly investing in cultural heritage to strengthen the area’s distinctive character and identity; marketing the distinctiveness and quality of life of the area to the outside world in order to attract enterprises, skilled workforce, inhabitants and tourists; communicating the particular cultural value of the place to inhabitants and tourists, reflecting the historic traditions and values; organizing cultural events in the historic setting, reviving public spaces offering qualified and specialized tour guides; assigning functions to the physical and cultural heritage, which citizens experience in their daily life (Barreiro et al 2009, Scheffler 2009). These actions, however, do not only concern the physical dimension, but also involve bringing new, sustainable uses to the built environment that are supported by local actors, professionals, and property owners.

## **2. Reshaping city identity under capitalism**

City shaped organically without intending plans thus the product is an unplanned city which reflect the political, social, and cultural features of urban life. However, as soon as it expanded, developed and attached to planned areas the whole identity starts to change (Kostof 2009). This transformation affects the sociocultural context of the city. Some city managers, those who are satisfied with the existing identity, try to localize its image through urban regeneration projects that preserve the local culture, while others, who are unsatisfied with the current urban identity, aim to transform its image to more globalized one that reflects power and prosperity (Scheffler 2009, Barreiro et al 2009). The created identity is mainly used in marketing the city worldwide and attracting investments as well as tourism, these contemporary

approaches to urban regeneration in most cities are promoting images rather than sustainable concepts and process.

As was discussed above, political and economic aspects play a critical role in transforming the urban identity and redefining the meaning of urban space. Major change happens in the beginning of the 21st century that accelerates the city transformation is the economic crisis. It “has already had serious consequences for employment and public budgets” (EU 2011:91), and affected the physical, social, cultural, and governmental aspects in different cities worldwide. The transnational mobility of capital has brought about specific forms of articulation among different geographic areas - including Jordan and the Middle East- “where investment is made in the built environment, creating a whole physical landscape for the purpose of production, circulation, exchange, and consumption” (Madanipour, 1996:17), and where the capitalist ideology has its own logic in remodelling the world; according to its own partial view (Summer 2005). This partial view increases the spatial segregation and the social polarization; thus affect the social sustainability.

The complex nature of identity involves a variety of factors, and building a new identity is not just about recovering the past or its heritage, but also to determine the city’s future. In the global world, the image of the city no longer reflects the identity of place since the same pattern of development, the same architecture of high rise buildings, and the same cityscape with no reference to locality is repeated worldwide (Madanipour 1996). This approach has contributed to dullness where most cities becoming an imported image with no identity. This sameness or placeless identity harms the social sustainability. Accordingly, the traditional culture of the city is subject to change and modification, and identity might be better understood through the changing role of the city. Cities should be reshaped to address the needs of the new economy, thus it can be seen from different perspectives as hubs for creative industries and business (Sassen 2006), or as spaces for consumption (Lin 2010), or as realms of play (Stevens 2007).

### **3. Transformation of Amman’s identity**

Reviewing the historical development of the Amman city since its formation as a small Circassian village in 1878, till its present character as a large city with over two million populations shows how Amman urban identity has been formed in relation to constantly changing, absorbing, and responding to social and spatial practices. The review also demonstrate how the position of Amman moved from being a city whose identity had reference to its socio-historical background to the one whose identity has been displaced by entering into the global economy

Amman has experienced periods of great confusion and transformation from the migrations that drastically affected the physical, sociocultural, and socioeconomic features of the city, especially with the arrival of migrant after the First Gulf War in 1990, and the Second Gulf War in 2003 (UN 2005). The newcomers generated an economic boost to Amman through buying properties, investing in the business, and introducing new consumption patterns. The city quickly responded to the new increasing consumption pattern through expansion of existing commercial enterprises and the development of new restaurants, supermarkets, and shopping malls to meet the new market demands (Pilder 2011). One of the impact of the economic boom was the increasing demand for residential and commercial properties fostering real-estate

boom and the opportunity for investment in property development in West of Amman (UN 2005; Peters & Moore 2009).

The power of the economy further increased the division between different income groups; this division is presented by high-income gated communities, luxury office towers, and modern shopping malls. Other factors such as; a growing population and increasing number of young people, availability of credit facilities, flourishing tourism market, favorable investment market, and the government's continuous efforts in promoting privatization; created the boom in the Jordanian real-estate sector (Al-Faouri 2011). While the majority of countries in the region were experiencing some level of instability, Jordan became the favorite destination for tourists. All these national and regional factors increased the demand for housing in Amman fostering the development of huge residential development, increasing the land and property values to levels no longer affordable by the average income Jordanian (Atiyat 2013; Al-Faouri 2011), driving local people to the outskirts of the city where prices stayed relatively lower than Amman city. This transformation affected the cityscape and architectural characteristics of the City

### 3.1 Urban form and Cityscape

Although downtown Amman remained a busy and crowded part of the city, it no longer played the central role it previously had in the urban life. Most of the governmental organizations, corporate head offices and upscale commercial establishments that used to be located in the downtown were relocated to the outskirts of Amman (Al-Asad 2013). Even the State mosque of Jordan moved from Al-Hussaini Mosque in the downtown to the King Abdullah Mosque in Abdali district (Fig. 1). This relocation affected the cityscape as the minarets and the dome of Al-Hussaini mosque would not reflect the center point of the City anymore (UN 2005).



Fig. 1 The State mosque of Jordan moved from Al-Hussaini Mosque in downtown (on left) to the King Abdullah Mosque in Abdali district (on right) (Source: the researcher)

Amman, the city of hats and stairs, would move on to become the city of Circles that demonstrate the evolution of major traffic circles or roundabouts series from the First circle in *Jabal Amman* area to the Eighth circle in *Wadi al-Sair* area, these circles cut through the City's western parts (Khalid 2013). Amman's Circles define the capital's timeline, the expansion of the capital, at least westwards, can be represented by a single journey from the First to the Eighth circle, passing through the city's major tunnels constructed largely throughout the late 1990's and early 2000's (GAM 2013b). Both commercial and residential districts quickly formed around each major

traffic circle, as the city's limits shifted through the decades. Landmarks took their place on each circle, including the International Hotels, various foreign embassies, and the Prime Minister's office.

Since the 1990s, with the emergence of the new developments, the increase of pressure on the infrastructure, particularly the road networks, which were already, subject to considerable traffic congestions (UN 2005). Congestion is a single word that characterizes the urban transport system of Amman, Al-Asad (2005; 2013) argues that since the 1990s Amman has become a more congested city making it increasingly difficult to drive, and almost impossible to walk through. The city suffers from considerable traffic congestion at peak hours, especially during the summer months when tourists from the Gulf region and Jordanian returnees flood into the City. The problem is further exacerbated due to the absence of an integrated public transport system- only 29% of Jordanians use public transport (DOS 2013). That means transportation in Amman is as socially polarized as the structure of the city itself. As a result, the City cannot keep up with an increasing number of cars on the roads, which has grown dramatically as a result of an increasing population, rising standards of living and lowered import prices on cars (Potter et al 2009). To minimize and control urban transport problem GAM constructed *Abdoun* Bridge in 2006, located in inner-urban west Amman, with a total reported cost of JD 10.8 million, having been undertaken by means of Japanese funding. The high-tech 45m in height and 425m in length bridge forms part of the Cityscape and is considered as contemporary landmark in Amman's skyline (Potter et al 2009:89) (Fig. 2).

The emergence of the new developments in the shape of high-rise buildings, and shopping malls represents a clear example of urban restructuring and evolving of a new form of spatial ordering, with elegant services and facilities and an excellent infrastructure for wealthy social class (Al-Faouri 2011). Many researchers, such as (Yaghamour 2013, Khalid 2013, Atiyat 2013) question the passion with real-estate development and point out the damage done on the human and social dimensions. They highlight that the strong demand on real-estate in Amman has led to social and spatial polarization, as the increase in the price of land and property driving locals to the outskirts of the city where prices remain affordable. It also caused the displacement of the existing neighborhood, as AL-Faouri 2011 and Daher 2010 note, new developments such as *Jordan Gate* high-rise towers have caused the displacement of *Amrah* residential park; *Limitless* high-rise towers have caused the displacement of the *Wadi Abdoun* village; *Abdali* developments have caused the dislocation of the *Za'amta* neighborhood and the *Abdali* transport hub to the outskirts of the city. Besides, the displacement of the *Raghadan* transport hub to make room for new tourism projects. These dislocations have serious impacts on cityscape and on the sense of belonging for residents who suddenly obliged to relocate, moreover, the new location of *Raghadan* transport hub in *al-Mahatta* away from the downtown is causing difficulties not only to transport users but also to various merchants who once benefitted from vibrant pedestrian activity.



Fig. 2 The contemporary cityscape of Amman dominated by Abdoun bridge and Jordan Gate towers (source: the researcher 2013)

Many high-density mixed use developments were being proposed, and because the Greater Amman Municipality (GAM) lacked the regulations to control the location of these projects, they were built randomly around the city. Decision makers believed that high-rises are an essential solution to fulfilling peoples' needs for residential apartments, addresses the rapid increase of land value, and reduces the expenses of the horizontal expansion of the infrastructure. While the economic consideration is a valid point, however, no attention has been made to retain the overall characteristic of the urban form. Therefore, the emergence of a number of high-rise buildings replacing the four story buildings clad with local stones has changed the unified scale that had characterized Amman (Beauregard & Colomina 2011).

Shopping malls are another product of the continuous transformation that emerged to Amman, taking away the social life that was spread at the landscape of the city- the shopping street, the squares and the market places – and placing them in an isolated indoor building separated from the neighborhood by large parking spaces (Abu-Ghazalah & Abu-Ghanimeh 2006; UN 2005). A study by Abu-Ghazalah & Abu-Ghanimeh (2006) found that all the modern shopping malls which are mainly located in west Amman, were developed without any study of their impact on the social life of the city. Their study also found that despite the unaffordable prices of goods by the majority of lower-middle and low income groups, the new malls have become a new social places because they include multiple leisure places such as cinemas, restaurant, coffee shops, etc. where people can gather, sit, eat, talk, and entertain, and they also have a pleasant atmosphere during the whole days of the year because of its well air-conditioned during day and night that creates a pleasant environment for people to gather and socialize.

Moreover, they found that the high-income group consist the main visitors to shopping malls because they can afford high prices for brands. The middle-income group makes use of entertainment section mainly due to relatively reasonable prices of games if compared to other places at Amman. They also found that people in general prefer to buy their goods from a small shop rather shopping malls (Abu-Ghazalah and Abu-Ghanimeh 2006). Pilder (2011:12) portrays the contrasting experience of the current market at downtown Amman with the one of the shopping mall in west Amman. He starts with describing the busy life of the downtown and its

market portraying the traditional image of Amman, where social and physical elements of the city are integrated and writes:

“Beyond the car horn, sound pervades the city. The call to prayer happens five times a day, beginning at about 4:00 am in the summer. In the smoke-filled coffee houses, men chatter about news, politics, and football. Street vendors blast popular Arab and Western music. In the Souk, merchants call out the prices of vegetables and spices, while traders next door peddle tourist kitsch. Not far from the downtown, middle-class Ammani youth mingles with their foreign counterparts in the posh cafes of Jabal Amman.....”

He then describes how the integrated image has been removed from the landscape of the city and been placed in isolated environments:

“... Further west, taxis converge on Amman’s two largest Western malls, City Mall and Mecca Mall. Both have multiscreen movie theaters, food courts, gourmet grocery stores, and any retailer one could find in an American mall. At night, the bubbling sound of Eagle (Hubble bubble) and the smell of apple flavored tobacco hover over the cafes and restaurants, and waft out from the private courtyards of the street-lined up houses”.

The above description highlights that both environments contain sensual experience - smell, sound, feelings, and vision- however, in the first case, the market, both the social behavior and the physical setting are local where as in the second case the physical setting is an imported commodity.

### **3.2 Architectural style**

The architecture of houses during the last decade follows the mixture of architectural styles in interior and exterior design. House plans include the same public/private spheres that identified the previous eras. The organization of interior spaces is inspired by the Islam regulation, but still, the level of implementing the privacy concerns is differ according to social tradition and lifestyle. In contrast, the commercial buildings started to follow the Hi-Tech style or what can be called the global style. Al-Asad (2008:28) argues that the globe is experiencing “a profound shift from the micro-scale of architecture to the macro urban scale; and from the localized architectural identities to an attempt to fit within overall global development”. In order to fit within the global context, cities are forced to compete in a world market in order to attract capital, thus, they become like the exhibition for various architectural languages. Buildings represent purely abstract, technical signifiers without context, expressing power and capitalism, and marketing the hyperspace that suits the consumer capital. Therefore, the culture of globalization is threatening the architectural scene of different parts of the globe as it is employed as a ready-made product that implemented everywhere with no reference to locality.

On the other hand, towers which are the product of private enterprise, have different Hi-Tech design similar to those of Dubai, cubic and irregular glass units that are going to dominate the image of the City. Showcase glass-unit and aluminum sheeted



architecture is reflecting the power and dominance of a new capital system praising technology and its cutting-edge accomplishments which is reflecting a standardized architecture (Fayyad 2009). Glass as a new material started to spread widely in Amman as the center of business. Al-Faqih (2009) argues that such transformation in transparency proportions is mainly due to new shifts in privacy. In contrast, Fayyad (2009) argues that the use of glass is not associated with its practical qualities of transparency, light, and flow between the inside and outside. It is rather becoming a symbol of progress and modernization.

Investors are planting shopping malls in the different areas in Amman, imitating Dubai's model. Amman is witnessing an establishment of huge shopping malls within an already exhausted urban realm that lacks appropriate infrastructure. The architectural characteristics for shopping malls follow international style, one can see in any large city around the world, a large size building with a blank facade facing the street covered by images and brand names (Fig. 3), unlike traditional architectural treatments those were used in traditional markets. Imitation of imported architecture and lifestyle of the upper classes, trusting the example they give was, according to Badran 2014, maybe due to the weak educational and cultural background of both the local architects and the clients.



Fig. 3 The architecture of shopping malls in Amman (Source: collected by the researcher)

The architectural transformation of Amman started after the Second World War due to the development of two schools of thoughts. Those Jordanian architects who were educated in the west tried to apply modernist architectural principles to develop a modern Jordanian style of architecture (Fig. 4) (Potter et al 2009, Pilder 2011). While those who were educated in Jordan universities linked the history of Jordan to a broader Arab-Islamic culture and used the Islamic architecture as a source for developing a new Jordanian architectural style (Badran 2014). However, this conflict has minuses and pluses, although it benefits the city as diversity enriches the architectural language, reflects the continuous progress, and presents Amman as a center for original architectural innovation over the years, but still, it creates some

chaos and harm the traditional identity because there are no regulation to preserve aesthetic quality or control the architectural characteristics for each neighborhood thus some areas transform into exhibition for eclectic designs, moreover, architects focus on forms and images for the buildings and deny the spaces between them where the real social life embodied.

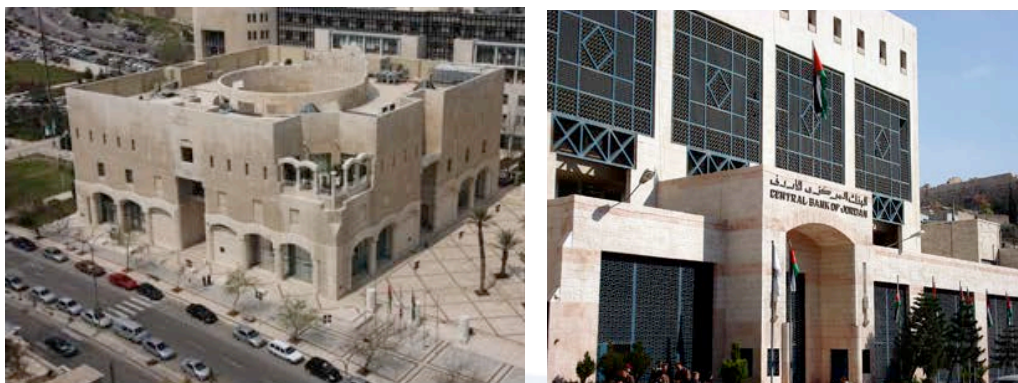


Fig. 4 Localizing architecture by returning to the logic of Islamic design (GAM 2013)

Although both schools of modernism and regionalism overlooked the traditional architecture of the city, nevertheless their architectural products contributed to the development of Amman, presenting the city as a center for original architectural innovation. Their works provided an avenue to help to consolidate identity in the city by providing a degree of social cohesion and iconic forms that could become a source of pride for the community (Pilder 2011). However the lack of conservation policy and building regulations transformed some of the neighborhood into an exhibition of eclectic style with no respect for urban spaces. For example, in a process to capture the wave of progress and reflect a modern style, many merchants and owners of the commercial public buildings replaced the local natural stone that covered the building's facades with huge masses of black or blue glass, and sometimes with Alucobond (aluminum composite sheets) with a large variety of colors. For them, covering the original stone facades with fashionable materials is the best solution and the easiest way to represent modernism and become up-to-date (Zalloom 2010).

#### 4. Conclusion: Strategies to govern the city and its uniqueness

The contemporary history of Amman, as was discussed above, demonstrates the influence of the increasing power of capitalism in shaping the city. It also demonstrated the lack of clear policy/vision for the development of the city with references to the past and the contemporary life. The latter point, the lack of policy, was evident in the failure of the two groups of the modernists and regionalism architects and the influence of local enterprises in shaping the city. Amman case supports the current argument that under global capitalism, the power of control of the authority has been replaced by a fragmented organization which negatively affect the citizens' desire in shaping their city, thus, the "challenge for spatial planning has been to adjust to this change from government to governance, where political and economic power lies with not one powerful government but a multiplicity of agencies and interests" (Madanipour et al 2001:2). Antrobus argues that the fragmented responsibilities for administrative space and the changing nature of market relations call for a comprehensive method of governance the space. Therefore, new way of governance needs to be linked to new ways of thinking in urban space and urban life,

and benefit from the diversity of the city (Antrobus 2009). The impact of global capitalism on the sustainability of the European society has led policy makers to place social aspect of the city very high on the national agenda (Madanipour et al 2000).

Political economy ignores the importance of spatial relations (Madanipour, 1996), and successfully translated commercial interests into new urban form. In the global world, there is a risk of globalizing the identity, and therefore the loss of one's own identity. When promoting the city's identity, it is important to promote its uniqueness; that feature which makes it different (Antrobus 2009). It is also important to make sure that the city's true identity is addressed and all the citizens' voices are heard (Barreiro et al 2009). Many researchers (such as Antrobus 2009; Kostof 2009; Oktay 2002; Lin 2010) argue that the identity of any city depends on the connections it makes to the wider world. In the contemporary era of globalization, the identity of the city is also important in creating connections. City managers who seek to transform their cities, therefore, must understand how their place is seen in order to attract flows of resources (Antrobus 2009).

To turn urban threats into urban threads practical strategies to govern the city and its uniqueness should be applied. The first step is developing a citywide agenda by making a deep assessment of how existing public spaces are performing or underperforming. This assessment, according to EU 2011, should include every neighborhood and involve the people who live there as well as other key stakeholders. Such a district-by-district approach encourages residents and officials to look at their neighborhoods again and bring unexpected possibilities to light. Unused and underused spaces can be identified and improved in a systematic way (EU 2011). Social innovation offers an opportunity to widen the public space for civic engagement, creativity, innovation and cohesion, thus enhances the sense the identity of place. In cities where place-making has taken hold, local government is often not directly involved in implementation, but relies on community development organizations, business improvement districts, and neighborhood partnerships to take the lead in regenerating their communities (PPS 2012). This means that when it comes to public spaces, the community is the expert, and that local partnerships are essential to the process of creating dynamic, sustainable, and unique public spaces that truly serve a city's people.

These strategies are not limited to promoting the city's identity, but also include restructuring the social fabric by enhancing the social activities, inclusive designs that are affordable and accessible to all strata, inclusive governance for the projects and its facilities, and finally, public participation in planning and decision making. Communities everywhere are the best source of information; they can decide what exactly makes their public spaces a destination.

## A. References

Abu-Ghazalah, S. and Abu-Ghanimeh, A. (2006). *The impact of shopping mall upon the future of urban planning in Greater Amman*. Amman: University of Jordan.

Abdali (2013). *Abdali main page*. Available at: <http://www.abdali.jo/index.php?r=site/index> (Accessed March 2013).

Al-Asad, M. (2005). "Ever-growing Amman" in *Jordan Times*. 16 June 2005.

Al-Faqih, S. (2009). *Studying the typology of Amman*. Amman: University of Jordan.

Al-Faouri, R. (2011). *Assessment of the Economic Impact of ICT on: "Real estate, Renting and Business Activities", The case of Jordan*. Amman: Ministry of information and communications technology.

Antrobus, D. et al (2009). "Three stories of Salford: transformation, identity and metropolitan peripheries" in *Building new urban identities: From mono-functional to multi-functional cities*. Salford: Net-Topic.

Barreiro, F. (2009). "Main findings and conclusions derived from the seminar" in *Building new urban identities: From mono-functional to multi-functional cities*. Salford: Net-Topic.

Beauregard, R. & Colomina, A. (2011). "More than a master plan: Amman 2025" in *Cities*, 28:62-69.

Chung, C. & Palop-Casado, J. (2001). Resistance. In: Chung, C., Koolhaas, R., Leong, S. (ed.), *Harvard Design School Guide to Shopping*. Taschen: Cambridge.

Cowen, T. (2008). "Why Everything Has Changed: The Recent Revolution in Cultural Economics" in *Journal of Cultural Economics*. 32(4): 261-273.

Daher, R. (2010). "Urban Landscapes Of Neoliberalism: Cranes, Craters and an Exclusive Urbanity" in *Jordan Business*. Amman; October 2010.

DOS (2013). *Department Of Statistics: Statistical year book 2011*, electronic version, available at [http://www.dos.gov.jo/dos\\_home\\_a/main/cd\\_yb2011/Page\\_details.html](http://www.dos.gov.jo/dos_home_a/main/cd_yb2011/Page_details.html) (Accessed July 2013).

European Union- EU (2011). *Cities of tomorrow: Challenges, visions, ways forward*. Electronic version available at [http://ec.europa.eu/regional\\_policy/index\\_en.htm](http://ec.europa.eu/regional_policy/index_en.htm), by European Commission (Accessed March 2013).

Fayyad, R. (2009) *Can Features of Contemporary and Futuristic Arab Architecture be Detected?* As-Safir Newspaper, December 3 (11461), Beirut, Lebanon.

GAM (2013b). Amman story. Available at: [www.ammancity100.jo/en/content/story-amman](http://www.ammancity100.jo/en/content/story-amman) (Accessed July 2013).

Kostof, S. (2009). *the city shaped: urban patterns and meanings through history*. London: Thames & Hundson Ltd.

Lin R. (2010). *Urban Renaissance: A Blueprint for Creative City Tainan*. Unpublished master thesis: Erasmus University Rotterdam.

Madanipour, A. (1996). *Design of urban space: An inquiry into a socio-spatial process*. Chichester: John Wiley & Sons.

Madanipour, A. and others (2000). *The social exclusion in European cities: Processes, Experiences, and Responses*. London: The stationary office.

Madanipour, A. and others (2001). *The governance of place: Space and planning processes*. Burlington: Ashgate publishing company.

Murray, C. (2003). *Human Accomplishments: The pursuit of excellence in the arts and sciences, 800 B.C. to 1950*. New York: HarperCollins Publishers.

Oktay, D. (2002). "The quest for urban identity in the changing context of the city: Northern Cyprus" in *Cities*, 19(4):261–271

Peters, A. & Moore, P. (2009). *Beyond boom and bust: External rents, durable authoritarianism, and institutional adaptation in the Hashemite Kingdom of Jordan*. Middletown, CT: Wesleyan University

Pilder, A. (2011). *Urbanization and identity: The building of Amman in the twentieth century*. Unpublished master thesis, Oxford: Miami University.

Potter, R. et al (2009). "Ever-growing Amman", Jordan: Urban expansion, social polarisation and contemporary urban planning issues" in *Habitat International*, 33: 81-92.

Potter, R. et al (2010). "Issues of water supply and contemporary urban society: the case of Greater Amman, Jordan" in *The Royal Society*, 368: 5299-5313.

PPS (2012). *Place making and the Future of Cities*. UN-HABITAT: Project for Public Spaces, Inc.

Sassen, S. (2006). "Urban sociology in the 21ST century" in Bryant, D. and Peck, L. (ed.) *Locality and social life*. London: SAGE publication (476-486).

Scheffler, N. et al (2009). *Managing urban identities: Aim or tool of urban regeneration*. European Union

Stevens, Q. (2007). *The ludic city: Exploring the Potential of Public Spaces*. Oxford: Routledge.

Summer, D. (2005). Neo liberalizing the city: the circulation of city builders and urban images in Beirut and Amman, unpublished master thesis, Beirut: American university of Beirut.

United Nation- UN (2005). Urbanization and the changing character of the Arab city. New York: ESCWA.

Woodcraft, S. (2011). *Design for social sustainability: A framework for creating thriving new communities*. London: The Young Foundation.

Zalloom, B. (2010). *The role of landscape architecture in humanizing outdoor spaces in Amman city*, unpublished master thesis, Amman: Jordan University.

### **B. Interviews with specialists in Jordan:**

Atiyat, M. 2013

Al-Asad, A. 2013

Badran, R. 2014

Khalid, M. 2013

Yagmour, F. 2013

The logo for the International Association for Business and Economics (iafor) is centered on the page. It features the lowercase letters 'iafor' in a light blue, sans-serif font. The text is enclosed within a circular graphic composed of two overlapping, semi-transparent arcs: a light blue one in the foreground and a light red one behind it, creating a sense of depth and movement.

## *Solidarity in Modern Liberal Societies*

Martin Jungkunz, Friedrich-Alexander Universität Erlangen-Nürnberg, Germany

The European Conference on the Social Sciences 2014  
Official Conference Proceedings

### **Abstract**

The question of the relation between the individual and society has recently gathered momentum in the debate on the universality of human rights. Communitarian critics like Charles Taylor – or more recently Otto Depenheuer – argue that due to emphasis on inalienable rights of individual freedom, solidarity between members of society is vanishing, as people no longer feel strong bonds that tie them together.

I will argue against this position, claiming that liberalism based on human rights does not necessarily result in a loss of solidarity. Liberal societies are rather structured by a complex arrangement of different forms of solidarity that permeate every area of social life. This view is in line with Émile Durkheim's concept of solidarity, as he argues that individual freedom rather creates new bonds of solidarity in modern societies than destroys them. I will show that the underlying definition of solidarity used by the critics of human rights does not conform to the complexity of pluralistic societies. This is mainly due to the fact that they are based on the idea of a common good, providing one and only moral basis for society.

Apart from this perspective of facticity, I will argue on a normative level that using such a mono-dimensional definition of solidarity supports antagonisms between social groups that promote intolerance and social exclusion. Therefore such a way of thinking leads to conflicts rather than to unity as originally intended.

**iafor**

The International Academic Forum  
[www.iafor.org](http://www.iafor.org)

## Introduction

Does the individual have special inalienable, pre-societal rights? Or are rights in a society always limited by group-interests? Is there even a conflict between the individual and the group?

At first glance most people in Europe would deny the primacy of the group, for we have seen the dangers that go along with such ideas regarding the totalitarian regimes in the last century, pretending to work for the common good in order to unify the masses behind them and so strengthen their own power. But even now, this question cannot be answered completely. Don't we all agree that we have to obey some rules if society is to work? Rules like we find them in the law books of our national states, such as the prohibition of murder, meaning that the individual has the right to physical integrity and therefore the duty to protect this right for the people next to him/her. What sounds simple here can become very difficult in some cases.

In January 2005 the German government passed a law called "Luftsicherheitsgesetz" (Aviation Security Act) [LuftSiG] which – in short – said: if a hijacked aircraft is – for example – heading for a nuclear power plant, the military is allowed to bring it down by any means necessary. This clause [§ 14 Para. 3 LuftSiG] was declared unconstitutional by the Federal Constitutional Court of Germany one year later claiming that the sacrifice of innocent lives to the benefit of another group violated the unconditionally protected human dignity under Article 1 of the German Constitution – an article deeply inspired by the first article of the Declaration of Human Rights.

Not everybody agreed with this interpretation. The German law professor Otto Depenheuer argued in his essay "Das Bürgeropfer im Rechtsstaat" (Civil Sacrifice in the Constitutional State) (Depenheuer 2007) that if we want to live in such a constitutional state and enjoy its benefits like social welfare, protection etc., we have to be prepared to make sacrifices to render this state possible. In everyday life this might only imply the duty to pay taxes, but in rare and special cases this may also mean to sacrifice oneself for the sake of the greater good. This is in Depenheuer's view an expression of one's solidarity towards the community and it is a duty one is bound to. We cannot feel a strong bond like *patriotism* that motivates us to make sacrifices for our community if we only focus on ourselves as legal owners of individual rights instead of our obligations towards the group. Therefore, the very idea of liberal rights, granted to every citizen or even every human being in the form of inalienable human rights is thought to be a problem for society as a whole.

This example touches on two points to which I am referring in the following argumentation: (1) The idea of *human dignity* and *freedom rights* as core principles of Human Rights and (2) the question on what solidarity means in modern societies. This kind of criticism on the idea of individual rights has been very popular in the last quarter of the 20th century and still has not lost its timeliness. Therefore I first have to outline the basic arguments, that have been brought up in this context.

## The accusation of the atomized individual

One of the most important works in the 20th century focussing on the question of freedom rights is "A Theory of Justice" (Rawls 1971) by John Rawls. Here he



describes a hypothetical time and place called *original position* where people are placed behind a *veil of ignorance*, thus not knowing about their own social position. In this context they negotiate – hypothetically – the rules of justice of which one proves to be individual freedom as a core principle. In response to this theory that has been an important part of the so called *communitarims-liberalism-debate* we find the argument of the *unattached individual* brought up for example by Michael Sandel (Sandel 1982). He argues that the assumption of a *free self* leaves the individual alone and without any bondage. If everyone is thought to be free as Rawls claims in the context of his idea of an original position, how can there be any commitments to society? Any obligation towards other people can therefore only exist on a voluntary basis thus making duties in a binding sense very unlikely since one can always insist on his individual rights above all obligations.

On top of that – Charles Taylor argues in his earlier works (Taylor 1985b) – there even cannot be any individual rights without society, for the individual is always part of the community he/she is born into. It is nothing else than society itself that is granting rights to its members, so there are no natural rights. The focus on personal freedom as an inborn right is in his view a bad influence on solidarity within the community for it dissolves social bonds by putting the individual in a position without any binding duties towards society and the freedom to leave the group whenever it seems opportune.<sup>1</sup>

Another important debate that took place in the last quarter of the 20th century is the debate on the so-called Asian Values: the idea of a special mindset predominant in Asia that was said to be incompatible with the Western concept of Human Rights. Lee Kwan Yew, Prime Minister of Singapore from 1959 to 1990 and one of the main advocates for the existence of an Asian *nature*, stated that the Western principles of liberal Human Rights are a bad influence on society for it supports a form of anarchy or at least a society of egoistic and unbound individuals. In his view, "[...] Asian Societies are unlike Western ones. The fundamental difference between Western concepts of society and government and East Asian concepts [...] is that Eastern societies believe that the individual exists in the context of his family" (Zakaria 1994, p. 113). This family and in his view the East Asian form of governance is thought as inclusive and protective but also as authoritarian. The least can easily be demonstrated by the solution Yew proposes for the drug problems in the U.S. of the 1980s and 90s.<sup>2</sup> The uniqueness of East Asian societies claimed here is due to the influence of the prevalent confucian tradition positioning the individual always in the context of a group. Thus the idea of liberal Human Rights is claimed to be a Western concept, not prevailing in all societies of the world.<sup>3</sup>

---

<sup>1</sup> See Taylor 1985a.

<sup>2</sup> "America has a vicious drug problem. How does it solve it? It goes around the world helping other anti-narcotic agencies to try and stop the suppliers. [...] Singapore does not have that option. [...] What we can do is to pass a law which says that any customs officer or policeman who sees anybody in Singapore behaving suspiciously, leading him to suspect the person is under the influence of drugs, can require that man to have his urine tested. If the sample is found to contain drugs, the man immediately goes for treatment. In America if you did that it would be an invasion of the individual's rights and you would be sued." (Zakaria 1994, p. 111ff.)

<sup>3</sup> See also Rosemont 1988, Peerenboom 1993, Sinha 1981.

Since the Asian Values Debate died down after the Asian Crisis in the late 1990s one might think the theoretical questions died with it. Also the debate on communitarianism and liberalism has calmed down during the last 20 years. But the question on the corrosive character of human rights still arises in political debates. In a quite recent interview with the German newspaper *Die Zeit*, Vladimir Yakunin – a member of the current Russian administration – was confronted with the accusation of homophobia in modern Russia and the outlawing of so called *homosexual propaganda*. He argues that this propaganda and the Western criticism on this particular law is "politically motivated to split humankind and destroy it's historical basis." (Zeit 2014, Translation by M.J.) So the very idea of a single basic human right that allows homosexuals to be treated equally to heterosexuals is declared as a political trick to destroy the bonds of traditional societies.

Regarding these examples, there are three main arguments against Human Rights. (1) Freedom Rights are a philosophical problem, for the idea of a free individual does not fit with duties and therefore with a common definition of solidarity. (2) The individual cannot be imagined without society which is the institution to grants rights. Hence there cannot be any natural, pre-societal rights. (3) Human Rights are a construct of Western liberalism that is not fitting into non-Western cultures. The Human Rights idea is thought to be corrosive for solidarity. I agree with some of these arguments but I want to show that the fear of societal corrosion through Human Rights is unfounded because of its limitation to a very narrow definition of solidarity.

#### **A lack of complexity: the problems with a monocausal definition of solidarity**

Taylor is one of the few thinkers who made an attempt to explain what he understood as solidarity and his definition is quite exemplarily for my discussion – keeping in mind that his position changed in the last years. In his essay "Cross-Purposes: The Liberal-Communitarian Debate" (Taylor 1989), he defines solidarity as a type of patriotism that is created by a common good, which indicates a common history, a common objective or moral standard. Therefore we need a good that is shared by all members of society in the same way. An abstract idea like Rawls' concept of justice for example will not work here, for this kind of justice is an individualistic and thus relativistic concept. Taylor rather suggests the idea of freedom as a candidate for a common good being able to create solidarity. There are two problems with this definition and its limitation to a single common good. I like to call this definition *monocausal*:

(1) *The factuality problem*: We live in modern, pluralistic or at least functionally differentiated societies where in every subgroup we can find different lifestyles, opinions and thus also different virtues and norms. In my opinion it is hard to think of a common good that is shared in every way by everyone in that society. Of course there are some norms we all agree on as I mentioned before. But is this really enough to build up a form of solidarity that binds together whole societies? Even Taylor would probably agree that almost universal norms like the prohibition of murder cannot function as an adequate common good, for it does not meet the criteria of a common history or a specific idea. Taylor's suggestion of freedom as a common good also carries the factuality problem for it is hard to believe, everyone in a particular society shares this idea in the same way. If this were the case we would not have so many debates on that topic both in politics and in literature and philosophy. The question on what the term freedom means and how far it goes did not occupy

philosophers in the last 2000 years for no reason.

(2) *The normative problem* is directly connected to the factuality problem but is even more serious: we absolutely cannot want solidarity to be monocausal for a particular reason. When you think of solidarity only constructed by a common good, that everybody has to share, then there definitely *will* be people, who do not agree and thus *will* be excluded from solidarity. I do not argue that the common good is *not* a strong means of binding people together but if it is thought of as *the only* one, you cannot prevent dealing with ostracism. This again is a problem in pluralistic or at least functional differentiated societies, which again are a social fact we have to deal with. To use a polemic term: in Taylors example of freedom as a common good, people have to be forced to accept a special idea of freedom as the highest value to be able to live freely.

So it does not matter if the common good is thought of as freedom like Taylor does is or as family, like the advocates of Asian Values do. We run into the same problems. I think that solidarity can be more than this; also, an admittance of individual rights does not necessarily replace those forms of solidarity but even complements them.

#### **A more complex definition of solidarity**

In his first book "The Division of Labour" (Durkheim 1930) Émile Durkheim describes two different forms of solidarity. The first one – *mechanical solidarity* – is similar to the one I described before as monocausal. Here, people are bound together by a common mindset – a nearly identical idea of morals. Durkheim argues that this form is only prevalent in primitive societies with almost no division of labour. But as society is developing, social functions are differentiated and so every group develops it's own morals. There is a specific moral within priests, craftsmen, farmers, and so on. So within these (secondary) groups inside a society there is again a specific mindset that creates mechanical solidarity between it's members. If this was the only form of solidarity, complex societies would hardly be possible, for we would then only have a closed society of farmers and the same for every other occupational group. Thus, there has to be a different kind of solidarity at work here which Durkheim calls *organic solidarity*. Here it is not similarity that binds people together but rather their differences. "Tout le monde sait que nous aimons qui nous ressemble, quiconce pense et sent comme nous. Mais le phénomène contraire ne se rencontre pas moins fréquemment. Il arrive très souvent que nous nous sentons portés vers des personnes qui ne nous ressemblent pas, précisément parce qu'elles ne nous ressemblent pas." (Durkheim 1930, p. 17) The reasons for this attraction of differences is that people perceive themselves as an important part of society, for they do a special task that is crucial for the whole group. So according to Durkheim the sayings *birds of a feather flock together* and *opposites attract* are true at the same time because both phenomena are able to create their own particular form of solidarity which are both important for the existence of modern societies based on the division of labour.

In his lectures on morals and law (Durkheim 1950) – held in the early years of the 20th century – he elaborates this theory even further and describes a highly complex structure of different solidarities: solidarity with the family, solidarity with the occupational group, solidarity with the national state, and finally solidarity with humankind as a whole. Even though these different solidarities are all based on a

common moral, there is still organic solidarity between them, partly present in the solidarity with the national state. All these solidarities exist side by side and even if societies are always changing, solidarity for example with the family will not vanish completely. That is the basis on which a modern concept of solidarity can be founded. So what does this theory of Durkheim have to do with Human Rights and the idea of an individual equipped with freedom rights?

When critics of Human Rights talk about the problems of liberalism, they obviously think of a liberalism that goes hand in hand with egoism and the idea of a Human Rights regime that is similar to the presocietal state Hobbes had in mind. This is not the kind of liberalism Human Rights stand for and that is also not the kind of liberalism and individualism Durkheim had in mind. (Durkheim 2002b).

I am not arguing for a natural or metaphysical basis of Human Rights here, for I am not able to prove that.<sup>4</sup> I therefore think, the problem of the unattached individual is not a problem at all, for of course he/she is always attached to the group it belongs to. The interesting question to ask here is: how close is this attachment and does it necessarily end in a normative primacy of the group over the individual? This is also the question Durkheim asks and his answer is: it depends on how society is structured. His idea is that in the development of most societies the individual eventually gains more and more freedom and individualism because he/she becomes a member in various groups which are all able to mutually control each other and which bring along their specific solidarities, mentioned earlier. If you are a scientist, you are part of your scientific community with its moral codes, rules and habits and therefore: solidarities. But you are still part of a family, a state, perhaps you are member of a club, and so on. Durkheim's idea is that one can become more individualistic by being part of different groups and therefore being less connected to only one group that would – if it were the only one – play a great part in one's personal life. If you only have your family as your identifying group, it will become your one and only reference point for morals and action. Stratifying the memberships thus increases the options by widening the intellectual and moral horizon. These various groups on the other hand tend to control the individual as they differentiate: the smaller the group, the greater its possibilities of control. Hence, the state above all guarantees individual freedom by giving a legal framework to which every group is bound. Stratification inside society thus serves two purposes: (1) increasing the complexity of societies and its solidarities and thus (2) liberating the individual from social constraints, *without* destroying solidarities.

### **Towards a Human Rights based solidarity**

With individualism becoming more and more important and common in functionally differentiated societies, according to Durkheim, they tend to develop individualism as a virtue for itself. He calls it the *cult de l'individu* (Durkheim 1930) (Durkheim 1968) (Durkheim 1970) (Durkheim 2002b) which can be seen as the basis for solidarity in plural societies and also for solidarity with mankind since it is not limited to any group membership but focuses on the individual as such. People in those societies treasure the virtue of individualism and freedom of every other person because of

---

<sup>4</sup> So does Durkheim: "La question de savoir si l'homme est libre ou non a sans doute son intérêt, mais c'est en métaphysique qu'elle a sa place et les sciences positives peuvent et doivent s'en désintéresser." (Durkheim 1970, p. 90f)

their own request to be respected as a free individual. At first glance this may sound like a common good that everybody is sharing as we have seen it in the theory of Charles Taylor. The difference is that this common good – if we would like to call it that way, even though it does not match the terms Taylor had in mind – does not ostracize for two reasons: (1) The motivation for this solidarity is partly egoistic so Taylor would probably call it a convergent good. (2) This form of solidarity is – as we have seen in Durkheim's theory – only one part of the complex structure of solidarities in modern societies. The individual is very unlikely to be excluded only on the basis of one little part of those structures.

There are two limitations to Durkheim's theory which have to be mentioned in this context. (1) The term *cult* of the individual seems a little improper in the modern world for it is too easily associated with religious contexts. Durkheim's definition of religion is a very broad one so it seems only logical for him to use that term here.<sup>5</sup> But in the context of Human Rights it is highly preferable to talk about the appreciation of individual rights as an important virtue, for Human Rights should not be confused with religious contexts which they do not want to compete with. (2) I would not agree with Durkheim's idea of a kind of determinism that directs every society towards this goal like the Hegelian *Weltgeist* and similar to the modernization theories popular in the 20th century. The premise of a *normal* development of societies which is inherent in all of Durkheim's works<sup>6</sup> but it brings with it the problem of ethnocentrism. The fact that Western societies mostly ran through the same steps in their development does not mean that this is the only development possible or normal.<sup>7</sup>

But apart from those limitations, the essence of the *cult of the individual* is quite similar to the idea of Human Rights: guarding the individual from external harm and suppression. Even if we cannot assume that the emergence of such ethical norms are a mandatory development in the modernization of societies and thus every society eventually will come to this point, we can see that Human Rights did emerge and that they were able to create solidarities manifesting from the work of NGOs like Amnesty International to questionable humanitarian missions, where sometimes, solidarity is only an excuse to follow completely different interests.

More importantly I think that we desperately need a real Human Rights solidarity for fundamental reasons. Organic solidarity is – according to Durkheim – a product of the division of labour. Transferring his theory into our modern world we see that this division is not restricted to one society. Labour is divided all over the planet and hence, so should be solidarity. But it is a fact that our Western economy could not function without cheap labour in countries like India, Pakistan or China. It would seem cynical to talk about solidarity through the division of labour in this context, for in most of the cases we are not dealing with fair and just situations, based on the special skills of each participant and a mutual benefit here.

---

<sup>5</sup> See Durkheim 1968.

<sup>6</sup> See the last chapter of the *Division* where he shows the abnormal forms of the division of labour. The idea that there is a *normal* form of societies and solidarities, is also an important part in the concept of *Le suicide* (Durkheim 1960).

<sup>7</sup> See also the works of the critics on modernization theory in the 20th century like Andre Gunder Frank (Frank 1969) or Immanuel Wallerstein (Wallerstein 1983).

Without the idea of justice and fairness and the granting of equal rights to all participants of this deal, we will eventually run into grave problems that are not limited to economics. We are facing great challenges with global warming, the pollution of our oceans, the question on how to feed the world and produce the energy needed whilst we experience a decline of natural resources. If we do not respect the rights of every party involved this will not work without conflict. So the idea of solidarity through cooperation – in my view – can only function when we combine organic solidarity with a Human Rights solidarity that is inspired by Durkheim’s idea of the *cult of the individual*. We cherish the respective other, for in cherishing her or his rights, we cherish our own rights as well. In doing so, we also respect the merits of each and every individual and therefore strengthen the idea of cooperation on a global level.



## References

- Bund, K., & Thumann, M. (2014). Russland hat eine echte Führungsfigur. *Die Zeit*, 22, 5.
- Deppenheuer, O. (2007). Das Bürgeropfer im Rechtsstaat. Staatsphilosophische Überlegungen zu einem staatsrechtlichen Tabu. In O. Deppenheuer, M. Heintzen, M. Jestaedt, & P. Axer (Eds.), *Staat im Wort* (p. 43-60). Heidelberg: C.F. Müller.
- Durkheim, É. (1930). *De la division du travail social*. Paris: Presses Universitaires de France.
- Durkheim, É. (1950). *Lecons de sociologie: Physique des moeurs et du droit*. Paris: Presses Universitaires de France.
- Durkheim, É. (1960). *Le suicide*. Paris: Presses Universitaires de France.
- Durkheim, É. (1968). *Les formes élémentaires de la vie religieuse*. Paris: Presses Universitaires de France.
- Durkheim, É. (1970). *La science sociale et l'action*. Paris: Presses Universitaires de France.
- Durkheim, É. (2002). *Les intellectuels et l'individualisme*. Paris: Librairie Arthème Fayard.
- Frank, A. G. (1969). *Kapitalismus und Unterentwicklung in Lateinamerika*. Frankfurt a. M.: Europäische Verlags-Anstalt.
- Peerenboom, R. P. (1993). What's Wrong with Chinese Rights? Toward a Theory of Rights with Chinese Characteristics. *Harvard Human Rights Journal*, 6(40), 29-57.
- Rawls, J. (1971). *A theory of justice*. Cambridge: Belknap Press.
- Rosemont, H. (1988). Why Take Rights Seriously? A Confucian Critique. In L. Rouser (Ed.), *Human Rights and the World's Religions* (p. 167-182). Notre Dame: University of Notre Dame Press.
- Sandel, M. J. (1982). *Liberalism and the Limits of Justice*. Cambridge: Cambridge University Press.
- Sinha, S. P. (1981). Human rights. a non-western viewpoint. *Archiv für Rechts- und Sozialphilosophie*, 67, 76-91.
- Taylor, C. (1985a). Atomism. In *Philosophy and the Human Sciences* (Vol. 2, p. 187-210). Cambridge: Cambridge University Press.
- Taylor, C. (1985b). The nature an scope of distributive justice. In *Philosophy and the Human Sciences* (Vol. 2, p. 289-317). Cambridge University Press.
- Taylor, C. (1989). Cross-Purposes: The Liberal-Communitarian Debate. In N.L.

Rosenblum (Ed.), *Liberalism and the Moral Life* (p. 159-182). Cambridge: Harvard University Press.

Wallerstein, I. (1983). Klassenanalyse und Weltsystemanalyse. In R. Kreckel (Ed.), *Soziale Ungleichheiten* (Vols. Soziale Welt, Sonderband 2, p. 301- 320). Göttingen: Verlag Otto Schwartz & Co.

Zakaria, F. (1994). Culture Is Destiny – A Conversation with Lee Kuan Yew. *Foreign Affairs*, 73(2), 109-126.





***Palestinian Liberation Theology. Seeking Social Justice Through a  
De-Zionization of the Holy Scriptures***

Elisa Farinacci, University of Bologna, Italy

The European Conference on the Social Sciences 2014  
Official Conference Proceedings

**Abstract**

This proposal focuses on the development of a Palestinian Liberation Theology as a consequence to the establishment of the sovereign State of Israel. In particular, the paper examines the ecumenical efforts set forth by Sabeel a liberation theology movement established in 1990 near Jerusalem. This center addresses both the question of promoting an inclusive non-Zionist interpretation of the scriptures and using the Bible as a tool for justice, peace, and nonviolence. This proposal will thus discuss the agency of this Christian movement, which operates both at individual level by offering a fresh interpretation of the Bible and its message to the believers, as well as at community level by establishing a modality of behavior for the Arab Christian communities in the context of the Arab-Israeli conflict. We suggest that the development of a Palestinian Liberation Theology represents a creative religious action enacted by a Christian minority in order to address the theological and social challenges raised by the establishment of a sovereign state which uses the Hebrew Bible, shared in part both by the Christians and the Jews, to legitimize its presence and expansion.

**iafor**

The International Academic Forum  
[www.iafor.org](http://www.iafor.org)

The question leading this investigation focuses on understanding whether the Arab Christian religious minority has the potential to become an effective agent in addressing the Israeli-Palestinian conflict from the grassroots through a faith-based perspective. In trying to answer this question we have decided to focus on Sabeel ecumenical Liberation theology movement and its development of a Palestinian Liberation Theology. In this work we wish to suggest that the efforts of this movement in developing a Palestinian Liberation theology can be read as a creative religious action that moves both at individual as well as at community level to address the theological and social challenges raised by the establishment of a sovereign state of Israel that, through the Bible shared in part both by the Christians and the Jews, legitimizes its presence and expansion. In fact, precisely through an inclusive de-Zionized theology, Sabeel promotes an innovative hermeneutic proclaiming the non-exclusive ownership of the Land of Israel, which would admit both Jews and non-Jews to peacefully live on this land. We believe that Saba Mahmood's articulation of agency as historically and culturally specific allows us to avoid an interpretation of Sabeel's actions as mere resistance against oppression, which would overshadow the actual peculiarity of choosing to address the political and social situation in this region from a faith perspective. In fact, we argue that through Sabeel's endeavors of proposing a different theological exegesis of the Old Testament, a new religious subject is also shaped positioning him as an active seeker of justice and promoter of a nonviolent approach to peace building at grassroots level. In this assertion we follow the strand of scholars who has «focused on the formation of pious subjectivities and ethical selves through the cultivation of embodied dispositions, where moral reform is itself a political project of ethical self-fashioning» (Deeb 2009: 113) such as Talal Asad and Saba Mahmood. Through their analytical framework, we can read Sabeel's Liberation theology as a contextual action aimed at molding through an innovative hermeneutic a religious subject projected towards a political endeavor to achieve social justice for the Arab Palestinian people which may lead to a just peace in the Israeli-Palestinian conflict.

The establishment of a sovereign Israeli State in the XX century has raised a particularly interesting religious issue when dealing with the local Christian population. In fact, in the domain of worship, the homonymy of the name "Israel" in the Holy Scriptures and the modern nation state of Israel has created exegetical confusion, which in turn has been used to legitimize peculiar political schemes aimed at the Jews' acquisition of the land of Palestine without its Arab people.

This Jewish state, as revealed by the 2011 census<sup>1</sup>, hosts 2 percent of Christian citizens within its borders while in the Palestinian Territory they represent 1.37% of the Palestinian population<sup>2</sup>. Less commonly known is the development of a Palestinian Liberation Theology among a group of local Christians to address their socio-political situation in this geographical area. The subject concerning liberation theology has been present in the public scene for quite some time. In fact, the attempt

---

<sup>1</sup> The percentage of Arab Christians within the borders of the State of Israel given by the Bureau of Statistics dates at the 24<sup>th</sup> of December, 2011. In the census the Christians numbered 154.500 representing 2% of the population and 84,4% of them are of Arab Ethnicity. [http://www1.cbs.gov.il/hodaot2011n/11\\_11\\_328e.pdf](http://www1.cbs.gov.il/hodaot2011n/11_11_328e.pdf)

<sup>2</sup> See also P.G. Gianazza (2008), *Guida alle comunità cristiane di Terra Santa*, Bologna, EDB; Palestinian Central Bureau of Statistics. Population, Housing and Establishment Census-2007. Press Conference on the Preliminary Findings (Population, Buildings, Housing Units and Establishments), February 2008. <http://www.pcbs.gov.ps>

to propose a renewed ecclesiology finds its base in the second chapter of the *Lumen Gentium* “Dogmatic Constitution on the Church” addressed by the Second Vatican Council and firstly developed in the second half of the XX century in Latin America. The approach adopted in Latin America, of considering the social reality as a starting point for theological consideration where theology of liberation becomes aware of exploitation, marginalization, and poverty, as well as violations of human rights, did not remain confined in its context, but inspired other theologians around the world to adopt and adapt its message to their situations. We can witness the appearance of such a theology also in Israel and the Palestinian Territories. Like other liberation theologies around the world, Palestinian liberation theology arose as an attempt to address the needs of the local Christian population, however the Palestinian context presents a particularity compared to Liberation theologies in other geographical areas. Although the Bible becomes a source of liberation for theologies around the world, in Israel Zionist Jews and Western Christian Zionists have used it in support of unjust actions.

Within the Palestinian context, the need for a unique Liberation Theology that is relevant and responsive to the needs of the Palestinian population was heightened by the fact that much of their oppression has a distinctly misinterpreted theological basis. Christian Zionism has been successful in providing not only theological justification for Palestinian displacement, forced exile and continued oppression, but is also directly responsible for marshaling material resources to the Israelis<sup>3</sup>.

When some parts of the Bible are today applied literally to a situation «the Bible appears to offer the Palestinians slavery rather than freedom, injustice rather than justice, and death to their national and political life» (Ibid., 75). In fact, the birth of a sovereign State of Israel raises the question on the relationship between ancient Biblical history and our contemporary history. As former Latin Patriarch Michel Sabbah explains, the Arab Christian population in this context needs to ask «is Biblical Israel the same as the contemporary State of Israel? What is the meaning of the promises, the election, the Covenant, and in particular the “promise and the gift of the land” to Abraham and his descendants?» (Sabbah 2009, 26). Particularly the question of land ownership, which represents the heart of the conflict in the Middle East, involves the usage of the Hebrew Bible as a legitimate source to land expropriation in the Palestinian Territories by the State of Israel. Thus, a theology of liberation in Israel and the Palestinian Territories cannot offer liberation through the scriptures unless they undergo reinterpretation. A new urgent need for an innovative hermeneutics arose, thus calling firstly, for a resolution of the conflict within each Christian believer with the message of their Scriptures and only then this will give the whole Christian community the strength to seek justice and reconciliation through the newly liberated scriptures.

Thus Sabeel<sup>4</sup>, an ecumenical center born to address the Israeli-Palestinian conflict through a theological approach of nonviolence<sup>5</sup>, became the center of development of Palestinian Liberation theology precisely to address this concern. The theology

<sup>3</sup> Cornerstone Issue 1, Spring 2004.

<sup>4</sup> «Sabeel means two things in Arabic. It means “the way,” which is very close to “*shvil*” in Hebrew and it also means “spring of water”» interview to Naim Ateek by Brant Rosen

<http://rabbibrant.com/2014/03/24/land-and-liberation-an-interview-with-reverend-naim-ateek/>

<sup>5</sup> See also J. Zaru, *Occupied with Nonviolence*, Minneapolis, Fortress Press, 2008

elaborated and proposed by Sabeel is a contextual theology<sup>6</sup>, that is, a theology deeply rooted in the Palestinian historical context that involves the predicaments arisen with the birth of the State of Israel, which addresses the need of liberation of the Palestinian Christians. Its founder, Father Naim Stifan Ateek<sup>7</sup>, believes that this community desperately needed «a proper and adequate understanding of the theological meaning of the Palestinians' experience with the State of Israel» (Ateek 1989, 2). Theologians of Sabeel feel that «in this context, it was necessary for the local Palestinian Church to respond to the challenges before it: the concrete material and political situation of oppression, deprivations, human rights violations and daily violence [and to] provide a theological perspective for a population that was in revolt against this oppression»<sup>8</sup>. Against this background, I show that via PLT, a new de-Zionized and inclusive interpretation of the Old Testament, Arab Christian members of Sabeel become agents<sup>9</sup>, active participants, in grassroots faith-based nonviolent approaches to the Israeli-Palestinian conflict.

Let us first retrace the historical events and social circumstances that lead to the development of a PLT to four main intertwined factors, the presence of a foreign distant clergy, a lack of involvement of the Church in socio-political affairs, the explosion of the first *Intifada* and an increasing support of the State of Israel's policy regarding the land appropriation by Christian Zionists.

If today the Churches decided to address the political problems of their people, this was not the case before the 1960s. «During the most of the first two decades of Israel's existence, its Christian churches remained quiescent, opting to stay out of politics» (Ateek 1989, 56). Since its foundation in 1948, the new State of Israel saw more advantage in cooperating rather than antagonizing the Church leadership openly. It sought to annex and control church property and in this was assisted by the fact that most church leaders were expatriates who believed Israeli rule was in the Church's best interest. Thus, until the leadership of many of the Churches remained predominantly foreign, it did not feel as deeply about the issues as did the indigenous

<sup>6</sup> See also M. Raheb, *I am a Palestinian Christian*, Minneapolis, Fortress Press, 1995.

<sup>7</sup> Naim Ateek experienced a fairly typical *Nakba* refugee story. He was born in the Palestinian Muslim town of Baysan in the Eastern Galilee. When he was eleven years old, the Jewish forces led by the *Haganah* the *Yishuv* defence took control of the town of Baysan on May 12, 1948. After two weeks the town was evacuated, with the few Christian residents being bussed to Nazareth, the main Christian town in the Galilee (Kuruville 2013: 118-119). In 1959 Ateek left Nazareth, to pursue theological studies in the US graduating both for his Masters and PhD degrees from theological Schools in Berkeley, California (respectively from the Church Divinity School of the Pacific for his Masters Degree, and from the Graduate Theological Union for his PhD). He then headed back to Nazareth to take up the priesthood in the Anglican Church. He was confirmed as a Canon in charge of the Arabic-speaking congregation at St. George's Cathedral church in East Jerusalem, the headquarters of the Anglican Episcopal Church in the Holy Land (Kuruville 2013: 118-119). See also interview with Brant Rosen <http://rabbibrant.com/2014/03/24/land-and-liberation-an-interview-with-reverend-naim-ateek/> For other *Nakba* narration by Arab Christians see also E. Chacour, *We Belong to the land*, Notre Dame (IN), Notre Dame University Press 1990; E. Chacour, *Ho fiducia in noi. Al di là della disperazione*, Milano: Jaca Book 2003 (ed. Or. *J'ai foi en nous. Au-delà du desespoir*), Homme de Parole, 2002; P. De Somoni– M. Czerin, *Elias Chacour: israeliano, palestinese, cristiano*, Venezia: Marcianum Press 2009 (ed. Or. *Elias Chacour –Israeli, Palästiner, Christ.*), E. Chacour, *Blood Brothers*, Terrytown (NY), Chosen Books 1984.

<sup>8</sup> *Sabeel* Liberation Theology Center, “Cornerstone”, issue 1, Spring 1994, 3. <http://www.sabeel.org/datadir/en-events/ev19/files/Issue%201.pdf>

<sup>9</sup> P. S Rowe, “The Middle Eastern Christian as Agent”, *International Journal of Middle Eastern Studies*, 42/(2010), 472-474.

membership thus avoiding addressing the socio-political conditions of the Palestinian Christian population (Ateek 1989, 56). It will be with the Palestinianization of the clergy, after the second Vatican Council, that a greater social and political engagement on the part of the various churches of Israel-Palestine arose. During the 1980s, three Palestinian Bishops were appointed respectively to the Anglican, Latin, and Greek Catholic Churches<sup>10</sup> who showed the «theological and political courage to condemn the occupation of Palestinian lands and to demand liberation and a better deal for their Palestinian people» (Ibid: 116). Thus the progressive Palestinianization of the Churches' leadership and clergy brought a renewed attention and sensitivity to the socio-political situation of the Christian laity.

However it is with the explosion of the first *Intifada* that Sabeel will be conceived as a Christian reaction and contribution to this uprising. Especially in 1988, when the responses of the Israeli military and police became harsher through severe beatings crushing of hands to prevent stone throwing, clubbing, arrests, night raids on homes, and detentions (Ateek 1989: 46) that the churches of Palestine found themselves forced to take a «united stand against the oppression and injustice unleashed with all impunity by Israeli authorities» (Kurvilla 2013: 33-34).

However, the same period also saw a massive increase in the influence of Christian Zionist and Jewish Zionist nationalistic groups in Israel who sought 'biblically based' claims on the entire land of Israel or *Eretz Yisrael*, which resulted in the move among Palestinian, and other Middle Eastern Christians, to develop an alternative theological view that would counter this perspective (Kuruvilla 2013: 114).

Thus, in 1989 a special committee was created to actualize, on a practical level, a Palestinian liberation theology. People from different denominations, such as former Melkite Archbishop Elias Chacour, Jonathan Kuttub, Jean Zaru, Cedar Duaybis, Samia Khoury and others were invited in order to have representation and perspectives from the Catholic, the Protestant and the Orthodox communities and in March 1990 during an international conference in Tantur Ecumenical Institute, designed to launch Palestinian liberation theology in the context of other liberation theologies around the world Sabeel was founded.

Sabeel can be defined as a theopolitical<sup>11</sup> movement since, although it does not possess any political affiliations, it deals with politics and with reality in a faith perspective. Its theology does not simply aim to critique, but it also offers a solution by providing alternative visions to the present unjust situation. This solution is biblically-based and it seeks to counteract the misuse of the Bible and it reveals how the Bible points to justice, liberation and Peace, from the context of a Theology of the land. In doing so, the members of Sabeel aim to critique the theology supported by Christian Zionists, which justifies domination of the land and Palestinian people from the perspective of ideas of election, choseness and the promised land<sup>12</sup>. In fact, for this group «Israel stands at the center of God's plan for history, that it was established in fulfillment of biblical prophecy, and that Israel has a central and crucial role to play

---

<sup>10</sup> Samir Ka'fity for the Arab Anglicans, Lutfi Lahham for the Greek Catholics and Michel Sabbah for the Latin Catholics

<sup>11</sup> See Y. Katanacho, *The Land of Christ. A Palestinian Cry*, Nazareth, Zondervan an Hodder & Stoughton, 2012.

<sup>12</sup> Ibid.

in the events that would lead to the second coming of Christ and the consummation of the present world» (Ateek 2008: 28). Let us now see how PLT actually reinterprets the meaning of the scriptures and redefines the role of the Arab Christian population. These issues can be addressed through the two approaches and areas of action of a Theology of Liberation and a Liberation of Theology<sup>13</sup>. The first approach aims at articulating a theology of liberation that «can help Palestinian Christians... address the conflict from within their faith» (ibid: 10). Hence, it focuses on helping ordinary local Christians to use the Bible as a tool for justice and peace. Father Ateek explains that there is a «a need to critique violence and evil being done in the name of God and God's word» (Ibid: 11) and that such a theology may offer true liberation for people living under occupation and to «help them work towards the liberation of others» (Ibid). As Hind Khoury, board member of Sabeel explains<sup>14</sup>, father Ateek through PLT «has taught us how to live out our faith and to make of it a source of individual and collective strength as well as a source of purpose simply by being a Christian driven by love, forgiveness, and the endless search for truth and justice» (Khoury 2012, 20).

The Liberation of Theology, on the other hand, concerns the interpretation of the actual scriptures, which becomes particularly problematic in this context especially when dealing with the understanding of the Old Testament's message. As former Latin Patriarch Michael Sabbah asserts «some people, exasperated by the abuse of the Bible in the present conflict, have begun to declare that the Bible or the Old Testament is nothing more than a simple history put together by the ancestor of the Jewish people, and that this book has nothing to do with the revealed books» (Sabbah 2009, 55). Hence, a Liberation of Theology becomes fundamental to bring a new understanding and interpretation of the Old Testament to the Christian population who sees it used to legitimize the Jews' right to the land. Therefore, the liberation of theology aims at encouraging a de-Zionization of the Bible, that is «learning to read the Bible as a story about a loving, just, inclusive God of all people rather than as a story of one particular nation or ethnic group» (Ibid., 12). These two approaches can be read through Asad's lens of interpretation when he addresses the category of religious symbols, to which this hermeneutics belongs, arguing that they «cannot be understood independently of their historical relations [...] or of their articulation in and of social life in which work and power are always crucial» (Asad 1993: 53). In fact the aim of Liberation theology in general, and of PLT specifically, is to «liberate» from an oppressive and marginalizing social and economic situation as well as incentivizing a personal transformation. In this dimension, we can understand the hermeneutics of PLT when they are read within the historically and socially specific context where they act, and in which they shape a new religious subject in response to the power structures operating within this context.

Thus, it does not come to us as a surprise that the popular text of Exodus, commonly used as the exemplary text for a liberation theology, results as problematic in the case of Israel and the Palestinian Territories. Naim Ateek was against the use of the Exodus paradigm as an interpretative tool within PLT because, «what was constructed as liberation for the ancient Israelites was seen as slavery and subjugation for the

---

<sup>13</sup> N.S. Ateek, *Justice and Only Justice. A Palestinian Theology of Liberation*, Maryknoll (NY), Orbis Books 1989.

<sup>14</sup> Speech given at Sabeel's Eight International Conference held February 23-28, 2011 in Bethlehem, Palestine.

indigenous residents, the various Canaanite tribes of the land of Canaan. Transpose the situation directly into the twentieth century, with the arrival of large numbers of European Jews seeking refuge from anti-Judaic persecutions in Europe, colonizing the land of Palestine and depriving the original Arab inhabitants of their land and thereby livelihood» (Kuruvilla 2013: 123) and one of the most inspirational passages for liberation assumes a completely different connotation. In fact, in the eyes of many Westerners, Christians and Zionists, modern-day Palestinians had been substituted for ancient Canaanites. In his view, the 'divine' command to the Ancient Hebrew people to conquer-take over the land of Canaan and to subjugate and eliminate its inhabitants made the use of the Exodus paradigm exceedingly difficult as a 'liberationist' tool in the eyes of the Palestinian People.

Therefore, another passage from the Hebrew Bible was chosen to represent the liberation of the Palestinian people, as well as presenting the inclusive hermeneutic Ateek seeks: the book of Jonah. In the narration, God asks Jonah to go to Nineveh in order to preach against the evil ways of its people and call them to repentance. Jonah, instead of obeying, sails to Spain and God causes a storm to prevent him from fleeing. The storm threatens the survival of all the sailors on the boat, thus Jonah confesses his transgression of God's will and convinces the sailors that the only way to sedate the storm is to throw him overboard. The sailors follow his advice and God sends a big fish to swallow Jonah and safely deliver him to shore. At this point Jonah goes to Nineveh and carries out God's plan. The people of Nineveh repent, thus, deserving God's forgiveness and avoiding His disruptive wrath.

The traditional interpretation of this book focuses on the lesson of obedience that Jonah had to learn. However, «modern biblical scholarship interprets the book of Jonah as an allegory, similar to the parables of Jesus in the Gospels. Its deeper meaning emphasizes God's care and concern for Jews, but equally for non-Jews –in other words, the inclusive nature of God» (Ibid., 71). Since God in this story is not seen as exclusively associated to any one country or to any one place, Sabeel considers Jonah the archetypical Palestinian liberation theologian. In the book of Jonah, God is sovereign over and above all; God is not limited to one country or to any one place but everywhere; no one can hide from God (Ibid., 73).

This new Biblical exegesis brings us back to the problem that lies at the heart of the conflict between Palestinians and Jews: the identification with the land. For Palestinian Christian theologians, the theology of the land presented in the book of Jonah represents the emblem of the boundless activity and presence of God. «God could not be confined or contained within the boundaries of the little land of Israel» (Ibid., 74) and, in his message, the author of Jonah intended to liberate God from a narrow theology and liberate his people, the Hebrews, from a «tribal mentality that produced arrogance, haughtiness, and presumptuousness» (Ibid).

This theology promotes a reading of doctrines used to justify Israel's appropriation of Palestinian lands such as exodus, election, and promise of the land through the frame of an «inclusive relation to God and inclusive call to justice, peace, and not as claims of dominance of one group against another» (Ibid., 9). In other words, PLT «oppose any exclusive theology of the land» (Ibid.). From their point of view, what they are opposing is the exclusivist claim of the land by the Jews. As Reverend Ateek asserts, «both Western Christian Zionists and religious Zionists used scriptures to endorse

Israeli government against the Palestinians. It is essential, therefore, to critique such a theology of militarism, domination, and injustice as a Biblical aberration and emphasize instead that the authentic message of the Bible is a message of justice, mercy and peace» (Ateek 2008, 10).

If the story of Jonah deals with the liberation of theology, now we want to also mention another passage of the Bible, this time from the Gospels, used to emphasize the necessity of a theology of liberation that is, the merit of Sabeel to have enriched the political vocabulary and the political culture of the Palestinians. Sabeel was among the first to speak of the empowerment of civil society, of the strength and subversive nature of nonviolence and popular struggle (Safiyeh 2012, 41) and the parable of the persistent widow embodies the new religious subjectivity for Christians of Israel and the Palestinian Territories to follow.

Then Jesus told them a parable about their need to pray always and not to lose heart. He said, "In a certain city there was a judge who neither feared God nor had respect for people. In that city there was a widow who kept coming to him saying, 'Grant me justice against my opponent.' for a while he refused; but later he said to himself 'Though I have no fear of God and no respect for anyone, yet because this widow keeps bothering me, I will grant her justice, so she may not wear me out by continually coming'". And the Lord said, "listen to what the unjust judge says. And will not God grant justice to his chosen ones who cry to him day and night? Will he delay long in helping them? I tell you, he will quickly grant justice to them. And yet, when the Son of Man comes, will he find faith on earth? (Luke 18: 1-8).

This passage of the Bible, for Sabeel acquires special significance in the context of the local Palestinian Christians. What appears remarkable is the situation that it exposes: «There was a judge who neither feared God, nor had any respect for people». Jesus here presents a reality of life filled with hardship and great misery for the people who lived in the judge's community. The judge is seen as an emblematic personage who does neither fear God, nor shows respect for other human beings; he is considered the personification of depravity. According to Father Ateek this character does not differ much from other men of power who became callous and amoral in their climb to the top: «power is too often in the hands of people who are without morality or a system of ethics. A modern way to describe such an entity would be, "there was a government that neither feared God nor had any respect for international law"» (Ateek 2008, 17). In this parable, Jesus, seen as the ultimate liberation theologian, sets his story in a hopeless context for the people of the city. This judge was expected by his role to enforce and protect justice, but instead he manifested a corrupted and hardened character. If we transpose the reading of this passage to today's events in the «Palestinian context this one verse describes the reality of the injustice and oppression our people face. By virtue of its unjust actions, the government of Israel seems to demonstrate no fear of God or respect for people [...] it enacts laws that discriminate between Jews and Palestinians, and its judges enforce these laws» (Ibid.). Thus, we believe that through the use of this parable, Sabeel suggests that Arab Christians need to embody the plea of the widow «grant me justice against my opponent» (ibid. 18) and become active participants of society demanding for their rights and seeking peace for their religious community and for the Palestinians as a whole because «only justice can bring peace to both the judge and the widow» (Ibid.).



## Conclusions

In trying to investigate the possibility of the Arab Christian minority to positively impact the peace building process in the Israeli-Palestinian context from a faith-based approach, the case study of Sabeel offers us important insights. Adopting the point of view of scholars belonging to the material discipline framework<sup>15</sup> such as Talal Asad, Saba Mahmood, and Lara Deeb, we are able to comprehend the work of Sabeel as contextual agency that, through a faith-based discourse, provides at the same time a new hermeneutic that makes the scriptures relevant and liberating for the local Christians as well as molding a new politically-active religious subject.

As Paul Rowe asserts, in the past ten to twenty years of Scholarship on Christian groups in the Middle East, specialists have begun to «recognize the agency of a population long objectified in both academic and polemical circles» (Rowe 2010, 472). Before then, Christians were long thought of as the objects of other actors such as the “products” of Muslim societies who imposed upon them the status of *dhimmi*, or as «appendages of external forces [...] as vehicles of imperialism» (Ibid.). Although these tropes still persist, over the last few years, scholars begun to consider and analyze the agency of Arab and other Middle Eastern Christians; «today we begin to understand the way [in which] the Christians operate not solely as a minority or as an extension of Western civilization but also as centuries-old groups rooted in the history and culture of the Middle East» (Ibid.). The movement Sabeel, and its involvement in promoting a PLT, represents one of the ways in which Arab Christian communities in Israel and the Palestinian Territories are exercising such agency.

The humanities and social sciences especially in the 1970s focused on the operations of human agency within structures of subordination (Mahmood 2005: 6). Especially in poststructuralist feminist theory agency often remains a liberatory one, conceptualized on the binary model of subordination and subversion (Ibid: 14). Therefore, through this framework human agency is understood in connection to the concept of resistance set against the weight of custom, tradition, transcendental will, or other obstacles<sup>16</sup>. It can be seen how this definition could easily fit the description of the Arab Christian case we have analyzed. However this perspective would relegate Sabeel's efforts to mere resistance against the politics of the State of Israel and miss the specificity and peculiarity of its religious-based agency. As Saba Mahmood articulates in her work *Politics of Piety*, agency, understood as «the ability to effect change in the world and in oneself is historically and culturally specific (both in what constitutes “change” and the means by which it is effected)» (Ibid). Thus the meaning of agency cannot be «fixed in advanced, but must emerge through an analysis of the particular concepts that enable specific modes of being» (Ibid: 14-15). Through this framework we can see why Sabeel opted to seek a Biblically based justice instead of appealing, lets say, to the human rights idiom. If we contextualize agency then we see how historically, under Arab and Ottoman rule, non-Muslims were known as *dhimmi*, a term meaning followers of the religions tolerated by the

<sup>15</sup> See S. Hazard, “The Material Turn in the Study of Religion”, *Religion and Society: Advances in Research* 4(2013), 58-78.

<sup>16</sup> For further readings on this subject see also L. Abu-Lughod, , “The Romance of Resistance: Tracing transformations of Power Through Beduim women”, *American Ethnologist* 17/1 (1990), 41-45; J. Butler, *Bodies that Matter: On the Discursive limits of “Sex”*, New York, Routledge 1993.

law. Since the *dhimmi* «were allowed the freedom to practice their religion and to manage their internal affairs through their own religious officials» (Ibid), the Christians in historic Palestine were consented to engage in an independent community, to observe their own customs and laws, and to retain their places of worship. These recognized religious communities benefitted from an autonomous jurisdiction in the sphere of personal status, such as family and inheritance laws, while the religious authorities held a function of political representatives of their communities. Religion in the State of Israel, still plays a predominant role inasmuch as the Ottoman law regarding the personal status of religious minorities, is still effective. That is, the religion of one's parents is fundamental in determining the religious affiliation of the newborn child. In fact if the parents are Christians, on the ID card of the son or daughter will be written "Christian" even if the child is not baptized. Moreover, when one wants to get married, there is no such thing as a civil union; one must marry within his or her religious community through a religious rite<sup>17</sup>. Therefore, since identity<sup>18</sup> along with political and social rights are still dictated by religious affiliation, a different reading of the Holy Scriptures, focusing on a more inclusive perception of God, might be able to effectively push the discourse of justice and human rights in this particular context.

Therefore, the efforts of Sabeel's theologians may be read as fulfilling multiple social tasks within the Israeli-Palestinian society. By making the Scriptures once again relevant to the needs of the population and by addressing the social and political conditions of the Christian communities, Sabeel not only performs an agentive act aimed at subverting the oppressive policies of the state of Israel, but it also acts as a social, religious, and political positioning strategy aimed at shaping the individuals, and consequently society, as nonviolent grassroots faith-based peace builders. In fact, «Sabeel is a ministry of justice. From the position of faith, we are working for justice for the Palestinians and peace for all. Hopefully, this will lead eventually to reconciliation and healing<sup>19</sup>». The PLT through its innovative hermeneutic enables the Arab Christian devotee living in this geographical region to reconnect to the Old Testament and then use it in order to read his or her reality in a more inclusive and ecumenical manner. Therefore while resolving the personal inner conflict of the single believer, PLT also shapes a new religious subject positioning him theopolitically as an active seeker of justice and promoter of a nonviolent approach to peace building at grassroots level.

---

<sup>17</sup> Let's keep in mind that religious communities in Israel and the Palestinian Territories are strongly endogamic given the fact that a interreligious marriage would inevitably necessitate the conversion of one of the two spouses because of the lack of civil unions. In the case of conversion the family and religious community of origin, in most cases, would disown the men or woman marrying someone of belonging to a different religious group. Furthermore, confessional schools are very common and highly attended by the three monotheism present in the territory.

<sup>18</sup> See also A. R. El-Assal, *Caught in Between. The Extraordinary Story of an Arab Palestinian Christian Israeli*, London, SPCK 1999.

<sup>19</sup> <http://www.guardian.co.uk/world/2002/apr/29/comment>

## Bibliography

Abu-Lughod, L. (1990), "The Romance of Resistance: Tracing transformations of Power Through Beduim women", *American Ethnologist* 17 (1), 41-45.

Asad T. (1993), *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*, Baltimore: The Johns Hopkins University Press.

Ateek, N. S. (2008), *A Palestinian Cry for Reconciliation*, New York: Orbis Books.

Ateek, N. S. (2008), *Justice and Only Justice. A Palestinian Theology of Liberation*, New York: Orbis Books.

Butler, J. (1993), *Bodies that Matter: On the Discursive limits of "Sex"*, New York: Routledge.

Chacour E. (1984), *Blood Brothers*, Terrytown (NY): Chosen Books.

Chacour E. (1994), *Apparteniamo tutti a questa terra. La storia di un israeliano palestinese che vive per la pace e la riconciliazione*, Milano: Jaca Book (ed. Or. *We belong to the Land*), University of Notre Dame Press, 1990.

Chacour E. (2003), *Ho fiducia in noi. Al di là della disperazione*, Milano: Jaca Book (ed. Or. *J'ai foi en nous. Au-delà du desespoir*), Homme de Parole, 2002.

De Somoni P. – Czerin M. (2009), *Elias Chcour: israeliano, palestinese, cristiano*, Venezia: Marcianum Press (ed. Or. *Elias Chcour –Israeli, Palästinenser, Christ.*), Verlag Freiburg im Breisgau, 2007.

Deeb L. (2009), "Piety politics and the Role of a Transnational Feminist Analysis", *Journal of the Royal Anthropological Institute* 15/(2009), 112-126.

El-Assal A. R. (1999), *Caught in Between. The Extraordinary Story of an Arab Palestinian Christian Israeli*, London: SPCK.

Gianazza P.G. (2008), *Guida alle comunità cristiane di Terra Santa*, Bologna, EDB.

Khoury S.N (2012), *An introduction to Challenging Empire: God, Faithfulness and Resistance*, in *Challenging Empire: God, Faithfulness and Resistance* (N. Ateek— C. Duaybis — M. Tobin eds.), Jerusalem: Sabeel Ecumenical Theology Center.

Kuruvilla S.J. (2013), *Radical Christianity in Palestine and Israel. Liberation and Theology in the Middle East*, London: I.B. Tauris.

H.B Msgr. Sabbah M. (2009), *Faithful Witness. On Reconciliation and Peace on the Holy Land*, Hyde Park (NY): New City Press.

Katanacho, Y. (2012), *The Land of Christ. A Palestinian Cry*, Nazareth: Zondervan and Hodder & Stoughton.

Palestinian Central Bureau of Statistics. Population, Housing and Establishment Census-2007. Press Conference on the Preliminary Findings (Population, Buildings, Housing Units and Establishments), February 2008. <http://www.pcbs.gov.ps>

Raheb, M. (1995), *I am a Palestinian Christian*. Minneapolis: Fortress Press.

Saba, M. (2005), *Politics of Piety. The Islamic Revival and the Feminist Subject*, Princeton and Oxford: Princeton University Press.

Safiyeh, A. (2012), *Current Political Realities*, in *Challenging Empire: God, Faithfulness and Resistance* (N. Ateek— C. Duaybis — M. Tobin eds.), Jerusalem: Sabeel Ecumenical Theology Center.

Zaru, J. (2008), *Occupied with Nonviolence*, Minneapolis: Fortress Press.

The logo for the International Association for the Study of Religion (iafor) is centered on the page. It features the lowercase letters 'iafor' in a light blue, sans-serif font. The text is enclosed within a circular graphic composed of two overlapping, semi-transparent arcs: a larger, light blue outer arc and a smaller, light red inner arc, both of which are slightly offset from each other, creating a sense of depth and movement.

***Reframing The Conflict Of Interest:  
The Public/Private Interface in the Context of Slovakia***

Gabriela Bereghazyova, University of Surrey, UK

The European Conference on the Social Sciences 2014  
Official Conference Proceedings

**Abstract**

This contribution looks at one of the ‘grand dichotomies’ (Bobbie, 1989), that is to say the public/private divide within the concept of the ‘conflict of interest’. The dominant understanding of the ‘conflict of interest’, grounded in a quintessentially Western conceptualization of public and private, has been applied across contexts as part and parcel of the good governance project in pursuit of a “better world”. The point of interest here is the operationalization of the concept in diverse contexts which draw the boundary between the public and the private along different lines. Attention in this work is directed towards ‘conflicts of interest’ in the public sector and is concerned with personal rather than organisational ‘conflict of interest’.

The paper is organised as follows. Firstly, a brief synthesis of the literature assessing the dividing line between public and private, as applied internationally, is provided. In the second part, the methodology is detailed. In the third part, the paper presents an analysis of the public/private divide in Slovak public discourse and its juxtaposition with the international conception. Finally, in the concluding remarks, the implications of the misfit for the notion of the ‘conflict of interest’ and democratisation efforts at large will be outlined. It will be argued that, without consideration of the public/private distinction in distinctive local contexts, the international agenda, which claims to strive to bring countries world-wide close to the ideal of good governance and in this way achieve international harmony, is seriously jeopardised.

**iafor**

The International Academic Forum  
[www.iafor.org](http://www.iafor.org)

## **PART 1: ‘Conflict of interest’: International perspectives**

The public/private distinction constitutes the foundational tenet of the concept of the ‘conflict of interest’, as becomes self-evident in international interpretations of the concept, briefly reviewed below.

The OECD explains that a conflict of interest “occurs when an individual or a corporation (either private or governmental) is in position to exploit his or their own professional or official capacity in some way for personal or corporate benefit” (2007).

Transparency International establishes a conflict of interest as a “situation where an individual or the entity for which they work... is confronted with choosing between duties and demands of their position and their private own interests” (2009: 11).

The Council of Europe mentions that conflict of interest “arises from a situation in which the public official has a private interest which is such as to influence, or appear to influence, the impartial and objective performance of his or her official duties” (2000).

The UN’s account of the issue closely resembles the latter definition as it argues that a “conflict of interest is a situation where a person’s private interests – such as outside professional relationships or personal financial assets – interfere or may be perceived to interfere with his/her performance of official duties” (2011).

As such, notwithstanding minor differences between the above conceptualisations, central to the concept of the ‘conflict of interest’ is a breach of the boundary between the public and the private by those in the public sector. In other words, what should be kept in the private sphere has contaminated the public sphere. The following section will look at the underpinnings of the specific public/private divides employed in the given definitions.

### ***1.1 Public/private classification in Western democracy***

It could be said that public/private dualism lies at the very core of contemporary democracy. O’Donnell encapsulated the multifaceted role the split plays in democracy in his account of republican, liberalist and democratic streams within the polyarchy of current democracy (1998). Whereas republicanism is concerned with the public duties of those in the public sector and selfless dedication to public interest, liberalism enshrines the public task of guaranteeing private freedoms. Democracy brings in the notion of equality. It is worth directly citing O’Donnell’s conclusion here:

“Democracy’s concern with equality, liberalism’s commitment to freedoms in society, and republicanism’s severe view of the obligations of rulers all support ... the rule of law. All citizens are equally entitled to participate in collective decision under the existing institutional framework, a democratic rule to which is added the republican injunction that no one, including those who govern, is above the law and the liberal caution that certain freedoms must not be infringed” (ibid: 114).

Put differently, republicanism and liberalism both draw a rigid line between the public and the private, albeit for different reasons. The public/private divide in contemporary democracy reflects this amalgamate of influences by hinging on the ideas of private rights, public responsibility and of equality. Furthermore, an unambiguous dividing line between the two spheres is a fundamental safeguard of accountability, equality, integrity of public actions and the protection of private rights, to the extent outlined in the above quote.

Weintraub shares this opinion about discernibly varying undercurrents informing contemporary thinking about public/private (1997: 11-16), wherein the Greek model of the self-governing polis and the Roman notion of sovereignty, that is to say rule which stands above the society, melt together. The self-governing tenet is seen in liberalism's moulding of society into "the social world of self-interested individualism, competition, impersonality, and contractual relationship centred on the market – which seemed ... somehow able to run itself" (ibid: 13). Sovereignty, borrowed from the Roman conception of the state, supplements the liberalist individualism of the state and assures that a centralised rule stands above and governs society through administration and law.

Following from the above, the public and private realms are viewed as mutually constitutive, with the caveat that the private remains within the bounds of norms enshrined in the law and is, as such, protected by the public. The public denotes a collection of individuals pursuing their legitimate private interests collectively. Thus, private interests amount to public interest, which protects these private interests and assures their equality. A 'conflict of interest' arises when a private interest does not dovetail with the public interest. Put differently, a private interest which deviates from the norm is at the core of concern, rather than private interest as such.

The borderline implied in 'conflicts of interest' effectively serves to establish deviations from legitimate private interests, guarded by the public, and private particularism that does not conform to established norms and thus collides with other legitimate private interests and the public interest. The public stands for the governor and the governed and their legitimate private interests and the private denotes the illegitimate particularistic interests. This observation is substantiated by the brief overview of definitions of conflict of interests by international organisations.

To conclude, both of the above accounts of the contemporary public/private division paint a picture of an archetypal Western concept emerging from a distinct historic experience and traditions rooted in ancient Greece and Rome, further shaped by the Western experience of democracy (Lankester, 2007). In other words, the idea of demarking the public and the private started brewing in Western Europe in what are now old established democracies in the wake of political, economic and military shifts in the region. At the conception of the two influences, the public emerges as a sphere of 'participatory self-determination, deliberation and conscious cooperation among equals' (Weintraub, 1997: 14).

## **Part 2 Methodology**

This paper adopts a postmodern perspective towards discourse analysis in its approach to the social world and the data. Specifically, it draws on Gee's

methodological toolkit, specifically on his instruments of *situated meanings* and *cultural models*.

The situated meanings and cultural models tools aid appreciation of how meanings are attached to language in specific situations. Meanings are taken to be malleable and context-creating, as well as adaptable to contexts and situations, rather than stable and fixed (Gee, 1999: 41). Furthermore, meanings are not intrinsic to individual minds, but negotiated in social interactions (Goffman, 1981; Goodwin and Goodwin, 1990). As such, this situated meaning tool provides the means to analyse the meanings of public/private in the specific context of Slovakia at a specific time. To generate ideas about how the texts build meanings, grammar, as the device authors use to shape their texts to fulfil certain purposes and achieve certain goals, will be looked at. Attention is directed towards repeated words and phrases, adjectives and verbs used in conjunction with core words, and the contexts in which they are used, and towards the design of the clauses in which they occur and the way they are connected into sentences and across whole texts.

Building on situated meanings, the cultural model device mediates between micro and macro levels of social interaction (Gee, 1999: 58), for each statement is associated with a cultural model. As Spiro argued, cultural systems (models) are not merely external to participants in social interaction, but also internal to them in the sense that they engage their minds and guide their actions to a substantial extent (1987: 38). In other words, cultural models are taken-for-granted ‘theories’ or ‘simplified worlds in which prototypical events unfold’ (ibid: 59). Following the above line of meaning-attaching argument, words and statements are utilised in context against sets of social and cultural assumptions, which are firmly embedded in historic experiences that underpin a particular cultural model (ibid: 60). Put differently, a cultural model is a picture of a reduced world that embodies what is ‘normal’ in a given context (Gee, 2011: 170).

The data consists of 937 contributions to comment board discussions prompted by 12 articles published on the websites of 2 mainstream newspapers (SME and Pravda) in the period between 2012 and 2013. This time span corresponds with the outbreak and culmination of the greatest corruption scandal in the history of Slovakia, the Gorilla affair, wherein the notion of the ‘conflict of interest’ came to the forefront of public attention. The below chart details the sources and their coding. See the reference list for full bibliographical details.

### Chart 1

Article	Article code	Codes of respective debates
The police used batons at the end of the Bratislava protest (Trško - SME)	Article A	Debate A
Gorilla: demonstrators threw flares, the police used tear-gas (Pravda)	Article B	Debate B
MPs re-opened the Gorilla case, reports have not found any evidence (SME)	Article C	Debate C



MPs re-opened the Gorilla case, no evidence to bring charges has yet been found (Pravda)	Article D	Debate D
Radičová did not deny hosting Haščák in her home (Piško - SME)	Article E	Debate E
Was Haščák visiting Radičová? Penta confirmed it (Stupňan - Pravda)	Article F	Debate F

The affair implicates top-ranking officials and politicians from across the political spectrum, as well as influential private entities, and thus offers a significant opportunity to explore the meanings of the public and the private.

### **Part 3 ‘Conflict of interest’: The Slovak experience**

#### ***3.1 Historical background***

It is crucial to briefly outline the history of Slovakia in order to appreciate the nuances of the Slovak conceptualisation of the public/private dichotomy, given that this is taken to be a product of a particular historic experience in a perpetual process of construction. As culture and history are inextricably linked, a close look needs to be taken at history in order to understand the cultural models employed in discourse.

Slovakia’s history of independence and democracy is relatively short. The country was a component of Austria-Hungary for nearly 1,000 years. It occupied a position of a rather inferior member of the empire with little cultural and administrative independence. After the disintegration of the empire following the events of the WW1, Slovakia formed a federation with the Czech Republic, another former Austro-Hungarian land, but one which had enjoyed a significantly higher degree of autonomy. This is demonstrated by the official title of Astro-Hungarian rulers, which, among many titles, includes King of Bohemia (modern day the Czech Republic). Contrary to this ‘component’ status, Slovakia was merely treated as a district of Hungary.

Given the limited experience of running a state and a lack of an educated populus in Slovakia, resulting from its low rank within the empire, the Czech part of the country assumed the status of a leader. Slovaks perceived themselves as non-equal partners of the Czechs (Pavlínek, 1995: 351). The paucity of experience and education is reflected in the instances of Czechs predominantly filling the positions of teachers, administrators, doctors and so forth, in other words the educated class (Krajcovicova, 2009). A brief period of an ‘independent’ Slovak Republic followed from 1939 to 1945, when Slovakia was effectively a satellite state of Nazi Germany. The end of WW2 saw the return of Czechoslovakia, where again Slovaks perceived themselves to be ‘playing a second fiddle’ (Pavlínek, 1995). The post WW2 period was further marked by the experience of communism and the domination of the Soviet Union. As such, the experience of subordination and alienation from a ‘state’ that was in foreign hands for most of Slovakia’s history is central to the history and people of Slovakia and is strongly reflected in the Slovak understanding of the public and the private.

### ***3.2 How the Slovaks draw the line: Public/private as the history of the present***

It has been argued earlier in the paper that the public/private distinction is grounded in the socio-historical and political realities of developed mature economies. As such, the division is inherently value-laden, rather than naturally given, and might therefore not entirely correspond with the situation on the ground in countries anticipated to implement anti-corruption strategies. This analysis continues to shine light on the Slovak conception of the public and the private and illuminate the (mis)fit.

#### **3.2.1 Slovaks and the State**

The brief outline of the history of the country above emphasises the inferior position in which Slovaks found themselves for the most of their history and the detachment from their rulers, or later, governors. The subordination and suppression of the Slovaks as a nation thoroughly entered public consciousness in the 18<sup>th</sup> century following the enlightenment trends in the monarchy and the magyarisation tendencies<sup>1</sup> in the Hungarian part of Austria-Hungary. The middle and the upper classes were more affected by the policies of magyarisation, simply because it was necessary to align in order to progress socially, economically and politically. On the other hand, the bottom of the social ladder was relatively protected by its lack of power (Van Duin, 2009). It was precisely this segment of population which became the cornerstone of the national identity. Effectively, ‘us and them’ in the Slovak context denotes us- powerless Slovaks- and them- powerful Hungarians and their authorities. The 18<sup>th</sup> and 19<sup>th</sup> century literature offers a plethora of instances of such portrayals of the Slovaks and the foreign Hungarian state and the state authority as such<sup>2</sup>. The above lays the foundations of the adverse relationship between Slovaks and the authority of the alien state, detached as it was from the people and ignorant of their needs. This notion has been further exacerbated by the period of communism (see below). As such, a distinct cultural model of the ‘adversary state’ developed and continues to be heavily drawn upon in the contemporary construction of the state in Slovakia, as demonstrated below.

Analysis of public discourse has revealed that utterances concerned with the state are marked with strong negative undertones. The state appears almost exclusively in unfavourable light and in association with words such as “*hnus*” (filth) (debate A: 8, 10, 11; debate E: 14; debate D: 1, 2). Such sentiments are encapsulated in the assertion “Shame on the state” (debate A: 2).

The image of the malevolent state is further enhanced by utterances charging the state with notions heavy with negative overtones of the communist past, such as “Bolshevik” (debate A: 1, 5), “communist” (debate A: 10; debate B: 1) and “totalitarian” (debate B: 1).

Top-ranking public officials, such as ministers, the prime minister and so forth are attributed with such characteristics as greediness, deception, insincerity, hypocrisy and larceny. Words frequently used when referring to high public officials are “*zlodej*” (thief)(debate E: 4, 5, 7; debate D: 2, debate A: 1, 2, 3; debate B: 1)

<sup>1</sup> Magyarisation refers to the trend of forging greater unity across Hungarian part of Austria-Hungary eliminating any differences between its multicultural populations. Slovaks conceive of this tendency as forceful assimilation. For further information see Stroschein, 2012.

<sup>2</sup> See for example Král, 2008; Chalupka, 1864; Záborský, 2009; Beblavý, 1949.

“*kriminálnik*” (criminal) (debate E: 3; debate C: 1) and “*klamár*” (liar) (debate E: 6, 9; debate A: 3; debate D: 1) and verb forms of these nouns proliferate in the discourse.

The following quote epitomises the essence of the perception of political figures, who are inseparably linked to the state and the public office.

“It is clear from the behaviour of I. Radičová<sup>3</sup> ... that there is no difference between politicians of the last 23 years in Slovakia” (debate F: 3).

Here the author has made the clause ‘It is clear from the behaviour of I. Radičová’ the main and foregrounded clause. The clause ‘that there is no difference between politicians of the last 23 years in Slovakia’ has been subordinated to the main clause as background and carrying taken-for-granted information about the character of politicians. Thus, the above utterance constructs a world wherein all high-ranking public officials bear the same adverse characteristics (outlined above), which is well-known information to everyone and therefore does not need to be elaborated. These situated meanings clearly demonstrate that the cultural model of the ‘exploitative state’ is alive and well.

Here we arrive at the first inconsistency in the international and the local public/private dichotomy. The state emerges as an exploiter, not the representative of the citizenry. Furthermore it has been illustrated that public officials *are* the state, not merely *representatives* of the state, which undermines the notion of the duty of public officials to serve the public, as implied in the concept of Western democracy. The breach of this duty effectively constitutes a ‘conflict of interest’.

### **3.2.2 The state as the public and the people as the private**

The seeds of the adverse relations between the people and the state were sown in the period of Austria-Hungary. However, this does not suffice to understand the meanings of the public and the private, as the conceptualisation of the public was decisively marked by the experience of communism, which drove the final wedge between the public and the private.

One of the tenets of communism is total subordination of private interests to the common interest. The Communist Party positioned itself as the ultimate and universal guardian of common interest. Ultimate power rested with party leaders who were positioned in a rather parent-child relationship vis-à-vis the citizenry, for they were in the position to know what is the best for the state (Nove, 1977: 24). In turn, what was best for the state was best for individuals which effectively legitimated opening all aspects private lives of citizens to the party gaze. The relationship between the state and the citizens is thus reminiscent of the relation between parents and children, in that it was patronising, with the Party tasked with the protection of the state overriding individual interests of the people for the sake of their own (and therefore general) good. In other words, the public colonised the private.

The private, along the lines of legitimate private interest, was virtually non-existent in the official discourse. Put crudely, anything that did not conform to official/state interest was against the public/the state and therefore illegitimate (Gal, 2005).

---

<sup>3</sup> PM implicated in the scandal.

Nevertheless, as Kmet' maintains, the subordination of the private to the public was not reflected in the activities of individuals (2011). Behind the façade of alignment with the official doctrine, the private sphere flourished. The public became the empty and insincere sphere where individuals superficially adopted the official discourse in order to get by in their private lives and achieve their private interests (Gal, 2005). Contrary to the public realm of charade, the meticulously protected private stood for honesty and righteousness (ibid).

This is reflected in the studied public debate which directs attention towards public officials as the carriers of the stigmatised public identity (debates E: 1, 2, 4, 5; F: 1, 2, 3), the characteristic traits of which, such as greediness, deception, insincerity, deception and larceny, have already been outlined in the preceding section. On the other hand, people are constructed in stark contrast with the public and the state as decent and honest (debate D: 2; E: 9; A: 1; C).

Thus, the notion of the public synonymous of the state becomes deeply stigmatised. This has ramifications for the notion of citizenry. Citizenry is closely linked to the state and as such contaminated with the corrosive meanings of the public. The above is manifested in almost entirely lacking references by discussants to themselves as citizens. Rather, they construct themselves as *the people (l'ud)*. The disconnection between the state and the public is evident and constitutes the cultural model of 'people versus the state' elaborated below.

As such, the second assumption of the 'conflict of interest' paradigm, that is to say the public as a vital connection between the governor and the governed, does not map out onto the Slovak context. The governor and the governed do not exist in harmonious relationship. The public interest merely translates into the interest of the malevolent state, that is to say public officials, not into the individual interests of citizens writ large, precisely because there is no citizenry upholding the state and no state protecting the citizenry in the Western sense.

### **3.2.3 The private against the public**

It has been demonstrated above that Slovak identity emerged from a confrontation with the state and that the state and the public are synonymous to a great extent and divorced from the private. As such, the private effectively translates into the essence of 'Slovakness'.

Any closeness of the people and the state is ruled out for it jeopardises what it means to be a 'true' Slovak. As such, public officials are constructed to inhabit exclusively the public/state realm, which is reflected in the unwillingness to attribute them with the positive features associated with the people, as this would effectively disrupt the world sense-making model of 'the state vs. the people' and compromise the defining element of being a good Slovak (debates A; B; C; D; E; F). It is fundamental for public officials to be devoid of the notion of private, for public and private are bearers of contradictory values and morals. This argument is supported by the adverse reaction to the media construction of public officials as having both private and public identity (debate E; debate F). The perils of the employment of the Western model are pronounced in the public discontent with this and the consequent construction of the media 'sympathizing' with the state, which inevitably transposes into 'opposition' to the people (debate A; B).

The above is reflected in the perceived failure of Slovakia to hold public officials accountable for acts of corruption and conflicts of interest, which is explained by the lack of public pressure. To the best of our knowledge, none of numerous suspicions of conflict of interest resulted in a meaningful legal sanction. This could be attributed to the construction of the public/private abyss deeply embedded in the definition of the Slovak, for it effectively allows Slovaks to divorce themselves from the failings of their elected representatives, rather than pursue their accountability.

As such, the private is always defined in opposition to the public, not only when 'things go wrong' as the 'conflict of interest' would have us believe. This point constitutes the final discord between the international and the local conceptualization of the public and the private.

**Conclusion: The conflict of interest: Business as usual vs. a deviation from the normal**

To sum up, it has been argued that the meanings of public and private paint a picture of mutually opposing spheres, heavily weighted with contradictory morals. The case of Slovakia highlights the difficulties of seeking international accord via the means of a universal blueprint paradigm. It does not make much sense to talk about the conflict of interest of Slovak public officials, for there is no public and private in harmonious existence. The particular relation between the governor and the governed as implied in 'conflict of interest' does not exist.

This means that what is an anomaly to be corrected according to the Western logic of 'conflict of interest', is a 'natural' state of affairs in the context of Slovakia, as a projection of the historic experience of the Slovaks. In other words, conflicts of interest in the public sector do not exist as a problem and as such do not need to be resolved. The fundamental assumption upon which 'good governance' is built, that is to say the public/private distinction reflected in the relationship between the governor and the governed, in this context is flawed. It means that the institutions of governance are at best functioning with substantial difficulties or at worst not functioning at all. Indeed, it could be said that the international discourse of 'good governance' resembles a Sisyphean attempt to build a house starting from the roof.

International synergy hinges upon the recognition of the distinctiveness of the public/private divide in Slovakia and worldwide to which institutions of governance need to be tailored, rather than being built on assumed foundations in the quest for the holy grail of universally valid and applicable institutional frameworks.

## References

- Beblavý, P. (1949) *Jánošík, povest' o hrdinovi a dobrodincovi zo XVII. storočia* (*Jánošík, legend about a hero from the XVII century*), František Jurák: Bratislava.
- Bobbio, N. (1989) *Democracy and dictatorship*, Minneapolis: University of Minnesota Press.
- Chalupka, S. (1864) 'Mor ho!', *Sokol*, vol. 3, no. 4, pp. 66-72, Available at: [http://ebooks.gutenberg.us/Wordtheque/sk/mg\\_00005.txt](http://ebooks.gutenberg.us/Wordtheque/sk/mg_00005.txt), [15 August 2012].
- CoE (2000) Recommendation no. 2000 (10) on codes of conduct for public officials, Available at: [http://www.coe.int/t/dghl/monitoring/greco/documents/Rec\(2000\)10\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/documents/Rec(2000)10_EN.pdf), [28 August 2014].
- Gal, S. (2005) 'Language ideologies compared: metaphors of public/private', *Journal of Linguistic Anthropology*, vol. 15, no. 1, pp. 23-37.
- Gee, J.P. (1999) *An introduction to discourse analysis: theory and method*, London: Routledge.
- Gee, J.P. (2011) *How to do discourse analysis: a toolkit*, Oxon: Routledge.
- Goffman, E. (1981) *Forms of talk*, Philadelphia: University of Pennsylvania Press.
- Goodwin, C. and Goodwin, M.H. (1990) 'Interstitial argument', in Grimshaw, A.D. (ed.) *Conflict talk: sociolinguistic investigations of arguments in conversation*, pp. 85-117, Cambridge: Cambridge University Press.
- Krajčovičová, N. (2009) *Slovensko na ceste ku demokracii* [Slovakia on the way to democracy], Bratislava: Historický ústav SAV.
- Kráľ, J. (2008) 'Jarná pieseň' (Spring song), *Zlatý Fond Sme*, Available at: [http://zlatyfond.sme.sk/dielo/168/Kral\\_Jarna-piesen/1](http://zlatyfond.sme.sk/dielo/168/Kral_Jarna-piesen/1), [3 September 2013].
- Kmeť, N. (2011) 'V rozpore so socialistickou morálkou vyžadujú niektorí pracovníci rôzne úplatky za vybavovanie vecí a zabezpečovanie úloh, ktoré patria k ich povinnostiam.": Vedenie komunistickej strany a jeho prejavy o korupcii' [In conflict with the socialist morals, some employees demand various bribes in order to carry out their duties: Leadership of the Communist Party of Czechoslovakia and Slovakia and their attitudes towards corruption], *Forum Historiae*, vol. 5, no. 2, pp. 266-284.
- Lankester, T. (2007) *Conflict of interest: a historical and comparative perspective*, Available at: <http://www.oecd.org/site/adboecdanti-corruptioninitiative/39368062.pdf>, [28 August 2014].
- Nove, A. (1977) *The Soviet Economic System*, London: George Allen & Unwin.

O'Donnel, G.A. (1998) 'Horizontal accountability in new democracies', *Journal of Democracy*, vol. 9, no. 3, pp. 112-126.

OECD (2007) Conflict of interest, Available at:  
<http://stats.oecd.org/glossary/detail.asp?ID=7206>, [28 August 2014].

Pavlínek, P. (1995) 'Regional development and the disintegration of Czechoslovakia', *Geoforum*, vol. 26, no. 4, pp. 351-372.

Piško, M. (2012) 'Radičová nepoprela, že doma hostila Haščáka' (Radičová did not deny hosting Haščák in her home), *SME*, 1 February, Available at:  
<http://www.sme.sk/c/6242179/radicova-nepoprela-ze-doma-hostila-hascaka.html>, [29 August 2014].

Pravda (2012) 'Gorila: demonštranti hádzali svetlice, polícia použila slzný plyn' (Gorilla: demonstrators threw flares, the police used tear-gas), *Pravda*, 9 March 2014, Available at: <http://spravy.pravda.sk/domace/clanok/173587-gorila-demonstranti-hadzali-svetlice-policia-pouzila-slzny-plyn/>, [29 August 2014].

Pravda (2013) 'Poslanci opäť otvorili Gorilu, dôkazy sa vraj stále nenašli' (MPs reopened the Gorilla case, no evidence to bring charges has yet been found), *Pravda*, 7 February, Available at: <http://spravy.pravda.sk/domace/clanok/258289-poslanci-opaet-otvorili-gorilu-kovacik-im-poslal-druhu-spravu/>, [29 August 2014].

SME (2013) 'Poslanci opäť otvorili Gorilu, ale v správe dôkazy nenašli' (MPs reopened the Gorilla case, reports have not found any evidence), *SME*, 7 February, Available at:  
<http://www.sme.sk/c/6694109/poslanci-opat-otvorili-gorilu-ale-v-sprave-dokazy-nenasli.html>, [29 August 2014].

Spiro, M.E. (1987) 'Religious systems as culturally constituted defence mechanisms', in (Kilborne, B. and Langness, L.L. (eds) *Culture and human nature: theoretical papers of Melford E. Spiro*, pp. 145-160, Chicago: University of Chicago Press.

Stroschein, S. (2008) *Ethnic struggle, coexistence, and democratization in Eastern Europe*, Cambridge: Cambridge University Press.

Stupňan, I. (2012) 'Navštevoval Haščák Radičovú? Penta to potvrdila' (Was Haščák visiting Radičovú? Penta confirmed it), *Pravda*, 1 February 2012, Available at:  
<http://spravy.pravda.sk/domace/clanok/173201-navstevoval-hascak-radicovu-penta-to-potvrdila/>, [29 August 2014].

Transparency International (2009) *The anti-corruption plain language guide*, Berlin: Transparency International.

Trško (2012) 'Na záver protestu v Bratislave polícia použila obušky' (The police used batons at the end of the Bratislava protest), *SME*, 9 March 2012, Available at:  
<http://www.sme.sk/c/6292926/na-zaver-protestu-v-bratislave-policia-pouzila-obusky.html>, [29 August 2014].

UN (2011) *Ethics advice and guidance*, Available at:  
<http://www.un.org/en/ethics/conflictinterest.shtml>, [28 August 2014].

Van Duin, P. (2009) *Central European Crossroads: Social Democracy and National Revolution in Bratislava*, Oxford: Berghahn Books.

Weintraub, J. (1997) 'The theory and politics of the public/private distinction', in Weintraub, J. and Kumar, K. (eds) *Public and private in thought and practice: perspectives on a grand dichotomy*, pp.1-42, Chicago: The University of Chicago Press.

Záborský, J. (2009) 'Jánošíkova večera' (Jánošík's dinner), *Zlatý fond Sme*, Available at:  
[http://zlatyfond.sme.sk/dielo/1040/Zaborsky\\_Janosikova-vecera/1](http://zlatyfond.sme.sk/dielo/1040/Zaborsky_Janosikova-vecera/1), [03 September 2013].

**Contact Email:** [g.bereghazyova@surrey.ac.uk](mailto:g.bereghazyova@surrey.ac.uk)

The logo for the International Association for Business and Economics (iafor) is centered on the page. It consists of the lowercase letters 'iafor' in a light blue, sans-serif font. The text is enclosed within a circular graphic composed of two overlapping, semi-transparent arcs: a light blue arc on the left and a light red arc on the right, which together form a partial circle around the text.



***“Just Ask Me”: Mechanisms for Being Together in Fragile Communities***

Jillian Marchant, James Cook University, Australia

The European Conference on the Social Sciences 2014  
Official Conference Proceedings

**Abstract**

Communities located in sparsely populated rural areas traditionally rely on prolific social involvement among members to inform decisions and initiate action. A challenge in some communities is that social interactions form strong social bonds between inhabitants that limit the full social participation of other individuals. Where there is a threat to community existence, previous research finds even greater restrictions in local social arrangements. This study informs on the social fabric of communities in rural areas of South Australia, at a time when many of these communities face social deterioration, disruption to local institutions and uncertain futures. Reports were gathered from small number of resident contributors allowing a consideration of the persistent consequences of social arrangements that are found in rural areas. A deep understanding of the social mechanisms in communities in rural areas allows an exploration of the difficulties that pervasively limit the generation of synergistic arrangements between local and distant populations. It also highlights the historical, existing and potential dependence located in social interactions as a means to perpetuate the survival of rural communities. Through the reports of local contributors, the barriers and enablers in social arrangements are identified and their opinions are offered about local and societal mechanisms anticipated to revitalise local development. From the contributions of inhabitants, conclusions are drawn to suggest enablers hoped to secure a prosperous social existence by cultivating being together in community.

**iafor**

The International Academic Forum  
[www.iafor.org](http://www.iafor.org)

## **“Just Ask Me”: Mechanisms for Being Together in Fragile Communities**

This paper explores the social fabric of contemporary rural communities. It does so through understanding the reported social experiences of adult residents that inhabit the rural areas of South Australia. Previous research that has sought to understand the social characteristics of rural communities located in Australia report that the sustained existence of smaller populations necessitates an increased number of social interactions among members (Agnitsch, Flora, & Ryan, 2006, p. 41; Stone & Hughes, 2001, p. 40). Consequently, for individuals that inhabit rural communities “being together” is more than a social pastime, it is essential to their continued survival. Exploring the reported social experiences of inhabitants identifies the ways in which a social basis for the synergism of individuals within communities may be enabled. Suggestions may be drawn from the statements of residents about the ways in which individuals may continue being together as developments for South Australian rural communities unfold.

### **South Australian Rural Communities**

Understanding the social aspects of community life in the rural areas of South Australia is partially informed by understanding the demographics of the State. The population of South Australia is approximately 1.67 million, of whom 1.23 million individuals reside in or near the capital of Adelaide (Australian Bureau of Statistics, 2013). The large areas outside of Adelaide are populated by over 400 000 individuals living in communities that support the primary production of exports (Spoehr & Jain, 2012, p. 13). The rural communities of South Australia are thus characterised as being remote from the metropolitan area and consisting of lower population densities (Smailes, 2002, p. 81; Spoehr & Jain, 2012). Research on the social mechanisms of isolated and sparsely populated communities such as those found in South Australia propose that the decisions and actions to sustain community life in rural areas is reliant on a greater number of social interactions among members (Gray & Lawrence, 2001, p. 173). Previous research identifies that dense social interactions leads to social arrangements that afford community members stronger social bonds to one another in comparison to the social bonds found among their metropolitan counterparts (Onyx & Bullen, 2000, p. 38). It is proposed by researchers that the prioritisation of strong localised social bonds is a mechanism to assist individuals to overcome the challenges of day-to-day living (Stone, 2003, p. 14). Researchers suggest that communities that have strong social bonds among members do so at the expense of neglecting the development of social bridges with those who are considered outsiders (Agnitsch et al., 2006, p. 38). An identified challenge is that community benefits, such as novel solutions from social participation of individuals who are considered outsiders, may be restricted (Agnitsch et al., 2006, p. 38). Problematically, where there is a perceived threat to the future of the community, members emphasise a reliance on the social bonds that assist their day to day living, rather than look to outsiders to continue or enhance their future prospects (Besser, 2013, p. 121). Social connection therefore, is a significant part of continued being or existence and is integral to overcoming the threat of demise. Social arrangements that offer chances to survive day-to-day living are in contrast to other social mechanisms such as individual self-realisation or developing community prosperity. Individual self-realisation or community prosperity rest on survival needs being taken care of and a notion that provisions will fuel developmental aspirations. Within the

State of South Australia, many individuals and their communities face significant threats to their survival rather than an abundance of resources for progress.

### **Contemporary Influences in Rural Communities**

Uncertain community futures lends themselves to the work undertaken here, namely to inform about the ways in which beneficial social experiences are generated. Changes in human interconnection locally and across the globe has drastically influenced the future prospects of rural communities. Current research suggests that many rural communities now face additional pressures from contemporary influences such as the concurrent rise of globalisation and neoliberalism (Hogan & Young, 2013, p. 320; Hoggart & Paniagua, 2001, p. 48). Neoliberalism, as a method for international transactions, has led to domestic policies that use the same ideology to distribute resources and services. A consequence of this shift is that smaller isolated populations are now allocated less means rather than being compensated for the remote aspects of their existence. This has led to social deterioration and disruption in rural institutions, as individuals have out-migrated to better-resourced metropolitan areas. A further consequence of these changes is that many rural communities are without the institutions to cope with rapid and complex changes associated with global trends and now find themselves in crisis. Whilst not every rural community has experienced, or is in crisis, the overwhelming evidence reveals growing disparities between regions and amongst individuals, a situation that has prompted policymakers to respond with agendas such as the South Australian social inclusion initiative (McLachlan, Gilfillan, & Gordon, 2013, p. 47). The South Australian social inclusion initiative, and nationwide Social Inclusion Agendas are anticipated by policymaker to curb growing social inequities, both among individuals and between regions (Newman, Biedrzycki, Patterson, & Baum, 2007, p. 44). Social inclusion policies often rely on the participation of individuals to curb disparity through increasing their social participation, such as engaging with employment or education activities. It is of interest therefore, to investigate the social experiences of those who participate in either employment and/or education. Such an examination is in order to appreciate the influence of policy on the social experiences of individuals. At this time, the National Social Inclusion in Australia is no longer a priority of the Australian Government, however, social inclusion remains a priority of the South Australian Government as a specific responsibility of the Department for Communities. In particular, social inclusion has a key role in supporting the independence and participation of individuals and communities. Presumably, it follows that in the policy prescription advocating independent participation for any community within South Australia, opportunities now exist to include the contribution of more individual residents as community representatives. This representation is particularly salient in the decision-making processes that influences the future of rural communities by offer opportunities for individuals from these communities to power the decisions that affect them the most. It is proposed here that social experiences including the participation of individuals within communities, or as representatives of their community, is best understood by appreciating the reports of individuals that inhabit these areas.

## Research Approach

It is anticipated that understanding the experiences of residents through their reports will illuminate the ways in which social experiences in rural communities are either restricted or enabled. This research seeks to gather and report these experiences, not to find a singular truth, but rather offers an approximation that may be reflected upon in anticipation of assisting an appreciation of the social aspects in these regions. This particular research circumstance therefore, lends itself to a qualitative approach to understand the social arrangements that currently exist within these communities through the reports of local individuals. In particular, a case study approach using local knowledge cases may expose the rich knowledge of contributors within their particular social setting and community circumstances. Consequently, this research aims to find common themes related to social opportunities to be together in their communities.

As stated earlier, traditional social arrangements to ensure survival, aspects of globalisation, as well as social inclusion agendas are some of the key influences in the generation of contemporary social mechanisms in rural communities. With reports of isolated and sparsely populated areas grappling with challenges in South Australia (Smailes, 2002, p. 93), it is especially pressing to investigate contemporary social arrangements. Understanding the possibilities for revitalised social arrangements ensures the survival of inhabitants and their communities as a keystone of community sustainability. Clearly, many research questions may be explored in relation to the social fabric of rural communities. However, this present research is a beginning to understand social relationships in present times. Therefore, the primary lines of enquiry are engaged with here; principally, how are social experiences generated in rural communities? And how is the generation of these social experiences either enabled or restricted? The methods used to understand these questions include a case study approach to gather the reports of individuals that inhabit some of the rural communities of South Australia.

## Methods

Reports were gathered from a small number of resident contributors, allowing a consideration of the persistent consequences of social arrangements that are found in rural areas. This work forms part of a larger study that engaged with adult students residing in rural areas. The larger study seeks to understand the mechanisms of social inclusion through the reports of adult students as individuals who are engaged with a participation strategy, namely education endeavours strongly advocated in social inclusion policy as having positive social impacts. This study uses semi-structured interviews to gather the reports of social experiences. Questions asked during an approximately 60-minute interview included “tell me about the social activities that you like to be involved in”, “can you talk to me about the best way to get involved with the community” and “can you tell me how you feel about living here?”. Fourteen residents in 12 different rural areas across the State of South Australia have contributed to the study so far. All of the contributors are adult students that are enrolled or have recently completed adult education with a variety of courses ranging from a Certificate III to a PhD. The student’s ages range from 28 to 71. In this study, the gender distribution is overwhelmingly skewed towards women, as only two of the contributors are men. However, this is not unsurprising as research in adult

education finds that women are more likely than men to engage with education and this trend is apparent in both metropolitan and rural contexts (Williamson, 2000, pp. 63, 60). For each instance of report, the contributor has approved a finalised transcript that may be used in this study. After approval the transcripts have been coded using NVivo. This coding centred on an inductive approach to understand the generation of social experiences for individuals and how these experiences are either enabled or restricted. This method, to gather a deep understanding of the social mechanisms in communities in rural areas, allows an exploration of the complexity that pervasively enhances or limits the generation of synergistic arrangements between local and distant populations.

### **Analysis of Social Experiences**

When considering how social experiences are generated in rural communities contributors reported that a social experience or social activities that created “being together” in a community was likely to be prompted by friends. Friends are identified as more than casual acquaintances and often were from families known to each other across generations. As an example when asked about her friendships, Lisa said “[it’s] “limited, limited, it’s just due to my personal experiences and stuff like that. I just think it’s very limited. It’s more family friends”. Contributors such as Wynne illuminated this position, as she was reluctant to be involved in social activities in her community and only joined after a “conversation with a friend over a long period”. Friendships therefore, are an important enabler for the generation of social experiences within community.

Family and early education was also identified as an important mechanism for social experiences, as many contributors became involved in local activities through their children’s activities. The involvement of children in kindergarten and school meant that parents are often required to attend meetings. As Oigle said “anybody left standing at the end of the meeting usually gets dobbed on to the council or the parents or friends or something else”. When asked about how her friendships developed, Katrina said “through children. Through children mainly, yes. Playgroup, occasional care, went on to kindy, school, sporting”. This involvement often permeates into other community experiences and the opportunity to meet new people. Amber expanded on this to identify the places to find social activities and the possibilities for social involvement. Amber said “they say sport, or the church, or the pub are the three things that make country communities tick, and they would be a good place to start, if you want to meet people. Find some way of getting involved and meeting people - volunteer for something. People appreciate that”. However, many contributors found that volunteering might be difficult without an invitation to join in the social activity through friends. Emily’s report demonstrated this when she volunteered into a community group where she was considered an outsider. When asked about the group and her experience she expressed “they do need to learn to welcome people and not just the people that have been there years and years, they need to accept new blood. A lot of them are related and in it together, when you’re new blood it’s very hard”. This demonstrates that some groups in rural communities retain intense bonding capital that potentially excludes others from social experiences. In some social occasions that occur without the connection of friendships, it may therefore be difficult to have a sense of belonging through social activities. In summary friends, and especially friends made through connecting with the activities

of children enable individuals to connect into the plethora of social activities in rural communities that includes sport and volunteer groups.

Apart from a reliance on friendships to generate experiences, contributors were able to identify scenarios in which their social experiences and their friendships in their local communities are restricted. Overwhelmingly the reports cited a combination of caring duties and work or travelling to work as priorities. Emily expressed it well, “I am not involved in any activities, I haven’t got time. Like, with my work, my work’s shift work... I just couldn’t fit it in, into my routine, it was just too hard, and then with studying as well, I study part time as well, I just couldn’t fit it all in”. It should be noted that due to their engagement with adult learning, many of the contributors may be in the same position, facing additional time restrictions that influences social availability. Sandy also indicated that time was a factor in joining into more community activities, “Not at the moment, no. I haven’t found one yet. Been too busy with work... Normally, well put it this way in 5 months, I had done nearly 6000 kilometres. That wasn’t including travel for work that had a petrol allowance, so 7-8000 in 5 months”. Katrina also had heavy weekly travel commitments to fulfil her education and employment obligations “it’s about 90 – 100 Ks it would be about 150 Ks or another regional centre nearly 300, I believe”. Work commitments and travel to other regional centres to fulfil those commitments leave little time for contributors to be involved in social activities or to make personal connections. Sometimes a lack of time generates a lack of friends and this in turn generates a lack of social invitations that were not missed due to a lack of time. Emily’s report highlighted the social difficulties that arise due to other commitments, she stated “I perhaps have one good friend, and my neighbour is really friendly, but we don’t have the time to get together for coffee or anything like that. I have friends at work, but we don’t go out or anything like that.... I think that everyone is in a similar situation, even mums with little kids don’t have the time to make friends”. This report suggests that even though the attendance of children at school could be previously relied upon for generating social connections in rural communities, this may be eroded by employment and travel pressures. A lack of friendship and social connections may mean that the social benefits from the interaction of residents is missing in rural communities. This may partially explain a reported lack of volunteers, and a lack of representative individuals, located in either community or outside institutions. When discussing the possibility of finding work in their town so that they could connect with friends and community rather than travelling, Heidi stated, “I think the services are just shutting down more and more. I think that here is just going to end up turning into an aged care facility and I think I’m surprised how many people, particularly women drive every day to work”. Overall, increasing social participation activities such as education and employment activities are reported as restricting other social experiences for residents in rural communities. In turn, this restriction in engagement amongst individuals in rural communities has constrained traditional social avenues, such as parental attendance at school functions that allowed individuals to start on a journey to “be together”.

### **Analysis of Social Involvement**

In addition to being involved in various community activities in a manner that is facilitated by friendships, contributors expressed expectations about outcomes from being socially involved in community activities. These expectations are an important

component of the social experiences of rural inhabitants. Whilst none of the contributors demanded that there be a consistent outcome from their social involvement with others, many expected a positive outcome for their community would be evident from their social contribution. As Emily said about volunteering “the teamwork and satisfaction it all comes later. It’s a long process”. This encouraging expectancy is held in similar esteem by members across the state of South Australia as they express a deep understanding of the challenges that face their communities gathered through their social involvement. As Lisa found “and I even hear that the library is dying down, so it’s well what’s going to happen to the whole, what’s going to happened to it in the future. Is there going to be a future...?” As individuals continue to engage with their community through social activities, their reflections on the state of the community highlights disturbing concerns.

Regardless of the amount or depth of their social activity, all of the contributors showed a significant interest in the future development of their communities. Anne expressed this “Because I care about our community, I guess and I care about where it’s going... I guess it’s just a passion, if people don’t put their hands up to be involved in things, well maybe they won’t happen”. Despite their local knowledge and readiness to engage with collaborative efforts, the majority in this study did not expect to be asked about the decisions that affected them, or their communities, and felt that their suggestions were considered “a waste of time” by decision-makers. Lisa reflected on her community and the decisions that are made “but yes everywhere in this area would be our community, because everyone is affected by decisions. And even the council should consider everyone’s decisions in every area here. It effects... like other states making decisions affects South Australia. It is sort of saying that someone saying they will do something that will affect and we will not talk about”. A few experienced varying degrees of frustration that they are not asked about decisions that affected them and the wellbeing of their communities or that being consulted made little difference. Meg expressed “and they listen, but nothing happens, because it all comes down to dollar values and we’re a number and that’s all we are. They can say “yes, yes we understand your concern. Yes, yes, we can see what you are saying and we can understand where you are coming from”. Meg’s comments reflect the frustration about the local outcomes from neoliberal processes and the insignificance of local challenges to these practices.

Problematically for social inclusion initiatives, many contributors also reported that their community representatives are not consulted about the decisions that affect their communities – negating social inclusion policy statements that communities are independent and that participation is encouraged. Julie stated “I think we need to have a proper and educated public voice, and if we don’t that have that within the community, I just don’t think there’s any direction from the community. We might as well go back to the dictatorship with a lot of small communities”. Taken together this evidence suggests that social involvement in terms of decisions by individuals and rural communities about their futures is not perceived as widely consultative and may rely on other outside views.

This scenario of disillusioned residents who state there is a lack of consultation fits with European research that has found that residents are often only engaged with participation in community decisions through an extreme personal motivation {Shortall, 2008 #521@452}. Often the views of those participating in decisions are

in contrast to the majority, including the contributors to this study who expect better consultative mechanisms to offer them a chance to express their views. This is further evidenced by the contributors, who when prompted were able to concisely articulate the needs of themselves and their communities: proposing possible starting points for regeneration along with a willingness to be queried about potential developments. Taken as a whole these findings highlight the historical, existing and prospective dependence placed on good social connections and the need for exemplary societal mechanisms that influence decisions between local and distant populations to perpetuate the survival and development of rural communities.

## **Discussion**

The contributions of inhabitants of the rural areas of South Australia have identified the ways in which their social experiences are generated and influenced by internal and external processes. Through the reports of rural residents, both the enabling offered by friendships and the social restrictions due to efforts in other social participation activities such as education and employment are revealed. These contributors have indicated that social mechanisms within their communities are diluted and fragile. Furthermore, the societal mechanisms that allow them to make decisions about their futures are also problematic. The contemporary social arrangements reported by contributors suggest that further research is required to discover paths that offer resources for localised social involvement and renewed consultative arrangements in distant relationships. Further work may include exploring both vulnerable and thriving communities respectively in terms of gathering reports on the social fragility or robustness of social relationships and decision-making structures. This would be a beginning in revitalising the synergy of additional and diverse individuals in rural community life. As one contributor stated when questioned about the best way to understand her ideas on the developments needed for social continuance in her community she replied, "Just Ask Me". I suggest that research seeking to understand the structures and resources that may facilitate more synergistic arrangements between local and distant populations begin by a revitalised questioning of those whom it affects: this would be in contrast to community direction waiting to be informed. Discovering the mechanisms for re-establishing "being together" in this way may offer a foundation for individuals in revitalised rural areas so that they can continue "doing together".



## References

- Agnitsch, K., Flora, J., & Ryan, V. (2006). Bonding and Bridging Social Capital: The Interactive Effects on Community Action. *Community Development*, 37(1), 36-51.
- Australian Bureau of Statistics. (2013). National Regional Profile: South Australia. Canberra, Australia: Australian Bureau of Statistics.
- Besser, T. (2013). Resilient Small Rural Towns and Community Shocks. *Journal of Rural and Community Development*, 8(1), 117-134.
- Gray, I., & Lawrence, G. (2001). *A Future for Regional Australia: Escaping Global Misfortune*. North Ryde, Australia: Cambridge University Press.
- Hogan, A., & Young, M. (2013). Visioning a Future for Rural and Regional Australia. *Cambridge Journal of Regions, Economy and Society*, 6(2), 319-330.
- Hoggart, K., & Paniagua, A. (2001). What Rural Restructuring? *Journal of Rural Studies*, 17(1), 41-62.
- McLachlan, R., Gilfillan, G., & Gordon, J. (2013). Deep and Persistent Disadvantage in Australia. Canberra, Australia: Australian Government: Productivity Commission.
- Newman, L., Biedrzycki, K., Patterson, J., & Baum, F. (2007). A Rapid Appraisal Case Study of South Australia's Social Inclusion Initiative *A report prepared for the Social Exclusion Knowledge Network of the Commission on Social Determinants of Health (established by the World Health Organisation)*. Adelaide, Australia: Social Inclusion Unit.
- Onyx, J., & Bullen, P. (2000). Measuring Social Capital in Five Communities. *The Journal of Applied Behavioral Science*, 36(1), 23-42.
- Shortall, S. (2008). Are Rural Development Programmes Socially Inclusive? Social Inclusion, Civic Engagement, Participation, and Social Capital: Exploring the Differences. *Journal of Rural Studies*, 24(4), 450-457.
- Smailes, P. J. (2002). From Rural Dilution to Multifunctional Countryside: Some Pointers to the Future from South Australia. *Australian Geographer*, 33(1), 79-95.
- Spoehr, J., & Jain, P. (2012). *The Engaging State: South Australia's Engagement with the Asia-Pacific Region*. Adelaide, South Australia: Wakefield Press.
- Stone, W. (2003). Bonding, Bridging and Linking with Social Capital. *Stronger Families Learning Exchange Bulletin*, 4(Spring/Summer), 13-16.
- Stone, W., & Hughes, J. (2001, 10-12 September). *Sustaining Communities: An Empirical Investigation of Social Capital in Regional Australia*. Paper presented at the Fifth National Conference Sustainable Economic Growth for Regional Australia, Townsville, Australia.
- Williamson, A. (2000). Gender Issues in Older Adults' Participation in Learning: Viewpoints and Experiences of Learners in the University of the Third Age (U3A). *Educational Gerontology*, 26(1), 49-66.



***The Use of a Problem Based Learning Approach to Teach Islamic Ethics:  
An Action Research in the Indian Context***

Parvez Sadruddin Kotadia, The Institute of Ismaili Studies, UK

The European Conference on the Social Sciences 2014  
Official Conference Proceedings

**Abstract**

Fostering ethical values and its internalization in students' lives is a daunting process. Mere regurgitation of moral values in classroom does not translate into application. In recent years, the global trend suggests that excessive materialism and individualism have led to ideas of instant gratification and the erosion of the ethos of ethical values. India is no exception. This brings forth many questions: Can ethics be taught? How can we create opportunities for students to imbibe ethical underpinnings and articulate their concerns, question or doubts about these values? This article will share findings from the research which was conducted as a part of the researcher's Master's Degree report. In which the focal point was on using Problem-based learning (PBL) to teach Islamic ethics in India.

The study found that PBL provided opportunities to examine and internalize the global challenges through contextual problem based scenarios relevant to students' lives. Such as water leakages and cleanliness of society which were prevalent in their respective vicinity. Through this process, they developed problem-solving skills, team-work, confidence and empathy. The study indicated that PBL is not applicable for teaching all the ethical values within the EPHD curriculum. Furthermore, lack of awareness among students and parents, expertise and willingness of the teachers, limitations of resources and traditional methods of teaching in the secular schools are some of the challenges encountered in implementing this pedagogy. These challenges place greater emphasis on the role of the teacher and necessitate students-teacher collaboration to make it a more meaningful learning process.

**Keywords:** Islamic Ethics, Problem-based learning, Global Challenges, India, Contextual-problems, Relevance, Team-work, Empathy, Student-Teacher collaboration.

**iafor**

The International Academic Forum  
[www.iafor.org](http://www.iafor.org)

## Introduction

This research was undertaken to understand the efficacy of Problem Based Learning (hereafter PBL) in implementing 'Ethical Pathways to Human Development' (hereafter EPHD) a curriculum developed by the Institute of Ismaili Studies (IIS, London) in the Indian context.

As a RE teacher and researcher, I have always grappled with issues such as can ethics be taught? Does teaching of moral values and notions of development lead to its internalization and application? How can one practice ethics? How can the understanding of issues of social development, their complexities, and sensitivities be realized by students? What can a teacher do to create enough opportunities for students to imbibe ethical underpinnings of the curriculum and articulate their concerns, questions and doubts about these values?

These questions become even more pertinent because statements from the teacher's guide such as "*make it relevant to their own local and cultural contexts*", "*appropriate to the abilities of students*" (IIS, 2010, Pg. 20), "*to sustain the interests of pupils and make learning meaningful*" (IIS, 2010, pg.13) encourage teachers to keep certain aspects in mind while implementing it in the class. Thus, this research aims to examine the utility and effectiveness of PBL approach in explaining Islamic tenets about development and enhancing spiritual and ethical progress.

## Research Context

This research took place in Indian Ismaili community. Ismailis are a minority belonging to Shi'i sect of Islam (Daftary, 1998). In 2009, STEP (Secondary Religious Education Programme) was implemented in India to professionalise the secondary religious education system of the Ismaili community. STEP in Mumbai (India) has been piloted in 8 clusters. This small scale research was conducted over a period of 7 weeks (26 hours) in one of the suburban religious education clusters in Mumbai, India. This Religious Education Center (REC) had facilities such as LCD projector, laptop, stationery, textbooks, resource room and voluntary staff to support the teachers. It is significant to note that this REC is situated within an enclosed society of the community with the facility of garden, library and prayer hall. It has a population of approximately 1000 residents. This safe environment allowed for conducting of many practical activities.

Students coming to this cluster belonged to diverse socio-economic backgrounds. It was a classroom of fourteen twelve and thirteen year old students (8 girls and 6 boys). Most of the students attend English medium school of which two students attended an International school. The language of communication was mostly English: two students who had recently migrated from Gujarat had some issues communicating effectively in English. The classes were conducted once a week on Sunday morning for three hours.

## Literature Review

### What is Problem Based Learning?

It is difficult to come up with a single definition of PBL due to its varied usage in diverse disciplines. Thus, it brings forth the challenge to state one universal definition (Chen *et al.*, 1994). However, the following working definition of PBL has been accepted for the purpose of this research:

According to Barrows and Tamblyn (1980) “*this method...involves learning in ways that use problem scenarios to encourage students to engage themselves in the learning process*”. Boud (1985) explains that it is a starting point of learning where the learner is puzzled and strives to find solutions. Students either work individually or collectively to develop new knowledge to apply in diverse situations.

### Characteristics of Problem Based learning:

Various researchers (e.g. Hallinger & Bridge (2007), Creedy & Hand (1995), Barrows and Kelson (1995)), have given different characteristics of PBL depending on the nature and discipline that they are examining. However, there are common denominators in all these discussions of characteristics of a PBL classroom:

- Real life situation as the starting point for learning
- Self-directed learning
- Work in groups

The above characteristics have also been echoed by Charlin *et al.* (1998). He states that it is a unique learner centered approach that allows students to confront real life situations which do not have any right or wrong answers. In addition, it provides an opportunity for the communion of theory and practice and makes learners aware of the lacuna in their knowledge as they consult with their peers to discuss probable solutions. Furthermore, the interactions among students inadvertently allow for both self as well as peer assessment to take place within the classroom. It develops accountability due to peer pressure. The problems create curiosity which triggers prior knowledge and necessitates the integration of different subject-matter knowledge for resolving the challenge at hand. This entire process unconsciously develops skills that can be applied simultaneously such as self-directed learning and interpersonal skills.

However, most of the studies on PBL have been conducted in western universities providing higher education and do not provide sufficient information about its implementation at the secondary level. Moreover, there are fewer examples of problem scenarios mentioned in the literature except from the medical field. Hussain *et al.* (2007) conducted a study on PBL within the Asian context and found that students in Asia are different from western context due to their cultural heritage in which their lack of critical thinking and other skills makes it difficult for them to engage in a PBL environment. Eng (2000) believes that Asian students’ deference for teachers does not allow them to question the teachers which can lead to poor learning experiences. Further, Asian students are over-cared for by parents and have less freedom which impacts their decision-making and problem-solving ability. However, Kennedy (2002) argues that it is unfair to generalize this to entirety of Asia due to its rich diversity.

## Methods and Participants

It was an action research. However, in order to maintain objectivity and to triangulate the findings. Data for the research was obtained via the following three methods:

### 1. Semi- Structured Interview

Semi-structured interviews were conducted with seven STEP teachers from three different cohorts who had taught the EPHD curriculum.

### 2. Focus Group Interview

Focus group interview was conducted at the end of this small scale research in which 9 out of the 14 students participated. The remaining 5 did not participate due to the pressure of secular school exams.

### 3. Reflective Journal

Researcher's observations and experiences were captured as evidences which helped to obtain insights of subtleties of the process and contextual understanding of the study

## Result and Analysis

This section aims to present findings and analysis of the three major themes that have emerged from the research:

### ❖ Implicit scope to use PBL to teach EPHD curriculum

Teacher Sana: *"... I think module provides opportunity (to use PBL) and I also think that it also depends on a teacher. How she picks up the reader and puts it across to the students..."*

However, there were other teachers who disagreed and stated that all the units do not provide opportunities for PBL

Teacher Mansi: *"... I don't think that all the 6 units provide that opportunity for integrating PBL. Each unit has its own different demand and set objectives. We cannot go with the same pedagogy in every class. Pedagogy will be different for every unit and every class..."*

Teachers thought that although not all the units encourage PBL explicitly, the module nevertheless gives scope and room for teachers to be creative and employ PBL when teaching. For instance, Teacher Simran felt strongly that the curriculum does not explicitly promote PBL and that *"concepts are very new....but a teacher needs to make it relatable. The ideas in the book are alien to students. They don't relate to them much..."* Teacher Sophia was of a similar view thinking that the curriculum does not directly discuss about PBL, but *"...we as a teacher needs to think and create problem based questions around the text...."* Teacher Saira on the other hand thought that for a teacher to contextualize the module was very important *"....There is lot of contextualization which a teacher will have to do for global – local or local to global keeping in mind students and context. So in a way, it allows a scope..."*

The role of teacher in connecting the curriculum with students' daily lives and interests was reiterated by one of students during the focus group interview:

Student H: “...you were new to us and you asked us about our personal likes/dislikes and it attracted me very much...”

In summary, the above cited excerpts suggest that while the EPHD curriculum does not provide explicit opportunities for PBL, it can serve as a spring board for creating it. It can be assumed that every teacher has a different understanding of PBL which may impact the usage of the curriculum. However, the aforementioned responses underscore the role of a teacher in making PBL through contextualization and making it relevant according to students’ interests, needs, culture, local environment and background. Thus, the subsequent theme focuses on understanding different advantages of problem based learning due to flexibility provided by the curriculum, its contextualization and proactive role of a teacher.

#### ❖ Advantages of PBL

Students’ voice is very important in making PBL successful. This was also echoed by a teacher during one of the interviews.

Teacher Simran: “...I realized that my Lesson plans failed miserably and so what I did was started reflecting on what went wrong..... I rather than making lesson plans for them...I started making with them....”

Therefore, students were asked to conduct a survey of the society to identify challenges faced by the residents. Issues such as caring for old people, leakage of water tanks, garbage in the garden and educational methods were identified as major problems their communities face. After analyzing a number of challenges encountered by the society members, students were asked to narrow it down to one issue which they strongly felt about and would like to draw immediate attention. This process of discussion and negotiation among the students took a lot of time as they had different rationales and thoughts about selecting a particular problem. Finally, students came to a consensus about ‘educational methods’, by which they meant extra pressure, put on them by parents for taking tuition classes other than school work. They argued that they do not have time for other activities and they wanted their parents to understand their point of view and not to compare the present system with their way of learning in the past. Researcher’s note in the reflective journal reads:

*“My struggle to engage students in understanding the various global or local problems did not work out. However, when students were asked to collectively decide about a problem from their lives (here students selected extra tuition pressure from parents and teachers) and play character of different stakeholders. They developed wider perspective, empathized with others and their attitude to problem changed”.*

Though this problem was not directly relevant to RE, the researcher agreed to consider this problem to assess the development of problem-solving skills and to make the global issues mentioned in the curriculum relevant to their lives; Moreover, he anticipated that PBL would be able to bring radical changes in their daily lives. However, his host teacher highlighted that this was a very sensitive issue and can become controversial. Thus, researcher dropped the idea of exploring the topic and decided to conduct it in the classroom only through role play. Students enacted the roles of different stake-holders and debated on the issue from the character’s point of

view. While exploring this topic students came up with some understanding of PBL. Their reflections can be broadly categorized as Empathy, Problem-solving skills, Independent thinking and Application oriented learning:

### **Empathy**

Some students expressed that they developed empathy and understood the significance of analyzing a problem from multiple perspectives. Getting into the shoes of their teachers and parents assisted them to realize the challenges adults face when dealing with their children or students:

Student B: *“...I felt that it is difficult to manage others’ character and in the process also felt it is difficult to manage a child...”*

### **Problem-solving skills:**

After gaining confidence about students’ responses to researcher’s approach to PBL, researcher decided to push it further and try different teaching strategies to enhance students’ problem-solving skills. As it reflects in his journal:

*“I had an apprehension that instead of PBL; my class is moving towards developing problem-solving skills. However, it was minimized when students utilized those skills to analyze and examine the problem collectively decided by them. I got an insight that problem - solving skills are a key ingredient for PBL to work and more a teacher should focus on the process rather than achieving the required result. I used different activities such as short video clips, worksheets, and collage making to enhance their problem solving skills”*

There were students who articulated that the procedure enhanced their problem-solving skills and that they should not take things for granted but look beneath the surface, *“look for evidence”* and avoid being judgmental:

Student B: *“...what we learnt is that it is not important to catch the problem directly. We should always look for more evidences..... In school, we are only taught things that are in the text books but in STEP class we were taught how to resolve the problems, how to interview others, how to talk to them politely without telling this is wrong and this is right...”*

### **Independent Thinking**

Some of the students stated that undertaking PBL activities have increased their confidence and independent thinking by providing opportunities to be *‘on my own’*. Further, it prepared them for future activities:

Student G: *“...we will not be dependent on anybody, if a problem occurs, then we will think about it. We will not call our parents that this happened or that happened and now what should I do? As we grow up, we have to learn to handle the problem independently...”*



### **Application oriented learning**

PBL also helped students to practically experience and implement their learning in their lives. Moreover, PBL makes RE more interesting, different and meaningful from their previous learning experiences at secular school or in primary classes of RE.

Student B: *“... when you told us to go out and see how our local society and make the points about how the society is and then we made the collage that was very nice in the STEP class. Before this we never went out of REC for practical learning...”*

Others appreciated learning about different styles of learning and how knowledge can be acquired. At the same time they became aware of problems and more importantly how to solve these issues.

Student H: *“The surveys which we did, earlier we were not able to do surveys in our normal RECs”*

As such, there are many skills such as problem solving, communication and research skills which are essential for PBL to take place in the classroom. However, it is a slow process. In due course students develop qualities such as empathy, independent thinking and contributing to society which is in direct congruence with the ‘aims of the curriculum’ cited on pg.9 of teacher’s guide. Nevertheless, implementing PBL in Indian and particularly RE context has its own challenges. Some of the prominent challenges are mentioned in the next section.

### **❖ Challenges of implementing PBL**

In spite of earlier mentioned advantages, there were many challenges encountered during the implementation of PBL. One of the fundamental concerns was disparity and ambiguity in understanding of PBL:

Teacher Saira: *“...I personally feel it does, when we talk about ethics there is lot of scope for ethical dilemmas and the way I understand PBL is that you have a concept of ideas that you want to present what you do is that you problematize it...”*

On the contrary to teacher Saira’s definition of PBL, there were teachers who considered case studies and other field based projects as a strategy for PBL

*“It appeared to me that every teacher has a different understanding and strategies for PBL. What should I do now? Which one should I follow?”* (Researcher’s Journal)

Notwithstanding, this dilemma of selecting and considering a particular strategy as a PBL, all the teachers agreed that no matter what strategy is adopted, small group work is pivotal for developing required skills and achieving its objectives.

Teacher Mansi: *“...when I talk about human dynamics ... put them in the group and see how they react ...you will be able to observe whether kids have understood or not ...they become sensitive for other person...”*

It seems that group work is one of the best ways for implementing PBL and students collaborated enthusiastically with their peers. However, formation of a group and working with others from different backgrounds was a daunting task for students as

well as for teachers. Moreover, students had their preferences for team-work due to their preconceived notions about each other.

Student B: *“...as the teams were made for the first time, there were some problems. It taught us how to agree with others for our team and how to make them understand the self is not important and team is important. Moreover, who is in the team that is not important than the work...”*

The aforementioned statements of the students indicate the transition time that is required for PBL and the shift in the students' attitude after their initial struggle in accepting the difference while working in the group. One of the reasons for this kind of challenge is lack of exposure and skill necessary for the PBL. Lack of exposure to English language and to various teaching strategies emerged as major obstacles, which was highlighted by some of the teachers and students:

Student D: *“....there were so many words which I did not know or which were difficult...”*

Teacher Delnaz: *“...One thing that I can understand is the English Language challenge. Especially in the suburbs...another reason is that students are not exposed to these kinds of pedagogy. So first to explain to them. How to understand, how to go about doing it? All that explanations from teachers' side become repetition 4-5 times which means when implementing these kinds of pedagogy, it becomes very tiring and time consuming for the teacher...”*

There were teachers who stated that in Indian context; only imparting framework and information about those skills will not suffice. Teachers will have to take extra pain to foster confidence in students that they have the required knowledge, attitude and capability to make decisions for problem resolution.

Teacher Fiza: *“...Kids are not well-exposed here, they are so uninformed. Kids in UK are independent and are respected for their views. They are considered by their parents as little adults whereas here kids' decisions are not taken seriously. That lowers the confidence that we can do something...”*

Due to lack of these basic skills required for PBL which are very common in western countries, a teacher compromises with the PBL activities and curriculum in order to develop problem solving skills:

*“...It is a time consuming process, it allows for depth but length of the curriculum is compromised...once a week interaction with students makes it difficult ....”*  
(Researcher's Journal)

There were teachers who brought to the notice another limitation of implementing PBL especially in relation to the predicaments of developing countries illustrated in the EPHD curriculum

Teacher Simran: *“....You have to realize that Indian kids live alongside poverty. So they are not sensitised, when you experience something continuously, you become indifferent..... How do you sensitize these kids to such issues...that you are in this*

*world to do something? You have some social responsibility toward other human beings and very clichéd thing...”*

In addition, teachers expressed their concerns about the local sensitivities these were considered as potential challenge that can aggravate and can have an adverse impact on the psyche of the students.

Teacher Sana: “...*there are those cultural issues...socio-economic background. These students are from diverse socio-economic background. So when I am dealing with poverty, hard life... I hope that I am mindful of their emotions and don't hurt them...*”

Challenges of implementing PBL in a RE context include contesting definitions of PBL among teachers, a teacher's struggle to form a balanced group, and an absence of the necessary skills, attitude and knowledge required for PBL. Moreover, if a problem is not directly relevant and does not involve students' voice, students may not be able to internalize the process, which is pivotal for religious formation. However, the last section of the challenges suggests a caveat for over-reliance on relevance to students' lives; especially when we keep cultural sensitivity in mind. This can also go against the actual objective of developing harmony and empathy among students.

## **Discussion**

### **Teacher's role is significant for the successful implementation of PBL**

The first theme of the finding and analysis section provided mixed responses about the scope for PBL in the EPHD curriculum. However, the responses of teachers such as “...*there is lot of contextualization...*” and “...*a teacher needs to make it relatable...*” state the importance of the teacher in optimizing this implicit opportunity and for successful implementation of PBL. Peretz (1990) supports this idea and states that “Teachers are informed and creative interpreters who modify the curriculum according to classroom needs”. This indicates that text or a particular strategy will not speak for itself and that teachers are the link between students and the curriculum. Moreover, teachers can analyze major aims and objectives of the curriculum and identify effective ways to communicate them after taking into account students' voices, prior knowledge, interests and needs.

Dahlgren *et al.* (1998) describe the teacher's role in PBL as “interaction-oriented” and not “transmitted-oriented”. A teacher has to be a partner in the process of learning with students. Though PBL literature encourages minimal intervention of a teacher (Donaldson and Caplows, 1996), the teacher's role was shown to be critical when implementing PBL in Indian Ismaili RE. The teacher has to be a partner as well as a knowledge provider due to several factors:

First, PBL necessitates that real life scenarios are presented to the students (Boud, 1985). However, the EPHD curriculum is centrally developed by the Institute of Ismaili Studies. This curriculum includes global issues which are unfamiliar to Indian students. Therefore, a teacher functions as a catalyst to contextualise and present issues to students in a way that is relevant to their lives (Bransford *et al.*, 2000).

Second, Hmelo-Silver (2004) states that it is important for students to know about the objectives and processes of PBL before embarking on it, this became even more

important for the purpose of this research because students coming to RE are adolescents and are in the formative stage of religious formation. These views are relevant for this research as students were educated “*to go out*”, “*make the points about*”, “*how to talk to them politely without telling this is wrong and this is right...*” Thus, the teacher’s guidance and thought provoking questions reinforce social and ethical complexities to be kept in mind while dealing with a problem. Koschmann *et al.* (1994) have affirmed similar thoughts on the role of a teacher in PBL.

Third, Polanco *et al.* (2001) talk about the necessity of the appropriate mind-set for PBL, Students coming to RE were from diverse socio-economic backgrounds, had different school schedules, and had a variety of interests, skills and prior knowledge. Therefore, teacher-researcher had to bear in mind the cultural sensitivities and appropriateness of the problem.

Fourth, the classes are held once a week on Sunday for three hours. In such situations, PBL appears to be a burden on students. In addition, REC is managed on a voluntary basis and does not have stringent rules to control the absentees or resources like secular schools. If teachers are not actively involved, PBL activities will not be able to achieve its objectives due to time constraints and there is a high probability of losing the direction (Sefton, 1997 and Nieuwenhuijzen, 1997).

Fifth, as it emerged from the findings that unlike western countries, students in India are not efficient in thinking as well as in language skills, attitude and knowledge required to undertake PBL activity, which corroborate research findings of Hussain *et al.* (2007).

Sixth, group work is one the important characteristics of PBL; the success of any PBL activity will depend on the correct formation of groups keeping in mind their strengths and diversity. It “promotes shared construction of knowledge” and will develop higher order thinking in students (Vye *et al.*, 1997). A teacher can play a decisive role in structuring groups due to their regular interaction with students and awareness about strengths and weaknesses of each student.

Last, unlike PBL used in other fields where solutions of the problems are fixed, the findings of this research demonstrate that in RE one does not necessarily come with any right or wrong answer. Indian Ismaili RECs also currently do not implement summative assessments. Finding from researcher’s journal that a “*teacher should make students aware about the significance of respecting sentiments and dialogue in analysing a problem. This becomes even more vital in Indian context which is full of religious and ethnic diversity....*” reiterates Yeo’s (2005) emphasize on teachers’ monitoring, feedback and guidance for learning.

### **Group Work helps in developing various skills required for PBL**

Barrows (2000) considers group work as one of key components of PBL process. According to Schmidt and Moust (2000) group work in PBL impacts the learning outcomes and works as intrinsic motivation. However, in this research, initially students struggled to work in a team “*...as the teams were made for the first time...*” When the task given was to identify problems faced by the society, students wanted to work with their friends or whom they knew from other activities. They had their preconceived notions about each other. The Researcher had to orient students about

the rationale and benefit of working in a team. After some resistance, they began to work in a group and realised its effectiveness. When they were asked to select one problem out of list collected by them, they experienced the power of team work. In the process they developed multiple perspectives, problem solving and interpersonal skills. They began to think critically and had to re-examine their thought when questioned by their peers. They understood the significance of interdependence. Furthermore, they learnt to share their ideas without any judgements. They began to use their collective wisdom to resolve problems. Some of the students expressed that group work nurtured adaptability and open-mindedness which will help them in future.

Barrows and Kelson (1995) validate these advantages of group work. However, they describe it as a process needing time and skills for its culmination. Researcher agrees that it is a process because the challenge of human dynamics (Dixon, 2000) which came in the class was minimised due to proper orientation, timely intervention and facilitation. Thus, it increases the responsibility of a teacher to ensure that there is a balance in the groups.

This study accepts that there are many challenges in using group work; however, he believes that while implementing PBL in teenagers' class, group work becomes a useful tool for enhancing the teaching-learning process. However, if the teacher is not well planned, skillful and tactful, group work may become unmanageable. Therefore, researcher reiterates that only effective teachers can apply it in their classrooms.

## **Conclusion**

Though the setting was a religious context, some aspects of this study seem to be in agreement with the literature review. It appears that EPHD curriculum provides opportunity for PBL. However, the onus of utilising it and connecting with students' lives lies with teachers. The findings indicate that PBL provides opportunities for developing skills such as problem solving, empathy, independent thinking in students.

However, there were two major challenges which emerged from this study. One was how to make students sensitive towards the problem given in the curriculum. Some of the teachers expressed that India being a developing country and students constantly view these issues (poverty, illiteracy etc.) in their surroundings. Thus, the predicament is how to make the content relevant to students' lives.

Second, students lack the exposure, experience and skills required for PBL. The research found out that PBL is an interesting strategy to implement but due to students' inability in language and other skills, it becomes difficult to conduct it. Moreover, it is a time consuming process.

Notwithstanding above challenges, the study concludes that PBL is an effective strategy for teaching EPHD curriculum provided teachers take a proactive role in planning and developing skills in students.

## Bibliography

Barrow HS, & Tamblyn RM (1980). An approach to medical education. Springer Publication, New York,

Barrows, H., and Kelson, A. C. (1995). Problem-Based Learning in Secondary Education and the Problem-based Learning Institute (Monograph 1), Problem-based learning Institute, Springfield, IL.

Ben-Peretz, M. (1990). The Teacher-Curriculum encounter. Albany: State

Boud, D. (ed.) (1985) Problem-based Learning in Education for Professions. Sydney, NSW: Higher Education Research and Development Society of Australia.

Bransford, J.D., Brown, A. L., and Cocking, R. (2000). How People Learn, National Academy Press,

Charlin B, Mann K, Hansen P. (1998). The many faces of problem-based learning: A framework for understanding and comparison. *Med Tech* 19: 323-330.

Chen S.E., Cowdroy, R.M., Kingsland, A.J. and Ostwald, M.J. (eds) (1994). Reflections on Problem Based Learning, The Australian Problem Based Learning Network (APBLN): Sydney.

Creedy, D. & Hand, B. (1995). Determining Changing Pedagogy in PBL. In S. E Chen, R. Cowdroy, A. Kingsland & M. Ostwald (Eds.), Reflections on Problem-based Learning (pp. 141-156). Sydney: Australian P.B.L Network.

Daftary, F. (1998) A Short History of the Ismailis. Edinburgh: Edinburgh University Press.

Dahlgren, M. A; Castensson, R. & Dahlgren, L. (1998) PBL from teachers' perspective: Concept of the tutor's role within problem based learning. *Higher Education* 36: 437-447. Netherlands: Kluwer publications.

Dixon, A. (2000), Problem- based learning: old wine in new bottles, in Tan, O. S., Little, P., Hee, S.Y. and Conway, J. (Eds), Problem-based learning: Educational Innovation Across Disciplines- a collection of Selected papers, Temasek Centre for Problem-based Learning, Singapore, pp. 34-45.

Donaldson, J. F. and Hughes Caplow, J. A. (1996) 'Role expectations for the tutor in problem based learning'. Paper presented at the AERA conference, April 1996, New York

Eng, K. H. (2000) Can Asians do PBL? Center for development of teaching and learning newsletter, 3 (3), 3-4 (Singapore, University of Singapore).

Hallinger, P., & Bridges, E. (2007). Developing problem-based learning materials. In P. Hallinger & E. Bridges (Eds.), A problem-based approach for management education: Preparing managers for action (pp.45-68). Netherlands: Springer.

Hmelo-Silver (2004) Problem-based learning: What and How Do Students Learn? Educational Psychology Review, Vol. 16, No.3, September.

Hussain, R. M. J., Mamat, W.H.W. Salleh, N., Saat, R.M. & Harland, T. (2007) Problem based learning in Asian Universities (In press, Studies in Higher Education, Dec).

IIS (2010) Secondary Curriculum: 'Ethics Pathways to Human Development'. London: Islamic Publications limited

Kennedy, P. (2002) Learning cultures and learning styles: myth-understanding about adult (Hong Kong) Chinese learners, International Journal of life Long Learning, 21 (5), 430-445.

Koschmann, T. D., Myers, A.C., Feltovich, P. J., and Barrows, H. S. (1994). Using technology to assist in realising effective learning and instruction: A principled approach to the use of computers in collaborative learning. J. Learn. Sci. 3: 225-262.

Nieuwenhuizen Kruseman et al. (1997) Problem-based learning at Masstricht- an assessment of cost and outcome. Education for Health 10 (2): 179-187.

Peterson, T. (2004) So you're Thinking of Trying Problem based learning? : Three Critical Success Factors for implementation. Journal of Management Educatio, 28:630.

Polance, R., Calderon, P. and Delgado, F. (2001), Problem based learning in engineering students: its effects on academic and attitudinal outcomes, in Little, P. and Kandlbinder, P. (Eds), The Power of Problem-based learning, The University of Newcastle, Callagha, pp. 111-25.

Schmidt, H. G., and Moust, J. H. C. (2000). Factors affecting small-group tutorial learning: A review of research. In Evensen, D., and Hmelo, C. E. (eds.), Problem Based Learning: A Research Perspective on Learnings, Erlbaum, Mahwah, NJ, pp. 19-51.

Sefton (1997) From a traditional to a problem-based curriculum-estimating staff time and resources. Education for Health 19 (2): 165-178.

Vye, N. J., Goldman, S. R., Voss, J. F., Hmelo, C., and Williams, S. (1997). Complex math problem-solving by individuals and dyads: when and why are two heads better than one? Cogn. Instr. 15: 435-484.

Yeo, R. (2005) Problem-based learning: lessons for administrators, educators and learners, International Journal of Educational Management, Vol. 19 Iss: 7pp. 541- 551

Contact email: [parvez\\_sk2003@yahoo.com](mailto:parvez_sk2003@yahoo.com)





*Applying Grounded Theory Methodology with  
Mixed Methods in Occupant Energy Behaviour Research*

Jill Zhao, University of Edinburgh, UK

The European Conference on Social Sciences 2014  
Official Conference Proceedings

**Abstract**

It has been recognized by many researchers that Occupant Energy Behaviour (OEB), play a vital role in reducing energy use. The previous research into the field of occupants' energy behaviour can be classed into two categories regarding their methodological approaches. The majority of the research has been done using a quantitative approach where conclusions were drawn from monitored energy data along with large questionnaire surveys or tightly structured interviews, in which several factors that relate behaviour to energy use have been identified and agreed upon among researchers (e.g. age, housing characteristics, set point temperature etc.). Whereas only a few studies have adopted a qualitative method, or combined quantitative and qualitative methods. However the findings using qualitative and mixed methods showed potential benefits in gaining a better understanding of sustainability in people's everyday lives and the nature of their energy use, which serves as firmer grounding to march towards energy efficiency. The comparison between these two main research methods in the same field is particularly interesting in terms of discussing the fundamental properties of the subject matter, and discovering specific aspects of energy behaviour which these different approaches could bring to the field. This paper reviews research from last decade regarding occupants' energy behaviour, focusing particularly on studies of residential low-energy buildings and Passivhaus, and compares the above three types of methodologies with a quantitative and qualitative methods, then tries to make a case for mixed methods with an emphasis on Grounded theory in this research field.

**iafor**

The International Academic Forum  
[www.iafor.org](http://www.iafor.org)

## 1. Introduction

Energy behaviour and sustainability research has been a highly-mixed interdisciplinary field. The publications regarding this topic can be found in various research subjects including energy policy, psychology, engineering, architecture, economy, marketing and computer science, etc. The property of this subject matter makes its research paradigm hard to follow, and it also adds up to the difficulties in evaluating previous research findings and methodologies. This article examines the suitability of different types of methodology for an on-going PhD research on Passivhaus and occupant energy behaviour. The first part of the article will briefly review the development of research methodologies and their roots in epistemology, the second part will review and analyse the methodology used in energy behaviour research since the past two decades with a mixed quantitative and qualitative method, to reflect the pros and cons and suitability of each type method introduced in the first part. The third part will introduce Grounded theory as an appropriate methodology candidate in conducting OEB research and will discuss ways to combine quantitative methods into Grounded theory methodology.

## 2. Research Paradigm

### 2.1 From Epistemology to Method

Dainty (2008) suggested that, '...research methods cannot be viewed in isolation from the ontological and epistemological position adopted by the researchers.' According to Crotty (1998) there are four major steps to rationalize a research philosophy with research method (Fig.1). The epistemology of the researcher which deals with 'the nature of knowledge, its possibility, scope and general basis'(Crotty, 1998) towards the subject matter determines appropriate research approach, and the methodological approach should fit in the conceptual framework of epistemology. The epistemological position most researchers adopt can be classified into two distinctive categories – Positivism and Constructionism. Positivist epistemology tends 'to make time and context free generalizations' and 'to believe this is possible because human actions can be explained as a result of real causes that precedes their behaviours' (Carson, 2001), while constructionist epistemology argues 'social phenomena are produced through social interaction and are therefore in a constant state of revision.' (Dainty, 2008). It has been commonly regarded that these two types of epistemology have laid the philosophical foundation towards research methods, in which quantitative methods are best suited for positivism while qualitative approach is appropriate for constructionism exclusively. However, to conduct a research question-centric study, as Crotty (1998) pointed out, '...it is a matter of positivism vs non-positivism, not a matter of quantitative vs qualitative.' Therefore, many researchers argue that it is possible to conduct a research orientated by qualitative method within the boundary of Positivism research or to use quantitative method in a fundamentally Constructionism - grounded research.

Figure 1

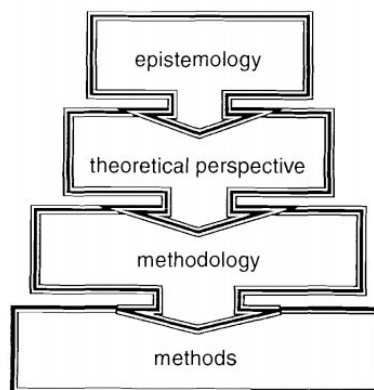


Fig. 1 Four elements of research design. Source: (Crotty, 1998)

## 2.2 Quantitative or Qualitative – research paradigm shift in social and behavioural sciences

The occupant energy behaviour research grounded its root in the field of social and behavioural sciences, thus it is essential to look back into the methodological development in this field to understand the philosophy behind the subject matter. Lund(2012) suggested in his article that, since the last 50 years, the research methodology in social and behavioural sciences had gone through three major research paradigm shift, namely quantitative movement, which dominated first half of 20<sup>th</sup> century; qualitative movement that became popular in the 70s and mixed methods movement, established itself in the beginning of 21<sup>st</sup> century. (Tashakkori and Teddlie, 2003), In between the transformation was the so-called ‘paradigm war’ (Gage, 1989), where ‘philosophical basis, scientific fruitfulness, and empirical methods [of the two polar research methodologies] have been extensively debated’ (Lund, 2012), along with the discussion of the compatibility to combine the two methods into one research framework. Also in his article, a thorough analysis of 1,958 cases of social and behavioural research during the past decade has been done and a trend of using mixed methods is noticeable however the mixed approach is still under-developed.

Indeed quantitative and qualitative research methodology are fundamentally different and need different execution process, however previous research argues that ‘the use of mixed methods can enrich and improve our understanding of the matters under study... in order to give answers to questions that are difficult to answer by a sole classical method.’ (Lund, 2012). Considering the high priority given to empirical research questions, it is possible to design research methodology accordingly and make a combination of the two types of methodologies to serve the purpose of answering the specific question. Researchers have summarized five main reasons to adopt mixed research methodology. They are triangulation, complementarity, development, initiation, and expansion (Hesse-Biber, 2010).

## 3. Research methodology review in occupant energy behaviour research

### 3.1 Methodology

Following the methodological analysis in the field of social and behavioural science, a more specific and closer examination has been undertaken into the field of occupant energy behaviour research. A literature review on research methodology has been conducted, the methodology used here is a mixed approach, using sequential equal

weighted quantitative and qualitative methods. The data were drawn from previous research in EBSCO database. To eliminate the deviations in keywords and to reduce irrelevant research articles to a minimum, the search was set up for keyword search in abstract (AB) mode for both ‘occupant energy behaviour’ and ‘user energy behaviour’. The decision of timeframe of 10 years was partly because that mixed method has been hugely promoted after the publish of Tashakkori and Teddlie’s Handbook of Mixed Methods in 2003 (Lopez-Fernandez and Molina-Azorin, 2011), it is also due to the limited access to articles before 2004 online in terms of the relevant topic. The data scope was determined within four major peer-reviewed journals in built environment and energy, they were also top four journals that contain the most relevant articles on the result of keywords search. They are ‘Energy and Buildings’, ‘Energy Policy’, ‘Building Research and Information’, and ‘Building and Environment’.

The first stage uses quantitative method to categorize research methods used in these journal articles to determine pattern and trend of research methodology in the field. The second stage uses qualitative method to analyse the characteristics of selected research that adopted respectively quantitative, qualitative and mixed methods to make comparison.

### 3.2 Quantitative Analysis

Keyword search in EBSCO database came back with 122 hits. Preliminary examination eliminated another 22 duplicated or irrelevant articles, leaving 100 in total. The ‘Quantitative’ category here refers to research with quantitative methods, including questionnaire survey, data monitoring, computer simulation using quantitative data, case study using questionnaire survey etc. ‘Qualitative’ category includes only qualitative methods such as interview, observation, diary, etc. The ‘Mixed’ category refers to research using both quantitative methods and qualitative ones, this also includes several case studies that fit the criteria.

As can be seen from the following table, the majority of the research uses a quantitative approach.

Research using purely qualitative method is very rare - only three cases recorded in one journal. Similarly, mixed methods are also in lack of use – only eight cases in two journals.

	Quantitative	Qualitative	Mixed	Non-empirical	Total
Energy and Buildings	52	0	0	0	52
Energy Policy	8	3	3	2	16
Building Research and Information	9	0	5	1	15
Building and Environment	17	0	0	0	17
Total	86	3	8	3	100

Table 1. Quantitative analysis of previous research on occupant energy behaviour

### 3.3 Qualitative analysis

Many researchers have agreed that the use of mixed methods can be classed into four different types, in terms of research procedure and in terms of weighting (Creswell, 2003, Bryman, 2012, Morse, 1991):

(a) *Equal weight, simultaneous: (1) QUAL+QUAN.*

(b) *Equal weight, sequential: (2) QUAL → QUAN; (3) QUAN → QUAL.*

(c) *Different weight, simultaneous: (4) QUAL+quan; (5) QUAN+qual.*

(d) *Different weight, sequential: (6) qual → QUAN; (7) QUAL → quan; (8) quan → QUAL; (9) QUAN → qual. (Lopez-Fernandez and Molina-Azorin, 2011)*

Following the categorization of mixed methods design, the previous 8 research cases can be further analysed as follows:

Year Published	Notation	Summary
2010	QUAN → qual + QUAN	Quantitative dominant sequential mixed methods, qualitative interviews were used as supplementary to quantitative questionnaires and a way to handover for next research stage
2011	QUAN + qual	Semi-structured interview were conducted to explain behaviour differences to monitored data
2011	QUAL + QUAN	This research has two parts, part one is case study with a selection of 6 cases, part two is internet based questionnaire survey, they were discussed in an equal manner, although conducted in different times but they didn't have any sequential relationship
2013	QUAL → quan → QUAL	This research uses data from interviews and field monitoring. Two sets of interviews were conducted sequentially, quantitative monitored data was used as a link.
2010	QUAN → qual	This research involved a bespoke questionnaire survey supplemented by qualitative interviews, along with monitored energy use.
2010	QUAN + QUAL	Various methods to monitor data, diary logs, graphics and interviews were used in qualitative part
2010	QUAN + QUAL	
2010	QUAN + QUAL	
		Data monitoring and interview with occupants

Table 2. Qualitative analysis of previous research on occupant energy behaviour

This analysis of research procedure and weighting in mixed method research has proved to be consistent with the general result where the field is dominated by quantitative research. However, in mixed methods, it appears to have more research done with quantitative and qualitative equally weighted than emphasizing predominantly on one method. On the other hand however, the publication time of all articles using mixed methods are dated after 2009, which showed an increase compared with 5 years ago.

To take a closer look at some particular research, De Meester's case study (2013) into 11 buildings with controlled building characteristics quite satisfyingly examined empirical studies of OEB in relation to insulation levels, as a theory testing method, it is successful in controlling parameters and drawing valid comparisons. Santin's data (2011) was originally collected by KWR of the ministry of Housing of the Netherlands on 15,000 houses, the survey was structured interview-based, carried out randomly along with another set of 3 years' energy data from energy providers. This was a good combination of data sources to study energy behaviour, however, as the author suggested himself, the data was obtained from 9 years previously, but the analysis didn't take energy price growth or other development into account, and variables were categorical values and only relevant to one or two categories. This has in a way suggested that quantitative research is lack of depth to consider deeper connections of ideology and phenomenon. Likewise, Blight and Coley's research (2013) used a third party tool on a survey of 20,000 weekly UK household journals to measure data from *Passivhaus* around central Europe using a computer model. It is a growing trend to use simulation in energy research, but it is arguable that this is not based on real life scenarios when behaviour data gathered was not from actual *Passivhaus* users to test theory. Stevenson (2013) examined technological control usability using surveys with both closed questions and optional open-ended questions where occupants could express their opinions more freely in order to discover design problems. As an example of qualitative analysis, Gyberg et. al (2009) studied information from energy advice website and conducted participant observation of energy meeting to learn how various actors (companies and government) advise Swedish households to reduce energy use and the effectiveness of their effort. This study used discourse analysis, which 'is a way to structure a text to discuss what issues the information highlight and on what assumption the advice is built upon' (Per Gyberg, 2009). This research suggested that current energy reduction programme targeted more on consumer options in terms of energy efficient products instead of needs for consumption thus not very efficient. From a methodological point of view, this inductive research uncovered a theory that can hardly be defined by quantitative research. In mixed approach research, both Stevenson (2010) and Rajat (2010) advocated mixed approach in developing an occupant feedback and evaluation system, which includes performance factors such as U-value, energy use, but also quality of life and comfort that can be documented through diaries, videos and conversations, etc. Equal weighted, simultaneous mixed research is considered as appropriate to serve the purpose. Risholt (2013) conducted a qualitative-focused mixed approach using interview and observation methods as a follow-up study to a quantitative research on Norwegian housing. The cases were selected based on the previous quantitative analysis, the interviews were triangulated with previously recorded energy use data, and reviewed deeper understanding of the situation of sustainable renovation such as lack of knowledge, bad advices from craftsman etc. Likewise, Coleman (Coleman et al., 2013) conducted two-stage interviews with energy data collection in between as sampling selection to study the effectiveness of energy feedback system.

#### **4. Suitability of mixed methods in Grounded theory**

Despite the popularity of Grounded Theory in social and behavioural research, this methodology was rarely recorded in any occupant energy behaviour research from the past 10 years. It is understandable given the dominant position of quantitative research in this field. However, considering the advantages and disadvantages in

previous research methods, a mixed approach is proposed, with application of Grounded theory methodology. Grounded theory 'is one that is inductively derived from the study of the phenomenon it represents. That is, it is discovered, developed, and provisionally verified through systematic data collection and analysis of data pertaining to that phenomenon.' (Strauss and Corbin, 1990). Strauss and Corbin inconsistently referred to grounded theory as 'method' and 'methodology' in their book, however, under the analysis of Crotty (1998), grounded theory will be discussed as a methodology here. It has been used extensively in Sociological and Psychological studies of behaviours and experiences, but very rarely in the field of Architecture and Built environment. By applying grounded theory in collecting and analysing occupants' behaviours and experiences in a social context, it allows relevant themes to emerge not only from the field of built environment but from a holistic range of domain. The theory to be generated will meet four central criteria that are termed 'fit, understanding, generality, and control.' (Glaser and Strauss, 1967), it will be comprehensible to occupants and clients as well as building professionals.

The features of grounded theory that made it appropriate for this research are as follows;

Firstly, Grounded theory can make a great contribution to the field that is relatively new, or bring a fresh viewpoint to areas where extensive research has already been done.

As stated previously, research into the field of OEB is not exactly new, however with regard to *Passivhaus*, the behaviour of occupants is influenced by innovative technologies and novel ways of interacting with the house. Ideas about occupant comfort need to be reconsidered in light of this, as the old model may be insufficient to fully describe behaviour in a *Passivhaus* environment.

Secondly, it provides connections with broader contextual issues to the phenomenon and thus builds up a thorough framework from microscopic details that were previously being neglected. To study the social side of each households and their ideology in purchasing/building, operating, revising the low-energy housing, a qualitative approach is appropriate to engage a more complete picture of the comparison between occupants.

Thirdly, Grounded theory involves theory development (Denzin and Lincoln, 2000), and is unique in a way that it has a concurrent approach in both collecting and analysing data. Therefore, the data analysis in the research process will be taken at the same time as data collection, to ensure that the area of interest and the method suit each other (Knight and Ruddock, 2008). This allows researchers to have an open-ended conceptual framework and supplement relevant aspects/concepts as the data collection progresses until no further information emerges to generate a theory. As the central framework unfolds, both technical literature and data collection started to contribute in more and wider aspects of the frame. It is highly appropriate to explore the social side of such a phenomenon as comprehensively and completely as possible, and to uncover themes that were neglected in previous research.

It is commonly believed that quantitative methodology is essentially a deductive methodology most suitable for theory testing while on the other hand qualitative

methodology is an inductive process for theory generation. In the framework of grounded theory, where ‘the concepts and relationships among them are not only generated but they are also provisionally tested’ (Strauss and Corbin, 1990), it has naturally provided a ground for quantitative and qualitative methods to work together.

### 5. Applying quantitative methods onto Grounded theory

The following will give brief introduction to Grounded theory methodology and its application process, in order to discuss the feasibility in theory to combine it with other quantitative methods in OEB research, and if the two polar will complement each other.

Grounded theory features three main application procedures.

Firstly, open coding, the process of open coding is to get as much relevant information on the focused field as possible to determine categories as a base for further approaches. This needs to be a continuous process throughout the whole research until it reaches **Theoretical saturation**. *This means 1) no new or relevant data seem to emerge regarding a category, 2) the category development is dense, insofar as all of the paradigm elements are accounted for, along with variation and process, 3) the relationships between categories are well established and validated.* (Strauss and Corbin, 1990) Data in open coding is collected by indiscriminate, unstructured sampling and semi-structured interviews and observations, to make sure the data is grounded. However, to know if theoretical saturation is reached, one best way to test is by questionnaire survey aiming to reach as many people as possible in quantity to learn if there is new yet undocumented category. Also, carefully structured questionnaires with open-ended questions will help uncovering new categories even with quantitative approach.

Secondly, Axial coding. It is based on the result of open coding, which will put data back together, and ‘making connections between categories by utilizing a coding paradigm involving conditions, context, action/interactional strategies and consequences’. (Strauss and Corbin, 1990). This step allows a connected image to be presented within categories to form a basic story line of cause and effect, and detailed study of each category and its subcategories to a measurable degree. To enable Axial coding, **Relational/Variational sampling** – ‘*Relate categories in terms of the paradigm, focuses on uncovering and validating those relationships.*’ (Strauss and Corbin, 1990) This is a formation process of hypotheses, it needs to be proceeded deductively. In Axial coding, deductive process will be involved more in data analysis to generate possible hypotheses. To test these hypotheses by varying dimensions of properties, quantitative approach will provide a more efficient and effective way.

Finally, selective coding. The purpose of this step is to select ‘the core category, systematically relating it to other categories, validating those relationships, and filling in categories that need further refinement and development’. (Strauss and Corbin, 1990). As a qualitative approach, this step will involve researcher’s interpretation more as a selective process in determining a core storyline of the research, it needs to be carefully examined in tandem with the two previous steps. Selective coding needs to be verified and tested by **Discriminate Sampling**- ‘*chooses the sites, persons, and documents that will maximize opportunities for verifying the story line, relationships*



*between categories, and for filling in poorly developed categories*. (Strauss and Corbin, 1990) That is to test the hypotheses in order to generate a theory.

Each of the three procedures need to be tested for verification, the data collection for each procedure becomes two-part process, quantitative approach can be integrated sequentially after qualitative method to test hypotheses, meanwhile, quantitative questionnaire survey can also be used as an initial step to select participants to conduct interview and uncover more research dimensions (new categories in grounded theory), then followed by another round of qualitative interviews.

## 6. Research design

For Grounded theory method alone, at least three separate sets of data need to be collected throughout the process. They can be the same group of targets or different ones, but all the three stages of open sampling, relational sampling and discriminate sampling have to be built into data collection. As it proceeds, generated hypotheses need to be tested in the interview along with open coding process, and it is appropriate to look back and re-examine a former data in relational or discriminate sampling. The data collection process therefore embodies collection, analysis, and testing. As stated above, to mix quantitative method with Grounded theory in this case, quantitative method is mainly for testing.

On the other hand, as an alternative way to combine the two methods, interview and questionnaire survey can be conducted simultaneously, in order to understand the phenomenon in a narrative way and in this particular case, uncover problems that cannot be simply observed using one type of method alone. The following diagram demonstrates how mixed methods can be combined into Grounded theory framework. The ongoing research project will try to apply such methodology.

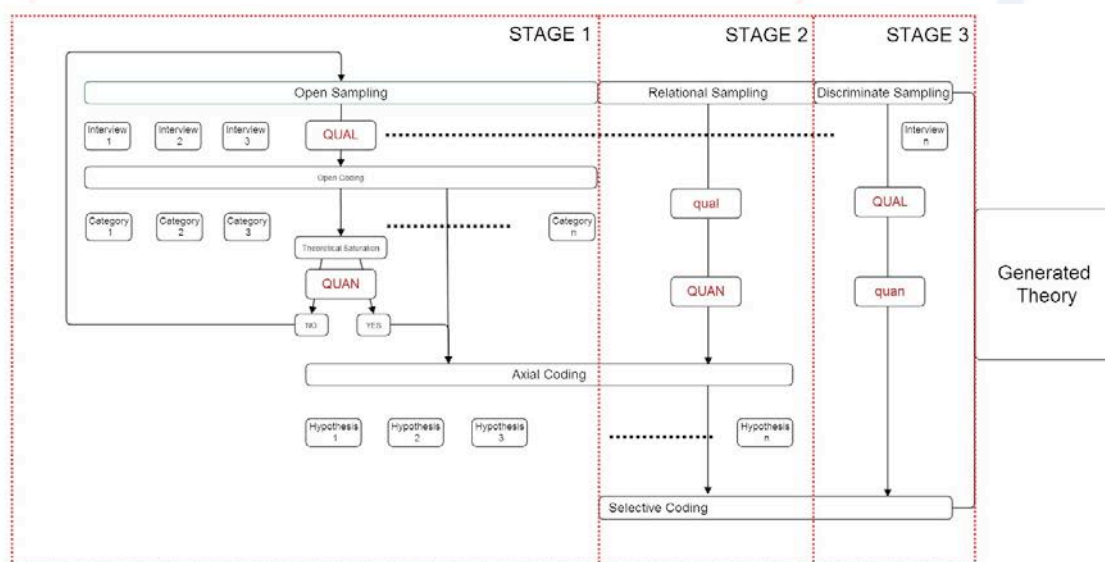


Fig. 2 Mixed methods in Grounded theory framework

## Bibliography

- Birgit Risholt, T. B. 2013. Success for energy efficient renovation of dwellings— Learning from private homeowners. 61, 1022–1030.
- Blight, T. S. & Coley, D. A. 2013. Sensitivity analysis of the effect of occupant behaviour on the energy consumption of passive house dwellings. *Energy and Buildings*, 66, 183-192.
- Bryman, A. 2012. *Social research methods*, Oxford, England ; New York, N.Y., Oxford University Press.
- Carson, D., 1947- 2001. *Qualitative marketing research / David Carson ... [et al.]*.
- Coleman, M. J., Irvine, K. N., Lemon, M. & Shao, L. 2013. Promoting behaviour change through personalized energy feedback in offices. <http://dx.doi.org/10.1080/09613218.2013.808958>.
- Creswell, J. W. 2003. *Research design : qualitative, quantitative, and mixed methods approaches / John W. Creswell*.
- Crotty, M. 1998. *The foundations of social research : meaning and perspective in the research process / Michael Crotty*.
- Dainty, A. 2008. Methodological pluralism in construction management research. In: ANDREW KNIGHT, L. R. (ed.) *Advanced Research methods in the built environment*. 1 ed.: Wiley-Blackwell.
- De Meester, T., Marique, A.-F., De Herde, A. & Reiter, S. 2013. Impacts of occupant behaviours on residential heating consumption for detached houses in a temperate climate in the northern part of Europe. *Energy and Buildings*, 57, 313-323.
- Denzin, N. K. & Lincoln, Y. S. 2000. *Handbook of qualitative research*, Thousand Oaks, Calif. ; London, Sage.
- Gage, N. L. 1989. The Paradigm Wars and Their Aftermath: A "Historical" Sketch of Research on Teaching since 1989. *Educational Researcher*, 4.
- Glaser, B. G. & Strauss, A. L. 1967. *The discovery of grounded theory : strategies for qualitative research*, Chicago New York,, Aldine Pub. Co.
- Guerra Santin, O. 2011. Behavioural Patterns and User Profiles related to energy consumption for heating. *Energy and Buildings*, 43, 2662-2672.
- Gupta, R. & Chandiwala, S. 2010. Understanding occupants: feedback techniques for large-scale low-carbon domestic refurbishments. *Building Research & Information*. Sep/Oct2010, 38, 530.
- Hesse-Biber, S. N. 2010. *Mixed methods research : merging theory with practice*, New York, N.Y., Guilford Press.
- Knight, A. & Ruddock, L. 2008. *Advanced research methods in the built environment*, Chichester, Wiley-Blackwell.
- Lopez-Fernandez, O. & MOLINA-AZORIN, J. 2011. The use of mixed methods research in the field of behavioural sciences. *Quality & Quantity*. Oct2011, 45, 1459.
- Lund, T. 2012. Combining Qualitative and Quantitative Approaches: Some Arguments for Mixed Methods Research. *Scandinavian Journal of Educational Research*. Apr2012, 56, 155.
- Morse, J. 1991. Approaches to qualitative-quantitative methodological triangulation. *Nursing Research*, 40, 120-123.
- Per Gyberg, J. P. 2009. Influencing households' energy behaviour—how is this done and on what premises? 37, 2807–2813.

- Stevenson, F., Carmona-Andreu, I. & Hancock, M. 2013. The usability of control interfaces in low-carbon housing. *Architectural Science Review*, 56, 70-82.
- Stevenson, F. & Rijal, H. B. 2010. Developing occupancy feedback from a prototype to improve housing production. *Building Research & Information*. Sep/Oct2010, 38, 549.
- Strauss, A. L. & Corbin, J. M. 1990. *Basics of qualitative research : grounded theory procedures and techniques*, Newbury Park, Calif. ; London, Sage Publications.
- Tashakkori, A. & Teddlie, C. 2003. *Handbook of mixed methods in social & behavioral research*, Thousand Oaks ; London, Sage.

Contact Email: [Jill.v.zhao@gmail.com](mailto:Jill.v.zhao@gmail.com)

The logo for the International Association for Business and Economics (IABE) is centered on the page. It features the word "iafor" in a light blue, lowercase, sans-serif font. The text is enclosed within a circular graphic composed of two overlapping, thick, curved lines. The upper-left portion of the circle is a light red color, while the lower-right portion is a light blue color, creating a sense of motion or a stylized 'i' and 'a'.



*Notions of “Home,” “Nation,” “Identity,” and “Belonging”:  
The Case of Filipino Migrants in Asia*

Analiza Liezl Perez-Amurao, Mahidol University International College, Thailand

The European Conference on the Social Sciences 2014  
Official Conference Proceedings

**Abstract**

Much of the terrain of 20<sup>th</sup> century migration has been centered on narratives that view border crossing as a result of the migrants’ economic issues in the homeland. Studies of this kind and those that focused on men as key players in international migration flows proliferated, prompting an extensive criticism from among those who found this disturbing (See Boyd and Grieco, 2003; Boehm, 2008; Cooke & Bailey, 1996; Cooke, 1996; Seller, 1994; Tienda & Booth, 1991; Morokvasic, 1984). While looking into the earlier models of migration still offers discussions that are of interest to academics, scholars, policy makers, and other stakeholders to a certain degree, exploring its current trajectories—particularly underpinning the nexus of the notions of “home,” “nation,” “identity,” and “belonging” vis-à-vis the nexus of gender ideologies, concepts of family and parenthood, and religious affiliation—purveys not only scholars, but also migrants social lenses through which one can examine and understand the shifting diasporic tendencies.

**iafor**

The International Academic Forum  
[www.iafor.org](http://www.iafor.org)

## Transnationalism

Steven Vertovec (2009) defines *transnationalism* as a “social transformation spanning borders” (p. 4). Vertovec posits that transformation, “a common theme in the study of globalization” (p. 22), can be distinguished from *change* that only takes place in a single milieu or spectrum. “Stated more strongly, change that occurs only at the micro level of people or only at the macro level of collectivities, rather than at both levels, is likely to be a momentary fad than an enduring transformation” (Rosenau, 2003, p. 23, as cited in Vertovec, 2009, p. 22). In looking at modern research on transformations that occur in societies, Ulf Hannerz (1996) demonstrates that those that take shape in the transnational context influence societies at national, local, and personal levels (As cited in Vertovec, 2009). Vertovec commends David Held *et al*’s (1999) *Global Transformations* for advocating the “transformationalist” approach to changes that heightened interconnectedness via globalization has brought about. Transnational activities, Portes (1999) maintains, refer to regularly occurring conditions spanning state boundaries marked by the actors’ genuine allegiance to fulfilling them. Performed by authoritative actors such as those from the national government and multinational companies and “more modest individuals, such as immigrants and their home country kin and relations” (p. 464), transnational activities are distinguished as *transnationalism from above* and *transnationalism from below*, respectively (Portes *et al*, 1999, p. 221). Portes *et al*’s mapping of transnational activities includes not only the normative approach to migration that is purely economic; rather, it also includes those that have political, cultural, and religious dimensions. This explains, to a large extent, why a discussion on the notions of “home,” “nation,” “identity,” and “belonging” and their intersectionality with three other earlier-mentioned notions proves significant.

## Transnational Spaces and “Imagined Communities”

Roger Rouse’s concept of “alternative cartography of social space [refers to] transnational spaces... [that] are envisioned as multi-sited ‘imagined communities’ whose boundaries stretch across the borders of two or more nation-states” (Gutierrez & Hondagnue-Sotelo, 2008, p. 504). In the article “Asian brands and the shaping of a transnational imagined community,” Cayla and Eckhardt (2008) explain how *transnationalism from above* exploits these “imagined communities.” Cayla and Eckhardt maintain that regional Asian brand managers have started capitalizing on people’s common understanding of global and multicultural experiences, playing a part in the production of “an imagined Asia as urban, modern, and multicultural” (p. 216). A look at Filipino migration, on the other hand, requires the need to look at *transnationalism from below*, exploring “the interstitial social spaces traversed and occupied by migrants in their sojourns between places of origin and places of destination” (Gutierrez & Hondagnue-Sotelo, 2008, p. 504). In this context, Gutierrez and Hondagnue-Sotelo further assert that global companies continually adapt to a changing international market and, as such, technological innovations in the transportation and communication sectors facilitate exchanges within transnational networks. These transnational engagements are a combination of “both population settlement and population circulation,” calling for a reconstruction of the meaning of *local community* and the emergence of “translocal as another way to conceive of human migration and demographic change” (p. 505). Gutierrez and Hondagnue-Sotelo also claim that transnational scholarship undergirds social (re)formations that

have an impact on one's identity. For Aihwa Ong (1999), this has a bearing on *flexible citizenship* defined as the “cultural logics of capitalist accumulation, travel, and displacement that induce subjects to respond fluidly and opportunistically to changing political-economic conditions” (p. 6). Clearly, this prompts thinking about *identity* and *belonging*.

### **The Notions of “Identity” and “Belonging” vis-à-vis Religion/ Faith**

In their quest to accumulate capital and social prestige in the global arena, subjects emphasize, and are regulated by, practices favoring flexibility, mobility, and repositioning in relation to markets, governments, and cultural regimes. These logics and practices are produced within particular structures of meaning, family, gender, nationality, class mobility, and social power. (Ong, 1999, p. 6)

One of the key features of Aihwa Ong's (1999) flexible citizenship most relevant to this essay is her problematization of the identity, underscoring who “belongs.” This concept is of two-pronged processes: social and political (Gutierrez & Hondagnue-Sotelo, 2008; See Castles & Davidson, 2000; Ong, 1999). Social processes include, but are not limited to, the need to assimilate; political processes, on the other hand, originate within the host-country-homeland axis. More specifically, host-country political processes include, but are not limited to, exclusionary practices (See Bosniak, 2006; De Genova, 2002), whereas homeland political processes include, but are not limited to, the sending country's act of “disciplining” its migrant workers by way of capturing monetary remittances sent home (See Lorente, 2011; Pécoud, 2009; Miralao, 2007).

The need to assimilate has led to the notion of acquiring a particular citizenship (See Gutierrez & Hondagnue-Sotelo, 2008; Ong, 1999). Migrants recognize that acquiring citizenship is a necessity. First, it affords them protection from deportation, “the ultimate means of emphasizing ‘the borders demarcating the included’” (Kumar & Grundy-Warr, 2004, as cited in Derks, 2013, p. 223). Second, it provides them economic opportunities, of which non-citizens may be denied. Mobility creates many paths for migrants. Cognizant of the fate other overseas Filipino workers (OFWs hereafter) have suffered from in the past in various work destinations, they understand that their settlement condition controls their sense of identity and belonging, and even security, within the host country (See Constable, 2007; San Juan, E. Jr., 2000; Okamura, 1998). However, while acquiring citizenship guarantees protection from deportation and economic opportunities that may be elusive to non-citizens, it is important to note that this form of assimilation is a highly contested process in many host-societies oftentimes. Prejudicial treatments propel Filipino migrants to take on the identity of *transmigrants* who, despite being stable in their new country, insist on “maintaining multiple linkages to their homeland” (Schiller, Basch, & Blanc, 1995, p. 48) and

generating and sustaining multistranded relations between the Philippines and the United States...In so doing, they have created and maintained fluid and multiple identities that link them simultaneously to both countries. (p. 27, as cited in Tyner & Kuhlke, 2000, p. 239)

As earlier mentioned, a host country's exclusionary practices impinge on migrants' notions of identity and belonging. Aihwa Ong (1999) views this as another form of "flexible citizenship." Political by nature, exclusionary practices are a form of contestation and prejudicial treatment which Tyner and Kuhlke (2000) argue Filipino migrants will encounter in other destinations (See Tyner, 1996). While households of top destination countries, such as Taiwan, Hong Kong, and Singapore, allow Filipina migrants entry into their most intimate domestic spheres, these OFWs, most of whom work as domestic helpers (DHs hereafter) and nannies, are denied full integration and belonging in host-countries' societies, thus making them "perpetual foreigners" (Parreñas, 2001). Filipina DHs in Hong Kong (HK hereafter) are restricted from obtaining citizenship and/ or permanent residence regardless of the number of years of stay in said host country. In addition, household rules and regulations that DHs are made to abide are another form of concretization of one's "perpetual foreigner" status. Meant to "discipline" Philippine and Indonesian maids, the household rules and regulations that their HK employers impose on them impact on

Her body, her personality, her voice, and her emotions may be subject to her employer's controls," marking her status and identity as that of someone who is physically present, but who does *not* belong. (Constable, 2007, p. 90)

An International Labour Organization report asserts, "laws and policies play a significant role in how employers treat workers" (Pearson *et al.*, 2006, p. xxiv). Many times, however, an HK employer's "'rule' inaccurately represents government policy" (Constable, 2007, p. 96). Despite the legal status of Filipina DHs in HK as contracted migrant workers, thus the supposed presence of laws and legal contracts to protect them, they remain shadowed, excluded, and discriminated in their very own migrant work social space as demonstrated in the account below:

What I did then was to keep praying to our Almighty God that He will change the attitude of my employer because I really believe that only God can change their attitude towards me. (Layosa, 1999)

Indeed, we are degraded, humiliated and discriminated against.... Let's prove that we are not here to disgrace our country but to work and earn money...let's lift our hands to God, for God is mightier than anything. (Padua, 1999)

The *discourse of endurance* commonly uttered back home when one reaches a point of emotional dispiritedness is articulated in the local language as *ipasa-Diyos nalang* literally means "to pass (*pasa*)[matters] to God (*Dios*)" or simply put, "one should just leave things in God's hands."

In both accounts, migrant workers are seen using and depending on prayers and religion to help alleviate their work conditions. Guevarra (2010) argues that this religious ideology is well entrenched in the Philippine national psyche and is seen to have been imbued with the values brought about by Roman Catholicism, introduced to and imposed on the Filipinos by the Spaniards for more than 300 years. Accordingly, the migrants' invocation of the Bible and prayers demonstrates their ability to engage in *creative management* as they treat religion and its attendant practices (use of the



Bible and prayers) in a utilitarian manner, helping them deal with or attempt to overcome problems and difficulties encountered on the job.

### **The Notions of “Home” and “Nation” vis-à-vis Family and Parenthood**

The concept of “home” proves to be essentially significant to allow one to understand how its members, in this case the Filipino migrants, and their familial experiences impact them, individually, and the society, collectively. Kenyon’s (1999) study underscores the centrality of the concept of the “right to return” in defining “home” (As cited in Petridou, 2001). Kenyon’s the “right to return” results from a recurring pattern of being on a journey and then coming back (Birdwell-Pheasant & Lawrence-Zuñiga, 1999, as cited in Petridou, 2001). “There cannot be a home without a journey as much as there cannot be a self without an ‘other’” (Petridou, 2001, p. 87).

Epifanio San Juan Jr. (2000) claims that because the Filipinos’ international dispersal is from “family or kinship webs in villages, towns, or provincial regions first” and that the Filipinos’ mobility is due mainly to perceived economic growth, “the origin to which one returns is not a nation or nation-state but a village, town, or kinship networks” (p. 236). San Juan Jr. further argues that the Filipino migrants’ notion of “home” that is heavily attributed to family and kinship eclipses their affinity to the Philippines as a “nation” because “the state is viewed in fact as a corrupt exploiter, not representative of the masses, a comprador agent of transnational corporations and Western (specifically US) powers” (p. 236). Having said this, San Juan also maintains that a migrant’s memories of the homeland are not a result of one’s birthplace peremptory power over him.

Constable’s (1999) study involving HK-based Filipina DHs aptly echoes San Juan Jr.’s statements. Her narratives below illustrate a Filipino migrant’s notion of “home” (Emphasis mine).

Everyone of us dreams of **going home** to the Philippines **to be with our loved ones**—far from the daily toil of cleaning toilets, washing other people’s clothes, living with strangers who look down on us. (“Are you preparing for your future?” 1995, as cited in Constable, 1999, p. 205)

In consonance with what San Juan Jr. claims, the text above indicates that going home to the Philippines is synonymous to returning to one’s family or kin with whom one finds a sense of “belongingness.” Notably, the discourse of going home *to* a nation is absent in the text. In addition to San Juan Jr.’s explanation, such an absence of the “nation” in the migrants’ imagining of “home” can be understood in view of the fact that the State has failed its citizens in a number of significant ways. Poor care resources for the Filipino family, unstable political economy, lack of quality health care, and poor labor market state are primary reasons that place Filipino families at a disadvantage, driving them to seek higher wages abroad (See The Ibon Report, 2010; Guevarra, 2010; Parreñas, 2005; Tyner, 2004). All these certainly contribute to the eventual absence of the concept of “nation” in the migrants’ notion of “home.”

It is antithetical, however, that given the migrants’ notion of “home” to be closely attributed to family and kin more than to anything else, family and parenthood have

turned out to be the first ones to be heavily implicated by the ill effects of migration. Whereas the Philippine society does *not* approve of transnational families as the ideal fundamental social unit—“the more the transnational family diverges from the construction of the right kind of family...the more dysfunctional the family is considered to be. [T]he dominant perception of transnational families in the Philippines holds that children are much better off in traditional nuclear families with a mother and father both living at home” (Parreñas, 2005, p. 35).

Parreñas (2005) posits that in the Philippines, family refers not only to its composition as the smallest social group, but also to the *experience* its members live and share with each other. However, separated by migration, its members lack the “temporal and spatial proximity [that] are necessary ingredients to a family” (p. 33). Article 211 in the Philippine Family Constitution of 1987 states, “The father and the mother shall jointly exercise parental authority over the persons of their common children.” In reality, however, either the father or the mother is absent and engaged in transnational parenting instead. Even among families that have either the father or the mother around to personally supervise their children, parenthood still suffers (Parreñas, 2005):

I would tell him that that is his job. ‘I wish you were here. You, you just bring home the bacon, while me, I am the one dealing with all the problems with your children.’ (Gosalves, 2005)

### **Interfacing the Notions of “Home” and “Identity” with the “Narrative of Ambivalence” and “Gender Ideologies”**

In the text below, a Filipina’s description of her return, particularly the first two to three lines, speaks of a similar notion of “home” (Emphasis mine).

This is how it always is. When I **go back home** for a week or ten days, **we [she and her husband] get along very well. He is attracted to me, and we are very happy.** But any longer than that and I am thinking...I just want to come back here again. (Acosta, 1997, as cited in Constable, 1999, p. 210)

For Acosta, going home means being back into the arms of her loved ones. Returning home means compensating for one’s prolonged absence, hence the happiness it gives both the left-behind family and the migrant is understandable. However, Acosta’s narrative, starting from the third line onwards, reveals another dimension to her notion of “home.” Just like Torrefranca, “home” is not what it used to be.

After being away from home for eight years now, Diane **felt like a stranger** in her parents’ home. The whole **house was no longer the same haven** which she **used to derive so much comfort.** (Torrefranca, 1992, as cited in Constable, 1999, p. 205)

In both accounts, the Filipina migrants’ notions of “home” carry an ambiguous nature. In as much as San Juan Jr. argues that the notion of “home” is bonded with family and kin and not with “nation,” such familial relation, however, is challenged by the migrants’ desire to return to HK, their “home away from home.” As Constable (1999)

argues, their migration experience has reconfigured their notion of “home” eventually leading to their articulation of a certain level of ambivalence toward return.

**Ahhh...Hong Kong, we have managed to mingle with your flow of life like a home** away from home. (Mendoza, 1996)

**This is a piece of home...I come here each week and it doesn't feel so bad to be away from home.** (*Manila Chronicle*, 1997)

Beyond the migrants' economic motivations, however, are pretexts propelling me to raise other questions: How does an imagining of “home” involving family and kin in the homeland get reconstructed, gradually being supplanted with an imagining of the other “home”? How does a Filipina migrant's narrative of ambivalence relate to her own identity as a worker and as a woman, impacting the gender ideologies of the society she lives in?

The text below is Acosta's narrative, a confession of why she cannot stay any longer than a week or ten days in their home in the Philippines with her husband.

On trips home, she becomes ‘**just a nagging wife**, and we **fight** a lot. He **always wants to know where I am going**, and I get angry.’ **Unlike in Hong Kong**, ‘I have to tell him where I am going all the time.’ Life was ‘**not exciting back home.**’ (Acosta, 1997)

Acosta's experience demonstrates a complex web of identities: Acosta's and her husband's. As Boehm (2008) argues,

migration results in a complex interplay between males and females—a series of negotiations through which women are exercising increased power in some circumstances but also facing the reassertion of male dominance. (p. 18)

Acosta's story establishes the power relations between her and her husband and their struggles within, as Boehm explains. Acosta has found increased power in her stay overseas, but her husband continues to assert his authority over her whenever she is back in the Philippines, which Acosta resents.

In reference to Kenyon's definition of “home,” it can be said that the significance of “home” lies in “places.” Places are those that provide the necessary human conditions that are created through people's “movement, memory, encounter and association” (Tilley, 1994, as cited in Petridou, 2001, p. 88). Petridou (2001) paraphrases Mary Douglas, defining “home” as “a kind of place” whose significance is acquired from exercises that form part of one's daily routine, defining (and even re-constructing) one's self. In Acosta's case, she has found for herself a new meaning of “home” in HK. She has found significance in that “place” resulting from her day-to-day activities, eventually both defining and re-defining her. Additionally, Acosta's migrant experience has also allowed her to re-conceptualize her notion of “home” away from the physical structure of her house in her home country, but not necessarily away from its material culture. As the material culture of her house in the Philippines has been

economically/ materially sustained by her earnings as a migrant worker in HK, the material culture of her house has helped her

examine realizations of the self by focusing on the self-creation of the subject [Acosta] through interaction with the object [called the] process of objectification. This is particularly important in contemporary societies that are characterized by high levels of mobility and blurring of geographical boundaries. (p. 88)

Acosta's overseas work was instrumental in making her (re)create herself via the variegated daily experiences she has had in the host country, and it is this same process of self-(re)creation that has made her not only want to leave the Philippines, but also want to remain and keep on coming back to HK. As a number of studies indicate, migration affects gender relations as mediated by a number of strands (Itzgsohn & Giorguli-Saucedo, 2005).

First, Acosta's remark—"Unlike in HK, I have to tell him where I am going all the time. Life was not exciting back home—" demonstrates her preference for the degree of freedom that she enjoys in HK. Acosta knows that for as long as she stays in HK, she will never have to comply with her husband's constant asking about her whereabouts. What does this imply?

Women adapt faster than men to the norms and values of the receiving country. Furthermore, immigrant women fear that returning to their countries will result in a loss of their independence and a return to traditional gender roles. Hence, women favor settlements in the host country as a way to protect their advances. (Itzgsohn & Giorguli-Saucedo, 2005, p. 897; See also Mahler, 1999; Menjivar, 1999)

Thus, having grown accustomed to her new lifestyle in her "home away from home," Acosta's life in HK has helped transform her gender subjectivities. She knows the situation will change as soon as she returns home for good, hence her resistance.

Second, Acosta knows that back in her home in the Philippines, she will be jobless. Should she find a job in her home country, her earnings will be neither enough nor comparable to what she is earning in HK. With her earnings from doing overseas work, she has not only secured financial independence, but she also enjoyed reaping positive experiences bolstered by her ability to send monetary remittances back home. Acosta's financial remittances and felt financial independence confirm that migration "can destabilize rigid gender roles—it is generally positive for women" (Boehm, 2008, p. 18). Acosta knows that the traditional gender roles she and her husband observed in the past in the Philippines have already changed—*destabilized*— and that their current situation works to her advantage. From being a housewife in the Philippines whose role was limited to that of being a care-giving and nurturing mother, she has been given the chance to negotiate and transform her role, thus shifting her identity to that of an income-earner, a role often attributed to the sphere of men. Matthew Gutmann (1996) contends that as Acosta's femininity and her husband's masculinity "...are not ... embalmed states of being," it is natural to witness the couple's gender subjectivities

to be constantly shifting and this eventually makes “themselves into whole new entities” (p. 21, as cited in Boehm, 2008, p. 17).

### **Filipino Migration in Asia**

Within the context of Filipino migration in Asia, I find the following to be significant:  
Notions of “Home”/ “Nation”

- That the concept of “home” among Thailand-based OFWs needs to be deeply studied and understood, if only to determine the specific reference points they have.

Notions of “Identity”/ “Belonging”

- That knowing the varying levels of a migrant’s concept of “identity” and “belonging” is helpful in interpreting the experiences of specific informants within the migrant social space whose sense of affiliation influences the actions and decisions they enact.

Gender Ideologies

- That having a good grasp of gender dynamics, ideologies, subjectivities, and other similar gender-related concepts proves central to the understanding of migrants’ overseas experience.

Concepts of Family and Parenthood

- That family, parenthood, and family relations are central in the discussion and analysis of migration experiences. Although the family is understood as a private institution, its familial actions cannot be entirely separated from the public space.

Religious Affiliation

- That migration experiences are not only about the migrants’ fulfillment of their economic goals. Migration encompasses other areas in a migrant’s life such as religious affiliation. Religion pervades not only one’s expression of faith, but also almost every other aspect of one’s life.

## References

- Anonas, M. (1995). In Constable, N. (1999). At home but not at home: Filipina narratives of ambivalent returns, *Cultural Anthropology*, 14(2), 203-228.
- Are you preparing for your future? (1995). *Tinig Filipino*, 36.
- Birdwell-Pheasant, D. & Lawrence-Zuñiga, D. (1999). In Petridou, E. (2001). The concept of home among migrants. *Home Possessions*. UK: Oxford International Publishers.
- Boehm, D. (January 2008). Now I am a man and a woman!: Gendered moves and migration in a transnational Mexican community, *Latin American Perspectives*, 35(1), 16-30.
- Bosniak, L. (2006). *The citizen and the alien: Dilemmas of contemporary membership*. Princeton, N. J.: Princeton University Press.
- Boyd, M. & Grieco, E. (.2003). Women and migration: Incorporating gender into international migration theory. Center for the Study of Population. Florida State University.
- Castles, S. & Davidson, A. (2000). *Citizenship and migration: Globalization and the politics of belonging*. NY: Routledge.
- Cayla, J. & Eckhardt, G. M. (2008). Asian brands and the shaping of a transnational imagined community, *Journal of Consumer Research*, 35(2), 216-230.
- Constable, N. (2007). *Made to order in Hong Kong: Stories of migrant workers*, 2nd ed. USA: Cornell University Press.
- Constable, N. (1999). At home but not at home: Filipina narratives of ambivalent returns, *Cultural Anthropology*, 14(2), 203-228.
- Cooke, T. J. (1996). Geographic access to job opportunities and labor force participation among women and African Americans in the greater Boston metropolitan area, *Urban Geography*. Bellwether Publishing.
- Cooke, T. J. & Bailey, A. (1996). Family migration and the employment of married women and men, *Economic Geography*, 72(1), 38-48.
- De Genova, N. P. (2002). Migrant 'illegality' and deportation in everyday life, *Annual Review of Anthropology*, 31, 419-447.
- Derks, A. (July 2013). Human rights and (im)mobility: Migrants and the State in Thailand, *SOJOURN: Journal of Social Issues in Southeast Asia*, 28(2), 216-240.
- England, K. V. L. (1993). Suburban pink collar ghettos: The spatial entertainment of women, *Annals of the Association of American Geographers*, 83, 225-242.
- Espiritu, Y. L. (1995). Filipino settlements in the United States. In Y. L. Espiritu (Ed.). *Filipino American Lives*, 1-36. Philadelphia: Temple University Press.
- Guevarra, A. R. (2010). *Marketing dreams, manufacturing heroes: The transnational brokering of Filipino workers*. USA: Rutgers University Press.
- Gutierrez, D. G. & Hondague-Sotelo, P. (2008). Introduction: Nation and migration, *American Quarterly*, 60(3), 503-521.
- Gutmann, M. (1996). *The meanings of macho: Being a man in Mexico City*. Berkeley: University of California Press.
- Hannerz, U. (1996). Transnational connections: Culture, people, places. In Vertovec, S. (2009). *Transnationalism*. USA and Canada: Routledge.
- Held, D., McGrew, A., Goldblatt, D., & Perraton, J. (1999). *Global Transformations: Politics, Economics and Culture*. NY: Doubleday.
- Itzsohn, J. Giorguli-Salcedo, S. (2005). Incorporation, transnationalism and gender: Immigrant incorporation and transnational participation as gendered process,

- International Migration Review*, 39(4), 895-920.
- Kenyon, G. (1999). In Petridou, E. (2001). The concept of home among migrants. *Home Possessions*. UK: Oxford International Publishers.
- Kumar, P. K. & Grundy-Warr, C. (2004). In Derks, A. (July 2013). Human rights and (im)mobility: Migrants and the State in Thailand, *SOJOURN: Journal of Social Issues in Southeast Asia*, 28(2), 216-240
- Lorente, B. (2011). The making of 'workers of the world': Language and the labor brokerage state, *Duchene and Heller*, 183-206.
- Mahler, S. J. (1999). Engendering transnational migration: A case study of Salvadorans, *American Behavioral Scientist*, 42(3), 690-719.
- Manila Chronicle. (1997). In Constable, N. (1999). At home but not at home: Filipina narratives of ambivalent returns, *Cultural Anthropology*, 14(2), 203-228.
- Mendoza, M. C. (1996). In Constable, N. (1999). At home but not at home: Filipina narratives of ambivalent returns, *Cultural Anthropology*, 14(2), 203-228.
- Menjivar, C. (1999). The intersection of work and gender: Central American immigrant women in California, *American Behavioral Scientist*, 42(3), 601-627.
- Miralao, V. (2007). Exploring transnational communities in the Philippines: An introduction. In *Exploring transnational communities in the Philippines*. Miralao, V. & Makil, L. (Eds.). Philippines: Philippine Migration Research Network and Philippine Social Science Council.
- Morokvasic, M. (1984). Birds of passage are also women... *International Migration Review*, 4, 886-907.
- Okamura, J. (1998). *Imagining the Filipino American diaspora: Transnational relations, identities and communities*. NY and London: Garland Publishing, Inc.
- Ong, A. (1999). *Flexible citizenship: The cultural logics of transnationality*. Durham: Duke University Press.
- Parreñas, R. S. (2005). *Children of global migration*. Stanford, CA: Stanford University Press.
- \_\_\_\_\_. (2001). *Servants of globalization: Women, migration, and domestic work*. Stanford, California: Stanford University Press.
- Pearson, E., Punpuin, S., Jampaklay, A., Kittisuksathit, S., & Prohmno, A. (2006). *The Mekong Challenge—Underpaid, Overworked, and Overlooked: The Realities of Young Migrant Workers in Thailand*. Bangkok: International Labour Organization.
- Pécoud, A. (11 Jun 2009). The UN Convention on migrant workers' rights and international migration management, *Global Society*, 23(3), 333-350.
- Petridou, E. (2001). The taste of home, *Home Possessions*. D. Miller (Ed.). UK: Oxford International Publishers, Ltd.
- Philippine Family Constitution. (1987). Retrieved 18 February 2014 from <http://www.gov.ph/downloads/1949/06jun/19490618-RA-0386-JPL.pdf>
- Portes, A. (1999). Conclusion: Towards a new world: The origins and effects of transnational activities, *Ethnic and Racial Studies*, 22(2), 463-477.
- Portes, A., Guarnizo, L. E., & Landolt, P. (1999). The study of transnationalism: Pitfalls and promise of an emergent research field, *Ethnic and Racial Studies*, 22(2), 242-282.
- Rosenau, J. (2003). In Vertovec, S. (2009). *Transnationalism*. USA and Canada: Routledge.

- Rouse, R. (1996). *Mexican Migration*. London: Routledge.
- San Juan, E. Jr. (July 2000). Trajectories of the Filipino Diaspora, *Ethnic Studies*, 18(2), 229-238.
- Schiller, N. G., Basch, L., & Blanc, C. S. (1995). From immigrant to transmigrant: Theorizing transnational migration, *Anthropological Quarterly*, 68(1), 48-63.
- Seller, M. (1994). Introduction. In *Immigrant Women*. M. Seller (Ed.). Albany: State University of New York Press.
- The Ibon Report. (October 2010). Proposed 2011 budget shows further healthcare privatization. IBON Foundation, Inc. Accessed December 5, 2012. Retrieved from [http://www.ibon.org/includes/resources/healthbudget2010\\_1024\\_colored.pdf](http://www.ibon.org/includes/resources/healthbudget2010_1024_colored.pdf)
- Tienda, M. & Booth, K. (1991). Gender, migration, and social change, *International Sociology*, 6, 51-72.
- Tilley (1994). In Petridou, E. (2001). The taste of home, *Home Possessions*. D. Miller (Ed.). UK: Oxford International Publishers, Ltd.
- Torre Franca, M. S. D. (1992). The great divide. In *Sa Pagyuko ng Kawayan: Short Stories*. L. Layosa and L. Luminarias (Eds.) Hong Kong: *Tinig Filipino*, 31-40.
- Tyner, J. A. (1996). Constructions of Filipina migrant entertainers, *Gender, Place, and Culture: A Journal of Feminist Geography*, 3(1), 77-93.
- \_\_\_\_\_. (2004). *Made in the Philippines: Gendered discourse and the making of migrants*. London/ NY: Routledge.
- Tyner, J. & Kuhlke, O. (2000). Pan-national identities: Representations of the Philippine diaspora on the worldwide web, *Asia Pacific Viewpoint*, 41(3), 231-252.
- Vertovec, S. (2009). *Transnationalism*. USA and Canada: Routledge.



***Emma's Journey: A case study on the death penalty and some inequalities in the criminal justice system***

Ruth Johnson Carter, Georgia College State University, USA

The European Conference on the Social Sciences 2014  
Official Conference Proceedings

**Abstract**

The murder on January 1, 1979 of a prominent white business man in the small southern American community of Lincolnton, GA led to the arrest, trial and death row sentence of a young African American woman named Emma Cunningham. After an appeal and plea bargain, her sentence was commuted to life with parole. Altogether, she spent almost 12 years in prison for a crime that considerable evidence, including the trial transcripts, indicates that she did not commit. Writing about Emma's experience converges around cultural, ethical, social and legal issues. Although Emma's survival is a personal story of tragedy and courage, her experiences are illustrative of generally significant human behavior. Stunningly, during the most ill-fated and often ominous situations, Emma unlike many others was motivated by "ordinary" genius to transcend, through her creative energy and ethnic strength. This paper places Emma's specific experiences into the larger framework of the legal and political issues to provide a matrix for examination of the death penalty and the inequalities of the criminal justice system.

**iafor**

The International Academic Forum  
[www.iafor.org](http://www.iafor.org)

## Introduction

This paper is an abridged selection from *Emma's Journey*, a 600 page manuscript which recounts the experiences of an African American woman, Emma Ruth Cunningham. Convicted in 1979, for an alleged murder of a prominent white business man, William Beal Crawford, Emma spent more than three years on death row in a Georgia prison. After an appeal and plea bargain, her sentence was commuted to life with parole. Altogether, she spent 11 years in prison for a crime that considerable evidence, including the trial transcripts, indicates that she did not commit.<sup>1</sup>

Writing about Emma's life converges around cultural, ethical, social, and legal issues. Although Emma's survival is a personal story of tragedy and courage and redemption, her experiences are illustrative of generally significant human behavior. Stunningly, during the most ill-fated and often ominous situations, Emma, unlike many others, was motivated by "ordinary" genius to transcend, through her creative energy and ethnic strength.

## The Murder

On the evening of January 1, 1979, the horribly battered body of William Beal "Bill" Crawford was discovered by his long-time housekeeper, Mary Alice Tutt, who had become concerned when her boss did not answer his phone. Walking from her own house, situated nearby, she let herself in with the key she had been given. She located Mr. Crawford in the storeroom at the back of his house lying dead in drying pools of blood. His head had been beaten almost beyond recognition and his arms were bent at odd angles from his body, each broken in several places. Stifling her screams, Mrs. Tutt ran to the phone and called the Lincolnton Police.<sup>2</sup> Chief Lawrence Peeler arrived within a few minutes with several officers from his headquarters located only a few streets away at 148 Ward Street. Peeler was unaccustomed to dealing with homicides. He immediately called for assistance from the Thomson Seventh District Office of the Georgia Bureau of Investigation. Two GBI officers, Special Agents Mike Siegler and Jim Carver, took control of the crime scene.<sup>3</sup>

The agents reported that Mr. Crawford was known to keep large sums of money in his house. The officials presumed that this cash was the likely "motivation for the murder." Although an autopsy was immediately scheduled, the preliminary analysis indicated that Mr. Crawford "had put up a terrific struggle," which led to his being killed by the killer striking him many times with a blunt object all over his head and body.<sup>4</sup>

The front page of the January 2, 1979 *Lincoln Journal* newspaper described the scene at Mr. Crawford's house: Blood was reported by lawmen to be "scattered all over the place." The intruder "tracked blood over portions of the house." Crawford's body was presumably turned over after it fell to the floor since there were two pools of blood on the storeroom floor.

Crawford owned a profitable Frito-Lay snack franchise and lived in the house he inherited from his parents. The house, a one-story Victorian with gingerbread trimming and a wrap-around porch, was located on Humphrey Street, ironically, directly across the street from the Lincoln County Courthouse. In a town with a

population of less than 2,000 the discovery of the murder of Bill Crawford in his own house was horrifying to the white population, most of whom knew Mr. Crawford at least casually, and many were his life long friends.

### **Emma Cunningham**

For Emma Cunningham, January 1, 1979, was a Monday like any other. Had she known, she would not have cared that this was the day that diplomatic relations were re-established between the United States and China after 30 years of disruption and the Secretary General of the U.N. announced the International Year of the Child.

Emma had never been as much as 100 miles from where she was born in Hartwell, Georgia. Her concerns were local and specific. She needed to go to the Laundromat. Washing machines and dryers for home use were too expensive for people on a limited income, so most of the African American community had no choice except to use the only facility open to them. She and her husband James "Snowball" Cunningham caught a ride with a friend to what they called the wash house. Emma wanted to be sure that her two small children had clean clothes for a trip planned to New Jersey for a family funeral.

Since they had no way to get home after the clothes were washed and folded, Emma relates, "I had to leave my baskets of clothes and walk with James over to my Daddy's house to get him to give us a ride home." When asked after her arrest, "Which way did you walk?" Emma responded, "We came right by the Shell station, past the Milky Way Freeze Bar to my daddy's house, off the 378/ McCormick Highway."<sup>5</sup>

"We don't go way 'round by Mr. Crawford's house," Emma said. "My daddy live about a mile away from the Laundromat off N. Washington Street." Despite Emma's statement, it was certainly possible to go to her father's house by way of Mr. Crawford's home and then walk the internal streets and pick up the highway from Goshen Street. Either way was about a mile.

"After Daddy drives us home," Emma recounts, "James leaves again. Somebody pick him up in a car. I never saw who it was. I stay up watching *Wheel of Fortune* and other game shows. Then I go to bed." Emma remembers, "I get waked up around 1:00 a.m. New Years night with James shakin' me like a dice cup and sayin', 'Get up! Get up! We goin' to leave now.' I say, 'You crazy!' I get up anyhow. *Tha's* always how Snowball was. We always leavin' anyway, which way and whenever. I say, 'I thought we was leavin' tomorrow.' He say, 'Wrap up the children real good, it cold out. I got Junior Williams outside. He gonna drive us to Augusta right now' ".<sup>6</sup>

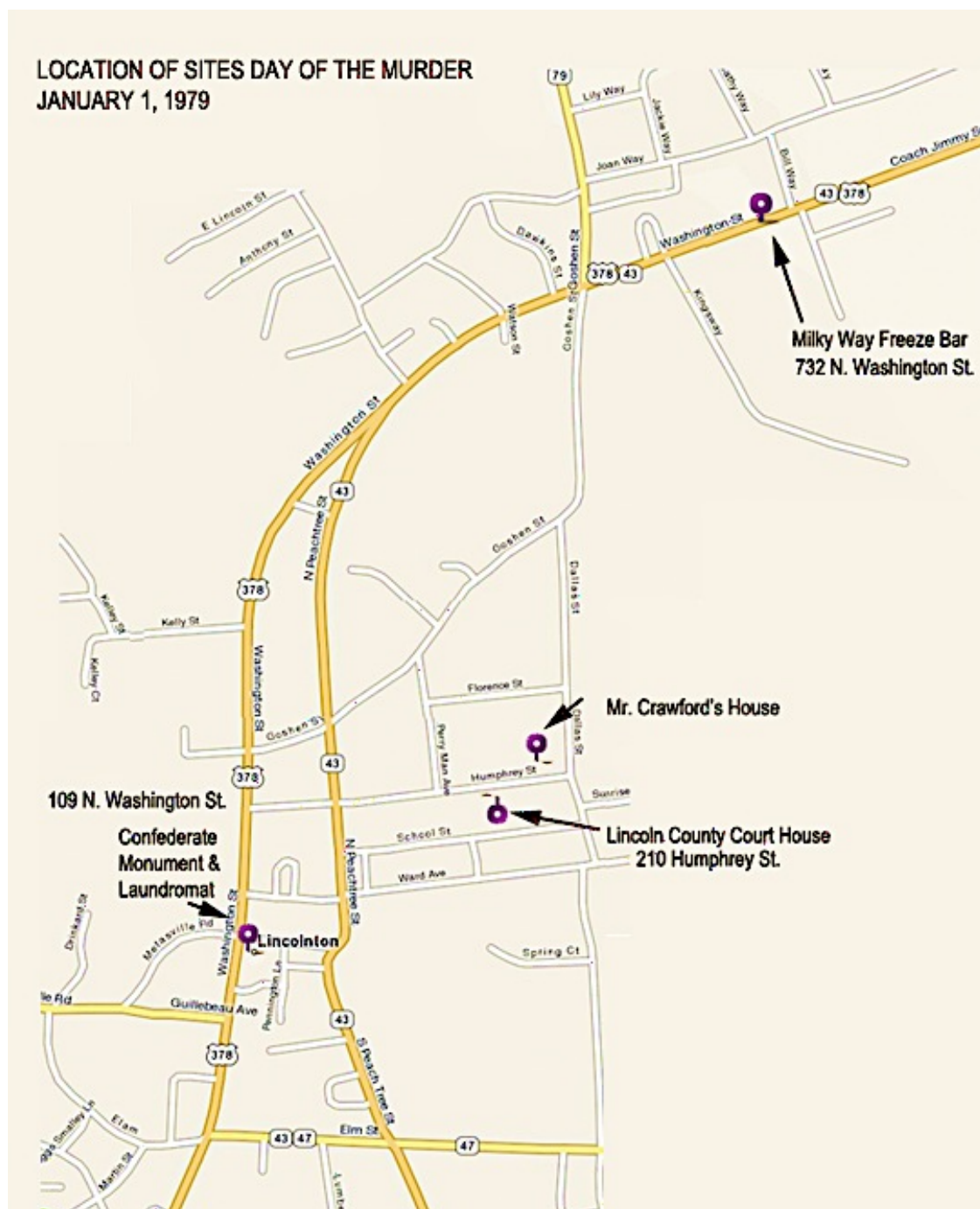


Fig. 1. Locations of sites the day of the murder.

### The Arrests

Alex (Junior) Williams was a cousin of James Cunningham. Although at first reluctant, he had driven James, Emma, and their two children before dawn on January 2, 1979, to the bus station in Augusta, Georgia, to buy tickets to New Jersey. After hearing about the murder, Williams reported the curious circumstances of his late-night trip to the Sheriff's office. The GBI located James at a bus stop in Durham, North Carolina.

James was arrested read his Miranda rights and questioned. Eventually he signed a confession admitting to the murder and indicating that Emma had nothing to do with the crime. Emma was not charged or questioned and she returned to Lincoln with her children.<sup>7</sup>

After his extradition to Georgia, James led GBI agents and the Lincoln County sheriff to the location of the bloody clothes he had discarded and to a location where he had thrown the murder weapon, a 12 inch long wrench. These articles and exhibits along with the men's clothing were admitted into evidence at James' trial. At this point James, in an effort to save himself, implicated Emma in the murder.

Emma had voluntarily returned to help James unaware that he had changed his confession to involve her in the crime. No forensic evidence ever placed her at the scene. Emma was arrested and incarcerated in the Lincoln County Jail in a cell near James. She was never formally booked for the crime even though she was indicted and brought to trial, until after her sentencing.<sup>8</sup>

"I remember January 5, 1979, as if it was yesterday," Emma says about the day of her arrest. "I knowed that I didn't kill nobody, but that don't seem to matter when people think I'm guilty. Each morning, even now when I wake up, the memory of my trial and the thought of life on death row is fresh in my mind."<sup>9</sup>

Emma's uncle, O.T. Morrison, heard that Emma and James did go by Mr. Crawford's, but only James went into the house to ask to borrow money. O.T. was told that James went back later. He killed Mr. Crawford and stole his money without Emma's knowledge. This information is from what O.T. called the "jungle drums." This is the story that was transmitted in the African American community and which was never shared with white people.<sup>10</sup>



Fig. 2 Wench similar to the murder weapon presented as evidence during the trials.

There is no proof of this scenario except if James had beaten Mr. Crawford to death his clothes would have been covered with blood when he left the scene. It is hard to believe that Emma or any sane person could have helped murder a man she knew and then walk in the rain with her blood soaked husband to her father's house. It is equally unlikely that anyone covered in blood could have walked more than a mile along a highway without being noticed. It is just as unbelievable that after picking up her baskets of clothes, Emma would have returned home, to watch games shows on TV, and peacefully fall asleep without any unusual emotional reaction. Only a psychopathic personality would be able to function that way. Emma has never shown

any violent characteristics. Psychological exams before and after Emma's trial indicated no signs of mental illness barring understandable situational depression and anxiety.

Emma has never deviated from her version of her behavior on the day of the murder or that after their return home James almost immediately left again in a car she never saw. It was James who was agitated and frantic when he returned late that night wearing different clothes and it was he, who when arrested, confessed to the murder, without incriminating her until after his return to Georgia.<sup>11</sup>

### **James' Trial**

The lock step movements of the law followed a well-worn path. James' culpability in the assault and death of William Crawford, given the attitude of the white community, seems to have been virtually decided even before his trial which began on October 23, 1979.<sup>12</sup>

The remaining issues were the penalty to be handed down for James and the degree of complicity, if any, of his wife, Emma, to be determined during her own trial.<sup>13</sup>

District Attorney, Kenneth Goolsby who prosecuted both cases said "I don't think I have ever seen a more senseless killing than this one." In his confession, James Cunningham said, "I did not intend to kill" Mr. Crawford.

Mr. Goolsby maintained, "It is not necessary that murder should be a part of the original design, but it is enough that it be one of the incidental and probable consequences..." "The law says that you are guilty of murder if this wrench, (indicating the tool admitted into evidence as the murder weapon) caused the death of Bill Crawford."<sup>14</sup>

"Is there any doubt in your mind about the facts in this case? Murder is the killing of a human being, and certainly, Bill Crawford was a human being, a good one. 'Snowball' could have robbed him and left him alive, but he wouldn't do that, there would have been a witness." The mostly white jury found James guilty and he was sentenced to death on October 25, 1979 after a trial which lasted less than two days.<sup>15</sup>

# Man and Wife Indicted In Crawford Death

James "Snowball" Cunningham and his wife, Emma Ruth Cunningham, were both indicted on three charges in the death of William Beall Crawford by a Lincoln County grand jury Monday.

The pair were indicted on charges of Burglary, Armed Robbery and Murder of Crawford after being charged in warrants following the death of Mr. Crawford Monday night, Jan. 1. They are being held without bond. James is in the Lincoln County jail and Emma Ruth in the McDuffie County jail.

Cunningham was arrested in Durham, N.C., Tuesday, Jan. 2, when he disembarked

from a bus. An all points bulletin was issued for his arrest after Lincoln County law officers were told that Cunningham had hired another black man by the name of Williams to carry him to Augusta to catch a bus.

Mr. Crawford was murdered sometime between 6:00 and 9:00 p.m., Jan. 1. His wallet was missing, officials said, but a "large sum" of money was not taken by the intruder or intruders. This money was hidden in the house and found by officers while making an investigation of the robbery. Officers did not disclose the amount of cash found, saying only that it had been turned over to the family's attorney.

Sheriff B. C. Danner said Tuesday he was told that Cunningham and his wife walked to Crawford's home Monday night to buy a carton of cigarettes. Crawford, who was said to always keep his residence locked, was thought to have opened the door upon recognizing Cunningham and went into his store room for the cigarettes. His body was found later by his housekeeper

who called the city police.

After Cunningham was returned to Lincoln County, he carried officers where he had thrown the murder weapon. The approximately 12-inch open-end wrench was in the garden near the Wade Ashmore home on Goshen Street.

Cunningham, who was carried to Augusta later in the night by a black man named Williams, reportedly told officers that he only took \$330.00 from Mr. Crawford. Williams reported to the sheriff's department that he carried Cunningham to Augusta to catch a bus for a northern city.

The alleged attacker who lives off the Leathersville Road in a mobile home, discarded his bloody clothing and shoes and threw them into the well at his home, Sheriff Danner said. The clothing and shoes were retrieved from the well, Danner said.

Crawford, who was a Frito-Lay distributor, was noted for carrying large sums of money on his person.

The Cunninghams face trial by jury during the April Term of Superior Court.

## THE LINCOLN JOURNAL

JANUARY 25, 1979

VOLUME 85,  
NUMBER 31  
FRONT PAGE

Fig. 3. The trials were postponed until October 1979

### Emma's Trial

Built in 1915, in the Georgian style of architecture, the Lincoln County Courthouse sits on a large tree-filled lot on a pleasant street in Lincolnton, Georgia. Made of weathered red brick "that were made on site" from locally dug clay, the building is decorated with four white Doric columns. The grey roof is crowned by a clock tower with a small white painted cupola. Large black letters inscribed across the pediment label the building's function. The structure is typical of many courthouses all across the rural south.

The two glass paned front doors lead into a cream painted hallway lined with pictures of current and past officials and a colored sketch of the building itself. The heart of

the building, the courtroom is on the second floor, up a broad flight of polished hardwood steps.

The courtroom is immaculate. White painted wooden rails separate the observers from the tables and chairs arranged for the prosecution and defense lawyers. A similar railing divides the witness box and the space for the court reporter from the attorneys. When court is in session, the judge sits behind an imposing desk several feet higher than the witness box in a large black leather swivel chair. The American and Georgia flags hang from stands on either side. The jury is seated to the left behind another white rail in black leather armchairs. Despite a costly restoration, except for the addition of computers, microphones, and the new Georgia flag which no longer features a Confederate ensign, the room has not changed very much in nearly 30 years.

On May 16, 2008, the sky is a cloud filled blue and spring flowers are in bloom on the courthouse grounds, but the courtroom is shadowy and still. Emma sits in the witness box. She has not been back in this room since her trial for murder in 1979. She leans forward and rests her arms on the rail.<sup>16</sup>

Emma sits quietly for a few minutes, and then the memories about her murder trial and her death sentence verdict bring slow tears to her eyes. Emma says, " The day of my trial the people sittin' in the courtroom whisper among them while the lawyers and the judge talk to each other. The judge raps his little hammer and calls everyone to be quiet. They all hush up like kids in school when the principal come down the hall. When I was a chile', I hate bein' in school because I was teased for stutterin'. "<sup>17</sup>

" It hurt my feelings when the teacher call out, 'Emma Ruth make 67 on a test.' I would put my head down on my desk because I usually know the answers, but I get so scared when they hand out the test that I kaint remember nothin'. After I leave school, I never done think a number could ever make me feel so bad. But when the assistant district attorney read out in a loud voice, "The State of Georgia versus Emma Ruth Cunningham, who by this indictment number 6757 is charged with the offense of burglary, armed robbery, and murder. That number made me want to hide. Six Seven Five Seven... Six Seven Five Seven.... It be like grades on a spellin' test. You make 67. You make 57. Six seven Five Seven. *Tha's* all I hear. The rest he read out don't make no sense to me anyhow. The man go on readin' and readin' and readin'. I look up when he say ... 'killed William B. Crawford by beatin' the said William B. Crawford with a certain wrench.' which had been introduced earlier as the murder weapon in James' trial. "

Emma says emphatically. "Til my trial, I ain't never seen a wrench that big. They say I take it in my pocketbook, and when Mr. Crawford won't give us no money, James and I kill him. *Tha's* another lie. That wrench more than a foot long. How it gonna fit in no regular pocketbook?" Them clothes they put into evidence in my trial were the things I give James for Christmas. Even the D.A., Mr. Goolsby, admit he don't have no evidence but me walking in the direction of Mr. Bill's house. They never can put me in that house when Mr. Bill murdered. *Tha's* 'cause I weren't there. I did not kill or help to kill that old man," Emma says scornfully. They say I confess to killing Mr. Crawford, but I only sign what they give me to protect my children and my parents.<sup>18</sup>



## Decision for Bench Trial

Emma's court appointed lawyers, Roger Dunaway and Robert Cofer made the decision for her to have a Bench Trial because the death penalty had been introduced as a part of James' trial. Her lawyers had reason to believe that death would be a part of a guilty verdict in Emma's case as well. A Bench Trial is unusual for a murder trial because the judge makes all the decisions about the law and also acts as a one-man jury in evaluating the facts. The judge has control over the process of the trial as he normally would, but he is not supposed to make up his mind until he hears all of the evidence. It is one thing to believe the judge will be fair, and something else to have that always be true

The District Attorney Kenneth Goolsby was concerned about the possible legal issues, which might arise with a murder trial without a jury. Because of the DA's apprehensions, Judge Stevens looked sternly at Emma and demanded "Do you understand that without a jury this judge, myself, will be the only living person who will say whether you are guilty or not guilty?" Emma, who had been asked to stand, looked down at the floor and said in a barely audible voice, "Yes sir, I understands."

Stevens asked, "Do you understand all of your rights under both the Constitution of the United States and the laws of the United States and of the State of Georgia?" Since many college students could not answer this question with certainty, Emma's affirmative answer once again was based on her instructions rather than any real comprehension of what had been said to her. Then the signed and witnessed document of Emma's request for a non-jury trial was entered into evidence as proof that she was not influenced in her decision.<sup>19</sup>

"Mr. Dunaway and Mr. Cofer told me to say 'yes' to all of those questions," Emma relates. "I don't have no clue about what a Bench Trial was or what I say yes about or why the lawyers make that decision. Mr. Dunaway and Mr. Cofer have me write a letter that I sign. Them lawyers and my mama and daddy witnessed it on October 24, 1979, askin' for this kind of trial, They filed that letter at 12:15 p.m. on October 25, right before they start my trial."

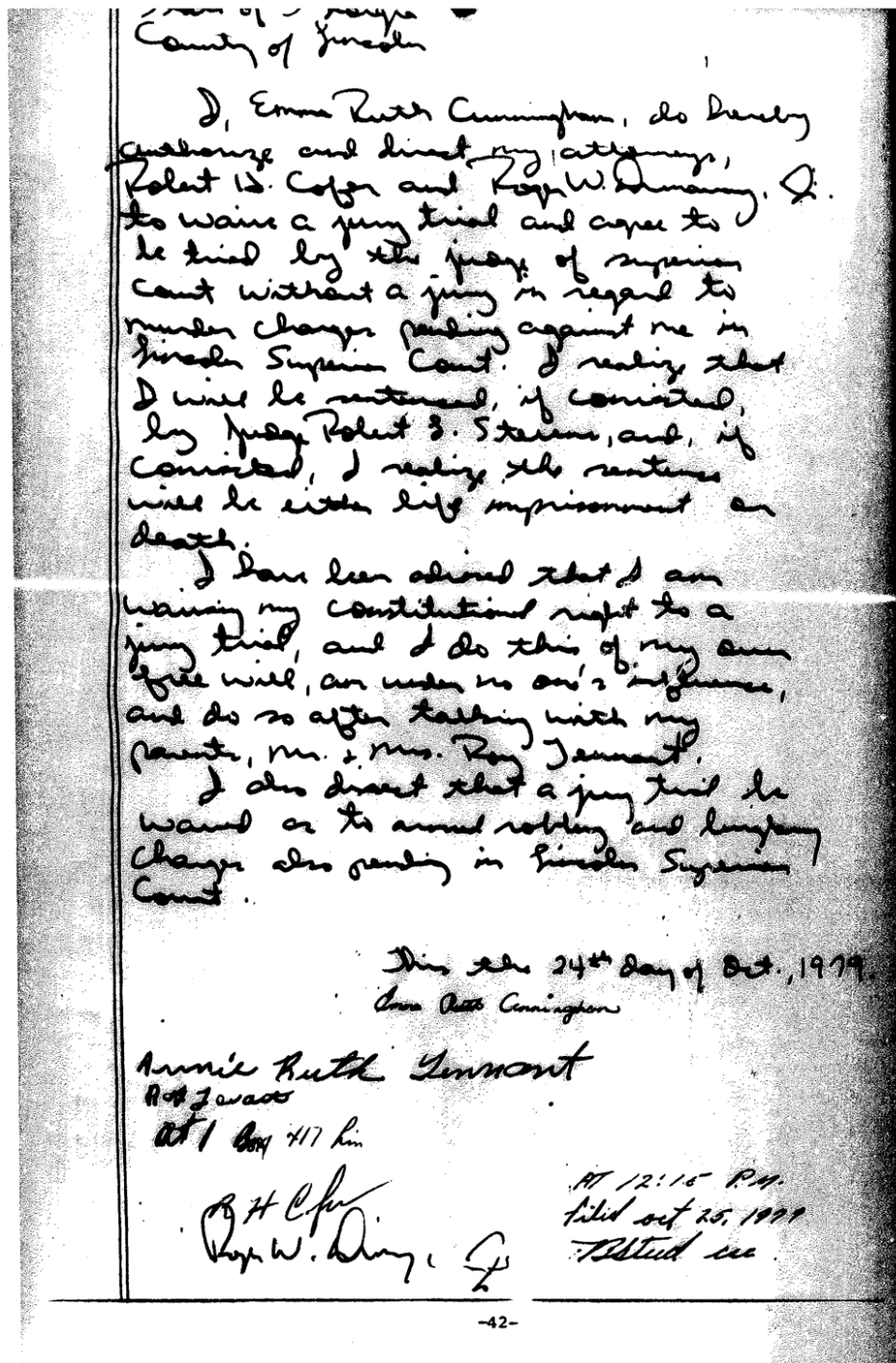


Fig.4. Copy of Emma's handwritten document agreeing to a Bench Trial

When asked about Emma's Bench Trial, the Honorable Roger Dunaway, now the Chief Judge of the Tombs Circuit, leans back in his swivel chair at his office in the McDuffie County Courthouse and reminisces about the attitude in Lincolnton toward Emma when he and the late Robert Cofer were appointed as her lawyers. Judge Dunaway, a distinguished jurist, who before his appointment to the bench, served as the county attorney, is a tall, slim man who, without any notion of a cliché, epitomizes the phrase "southern gentleman."

"We decided on the Bench Trial," the judge says, "because there was a lot of anger in the Lincolnton community. Mr. William Crawford was real prominent. He lived right across the street from the courthouse. Everybody was familiar with him."<sup>20</sup>

"They were going for the death penalty [in James' case], and most of the community felt Emma was the one behind the murder. Everybody felt that she was the smarter of the two. They believed she had planned the whole thing, and that she was more responsible. Snowball's case was tried first. We were struck by the fact that when his attorneys asked the jury if any of them had heard anything about the case, not the first hand went up. This murder case was obviously the most talked about thing that had happened in years," and people behaved as if they had never heard of the crime."

"It was almost impossible to get a change of venue. Much harder than it is today," Judge Dunaway continues. "Then of course Snowball was convicted. We felt like that our best chance to avoid the death penalty was a Bench Trial. The issue, in this case, was whether or not a person who neither planned nor participated in a murder could be given the death penalty."<sup>21</sup>

"We decided our best chance was for the judge to look at the case unemotionally. Maybe we would come out with a better chance than before a jury. We had just seen what happened to Snowball and we knew everybody blamed her more than they did him."

Judge Robert L. Stevens, a WWII Army veteran who had served in the Pacific theater in Burma, India, and China,<sup>1</sup> was often an advocate for peaceful solutions when arbitration was possible. His devotion to legal orthodoxy and the exact wording of the law was a part of his legacy of succeeding his father into the practice of law. He followed some internal and often unpredictable logic in his decisions and would "show compassion in some cases, but [would] hammer you in other cases."<sup>22</sup>

To the consternation of her attorneys Judge Stevens after a brief period of reflection returned to the court room and read his personally handwritten note into the record sentencing Emma to the death penalty.

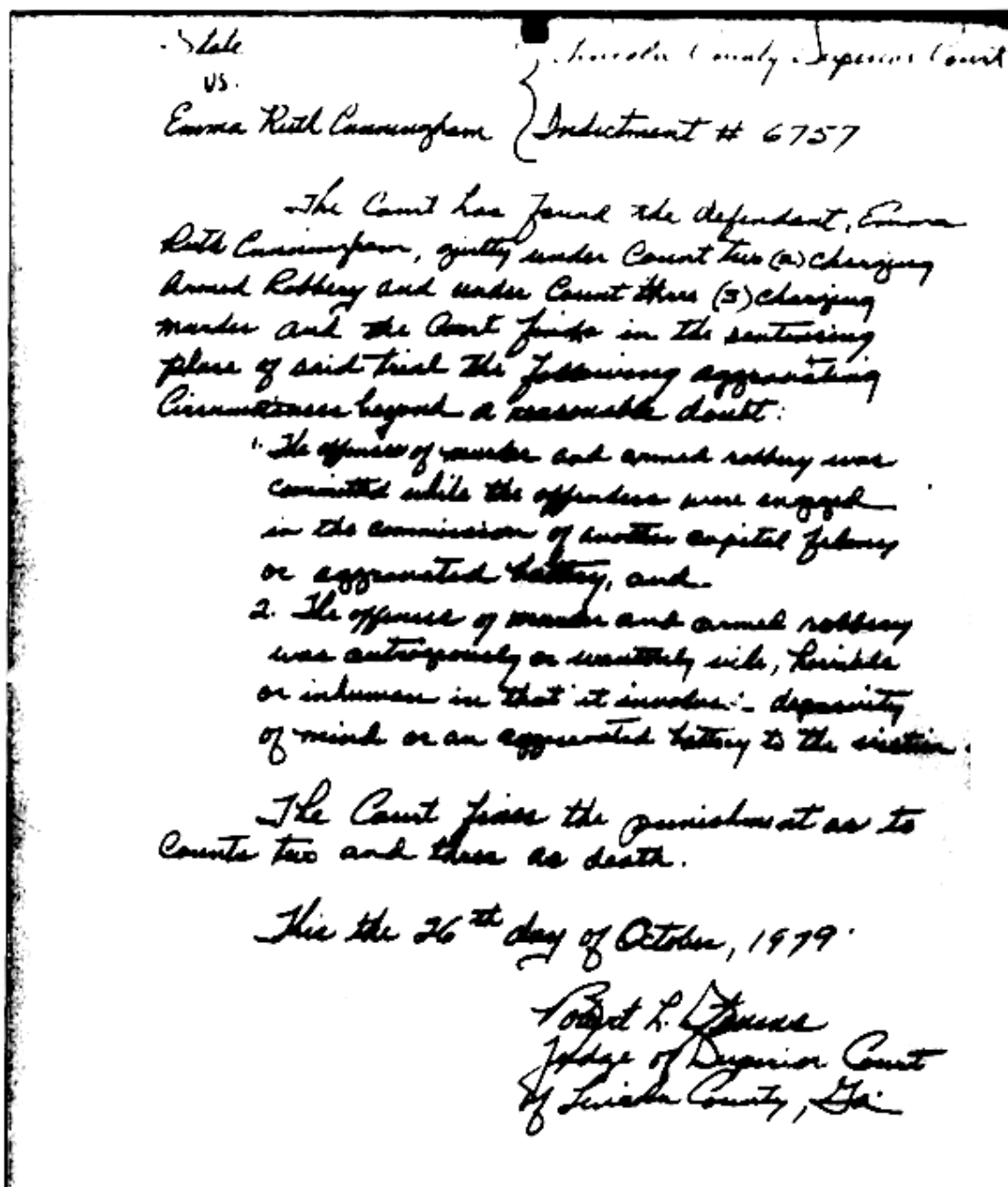


Fig. 5. The last sentence reads: The Court finds the punishment as to counts two and three as death. The third charge of burglary was dropped since Mr. Crawford opened the door to his assailant. There was no "breaking and entering" which is a legal part of the definition of that crime.

Judge Stevens read the formal statement into the record: "It Is Considered, Ordered And Adjudged By The Court, that you Emma Ruth Cunningham, be taken from the bar of this Court, where you now stand to such place of confinement as the law provides, where you shall be safely kept and confined until you shall be removed and in the manner provided by law to such an institution where you shall be submitted to the penalty of death by electrocution, as provided by law, between the hours of ten o'clock in the forenoon and two o'clock in the afternoon on the 14<sup>th</sup> day of December, 1979, and may the Lord have mercy on your soul. This case is closed," the judge said and got up and disappeared through a door into his chambers.<sup>23</sup>

A deputy handcuffed Emma for the first time since her arrest and escorted her back to the jail. The bright sky had faded to a washed out grey and the air was cold on her bare arms. She stumbled and the deputy caught her. She could feel tears on her face, but they seemed to belong to someone else. She was locked into her cell, and the jailer turned out the lights. Emma sat on her cot. There was a faint light in the outer office. She stared at the glow as if somewhere there would be an answer. She was not quite 28 years old and had spent her entire life just trying to survive. Even the GBI agents had said that she was very smart. She had worked as hard as she could. She took good care of her two children and loved them better than her own life. Her existence did not seem to matter at all. She had been given a death sentence for a murder she knew that she had not committed. A judge had said she was guilty of Mr. Crawford's homicide and had pronounced that she was to die on the 14<sup>th</sup> day of December 1979. She felt like a drop of water suspended from the rim of a dripping faucet. The fall was inevitable and had no outcome but chaos and destruction.<sup>24</sup>



Fig. 6. Headline *Lincoln Journal*

Sitting in her immaculate living room thirty years later, Emma says, "Livin' on death row is pure hell!" Her voice shaking as she remembers, she adds, "No one else can know your circumstances. You don't really know when they are comin' to get you. You never know when they will. It's so hard on a person. It's hard not to think about your death and bein' killed for no reason. Every time I heard the keys rattlin' in the locks, I would think that they were comin' to tell me, 'Emma Cunningham get yourself up. They are ready for you. Your appeal was turn down.'" Emma sighs, "No one who ain't been there can imagine the agony of hopelessness and helplessness and loneliness." Emma adds, "In prison you are still treated the same way as you are on the outside because you black. Now we're in a new century, but 1979 for me is still a reminder of the holocaust of what many blacks still face today—injustice, discrimination, and violent death."



Fig.7. Emma and Judge Dunaway in his chambers May 16, 2008

I was stunned at Judge Steven's verdict," Judge Dunaway says. "I never believed what James Cunningham said about Emma," he adds emphatically. "I don't think he planned to murder Bill Crawford, either. When Crawford fought back, Snowball just panicked because he just kept beating and kept beating. The murder was horrible, bloody, and gruesome. I think the Lord was looking after Emma Ruth, when we finally got her death penalty sentence reversed on appeal. Her trial had a lot of bearing on how I looked at criminal cases. I think Emma's case really gave me a lot of sensitivity."<sup>25</sup>

Emma, reflects on her life, "Ain't many people in this world ever had the experiences I had. Not many put on death row, and not many have the gate swing open. I done for real been in the 'valley of the shadow.' Don't make me no better nor no worse than you. But what happen to me do make me see. I see with my eyes the crack in the sidewalk and the red flower on the bush. I see the rust on the gate and the tear in the eye. When you faced with death—when you know you ain't done the killin' and God save you from your doom, then everything become important." Emma pauses, "...and then at the same time not important at all. You sees everything, because you might not never get to see with your eyes again—not by God 's choice but of the law. So I go out and speak against what I know is wrong. There ain't no way to argue with the fact like I say over and over that there more black people executed than white."<sup>26</sup>

## Conclusion

"Who gets the death penalty is largely determined, not [solely] by the severity of the crime, but by: the race, sex and economic class of the criminal and victim." Who ends up on death row is subject to "vagaries in the legal process. The death penalty is like a lottery, in which fairness always loses.

—*The Death Penalty: Questions and Answers, April 29, 2005.*

In the late twentieth century statistics indicated that the overwhelming majority of those on death row who were African American were, as Emma Ruth Cunningham was, convicted for killing white victims.<sup>27</sup> This is despite the fact that African Americans make up about half of all homicide victims. When African Americans commit crimes against white people, race becomes a more relevant issue, creating less objective sentencing decisions. Judges can be influenced by racial characteristics that "are influential in courtroom assessments of blameworthiness, dangerousness, and practical constraints."<sup>28</sup>

Poor people are also far more likely to be given the death penalty than those who can afford the high costs of private investigators, psychiatrists, and expert criminal lawyers. Geography also plays a role. Since 1976, with the reinstatement of the death penalty after the Supreme Court Decision in the case of Gregg v. Georgia, 82% of all executions have taken place in the South.<sup>29</sup>

As Senator Russ Feingold said in a speech on civil rights as a priority, "We simply cannot say we live in a country that offers equal justice to all Americans when racial disparities plague the system by which our society imposes the ultimate punishment."<sup>30</sup>

Emma's trial and death penalty conviction is an almost perfect example of each of these issues. The examination of her trial transcript clearly illustrates, racial prejudice, jailhouse "snitch" testimony, introduction of misinterpretation of evidence, and community pressure for her conviction. Within the framework of her story, perhaps understanding may be gained about the plight of individuals who through cultural and social circumstances are deprived of the benefits of education and the full weight of equality under the law. Yet it is not Emma's "troubles" that make her memorable, it is her remarkable and continued evolution that makes her an embodiment of Maya Angelou's wonderful lines: "You have tried to destroy me and though I perish daily, I shall not be moved."<sup>21</sup>

## Selected Bibliography

- Angelou, Maya. *And Still I Rise* (New York: Random House; 1st edition, August 12, 1978), Part Three. <http://mayaangelou.com>.
- Athens Banner-Herald*. Special Agent Mike Seigler became the agent in charge of the Georgia Bureau of Investigation's Thomson Office. *Athens Banner-Herald*, June 3, 2004.
- Associated Press "Georgia: Woman on death row released after 36 years." *Athens Banner Herald*. (Athens, Ga.) July 4, 2010. [http://onlineathens.com/stories/070410/new\\_664993047.shtml](http://onlineathens.com/stories/070410/new_664993047.shtml).
- Augusta Chronicle, The*, "Second Judge Recommended for Circuit." p.1 City /State edition. May 29, 2005. Featured obituary: Judge Robert L. Stevens, Sr. (Columbia County Bureau, Melissa Hall, staff writer).
- Broadus, Bill. "On Fairness," *Virginian-Pilot*, May 24, 1998. <http://ejusa.org/node/2404>.
- Brooks, Peter *Troubling Confessions: Speaking Guilt in Law and Literature* (Chicago: University of Chicago Press, 2000) cited in, *Journal of Criminal Justice and Popular Culture*, 7(3): 119-121. <http://www.aclu.org/capital-punishment/case-against-death-penalty> (December 11, 2012).
- Carter, Ruth J. *The Journal of Pre- and Perinatal Psychology and Health*, Volume 9, Issue 1, October, 1994- Volume 16, Issue 2, December. 2001.
- Chapman v. California. ruled that "[T]he use of a coerced confession in a criminal trial does not necessarily invalidate a conviction."
- Clinton, Henry Lauren (1897). *Celebrated Trials*. Harper & Brothers. pp. 1–22. Retrieved 2007.
- Coker v. Georgia, 433 U.S. 584 (1977).
- County News*. <http://newstimes.augusta.com> Quote on Steven's compassion from Dennis Sanders, Assistant DA and prosecutor at the trials of both James and Emma. [http://newstimes.augusta.com/stories/2002/05/19/new\\_124-1276.shtml](http://newstimes.augusta.com/stories/2002/05/19/new_124-1276.shtml).
- Cunningham, Emma. Personal interview by author on May 10 and 11, 2002, Aug. 2, 2002, Nov. 28, 2003, Feb. 7, 2004, Feb. 22, 2004, Apr. 25, 2004, Apr. 27, 2004, Aug. 9, 2006, May 2006, Aug. 7, 2007, May 21, 2008, July 23, 2008, Aug. 14, 2010 (telephone), and Oct. 2012. "Emma's Red Book" (unpublished personal manuscript 1979-1993), p.2., pp.1-5, p.64., pp.55-57, p.76., pp.79-85, p.89., p.90, p.95, pp.157-158, p.199, p. 206.
- Cunningham, Emma v. State 37779(248 Ga. 835) (286 SE2d 427) January 20 & 21 (1982).
- Cunningham, James. All quotes during the trial come from the author's copy of the microfilm entitled: James Cunningham Case # 37736.
- Cunningham, James v. State, 248 Ga. 558, 284 S.E.2d 390 (1981).
- Cunningham, James v. State 37736.(248 Ga. 558)(284 SE2d 390)(1981).
- Cunningham, James v. Zant, United States Court of Appeals, Eleventh Circuit - 928 F.2d 1006 March 27, 1991.
- Cunningham, James, Jr., v. Walter Zant, [law.justia.com/cases/federal/appellate-courts/F2/928/1006/452533/#fn24](http://law.justia.com/cases/federal/appellate-courts/F2/928/1006/452533/#fn24) (2012).
- Death Row USA*. "Current Death Row Population: NAACP Legal Defense and Educational Fund, Inc." [http://www.deathpenaltyinfo.org/state\\_by\\_state](http://www.deathpenaltyinfo.org/state_by_state) (April 1, 2012).



- Duffy, Clinton. "The Death Penalty: Questions and Answers: Death Penalty and Arbitrariness" <http://www.amnestyusa.org/> (n.d.).
- Dunaway, Roger. Video and audio interview with The Honorable Roger Dunaway, Chief Judge of the Tombs Circuit, May 18, 2008.
- Errede, Prof. S. "Chaotic Water Drop Experiment" Physics 403 Lab 1/11. Physics Dept, UIUC. (October 2004).
- Feingold, Russ. (D-WI 1993-2011), "Civil Rights as a Priority for the 108th Congress," US Senate, January 2003.
- Frazier v. Cupp*, 394 U.S. 731, 739 (1969) affirmed the legality of deceptive interrogation tactics.
- Georgia Department of Corrections.  
<http://www.dcor.state.ga.us/Research/Research.html>.  
 Office of Planning and Analysis; the Death Penalty A History of the Death Penalty in Georgia Executions by Year 1924- 1929.  
<http://www.dcor.state.ga.us/pdf/TheDeathPenaltyinGeorgia.pdf>.
- Goolsby Kenneth, "<http://legal-dictionary.thefreedictionary.com/Felony-Murder+Rule>. Most of this section comes from the DA, Kenneth Goolsby's closing statement and it sums up the prosecutions case and was actually delivered on Oct. 25, 1979.
- Hall, Melissa. "Judge Stevens known for life on the bench" May 19, 2002." [http://newstimes.augusta.com/stories/2002/05/19/new\\_124-1276.shtml](http://newstimes.augusta.com/stories/2002/05/19/new_124-1276.shtml).
- Haddock, Deborah. *The Dissociative Identity Disorder Sourcebook*, passim. (New York: McGraw-Hill, 2001).
- Jackson, Mardy. "High Court upholds Lincoln County death sentence," *The Augusta Chronicle*, Feb. 28, 1989, B1.
- Johnson, Brian. "Courtroom Discretion and Modes of Conviction," *Racial and Ethnic Disparities in Sentencing Departures Across Modes of Conviction* (2003), 455.
- Leckie, Barbara. *Journal of Criminal Justice and Popular Culture*, 7(3) (2000) 119-121 [pdf version].
- Liebman, James S. "Slow Dancing with Death: The Supreme Court and Capital Punishment, 1963-2006," *Columbia Law Review* 107 (1), JSTOR 40041708 (2006):1-130.
- Mannheimer, Michal J.Z. "Coerced Confessions and the Fourth Amendment," *Hastings Constitutional Law Quarterly* 30 (Fall 2002): 57.
- McLaughlin and Blackman, *Mass Legal Executions in Georgia*, 88 *Ga. Hist. Q.* 66 (2004).
- New York Times, The*. "Excerpts From Ruling and Dissent On the Use of Coerced Confessions," <http://www.nytimes.com/1991/03/27/us/excerpts-from-ruling-and-dissent-on-the-use-of-coerced-confessions.html>(March 27, 1991).
- Office of Planning and Analysis. "The Death Penalty A History of the Death Penalty in Georgia, Executions by Year 1924-1929."  
<http://www.dcor.state.ga.us/pdf/TheDeathPenaltyinGeorgia.pdf>
- O'Shea, Kathleen A. *Women and the Death Penalty in the United States, 1900-1998*. New York: Praeger, 1999, 144 ff.
- Rankin, Bill. "Unequal Justice; Public Defenders; 'This is fast-food justice, and it's no justice at all' " First part of a special report on the Justice System in Georgia and how sentencing differs according to jurisdiction. *Atlanta Journal-Constitution*, Jan. 25, 1998.
- Roberts, Michael. *OEN OpEd news*. "Blacks Killing Blacks" December 11, 2007.

[http://www.opednews.com/articles/opedne\\_michael\\_\\_071211\\_blacks\\_killing\\_black.htm](http://www.opednews.com/articles/opedne_michael__071211_blacks_killing_black.htm).

Sarat, Austin. *Review of Troubling Confessions: Speaking Guilt in Law and Literature*. Department of Law, Jurisprudence, and Social Thought, Amherst College.

Smith, Stephen F. "The Supreme Court and the Politics of Death" *Virginia Law Review*. Volume 94, Issue 2 (April 2008): 284-380.

*State v. Emma Cunningham*, No. 6757, 1979 Microfilm Reel 2532, Case 37779, 4, 28 (Ga.L.C.S.C. Oct. 25, 1979).

Copies of both Cunningham cases available on microfilm from the Georgia State Supreme Court. Emma Cunningham's case number is 37779, the reel number is 2532. James Cunningham's case number is 37736, the microfilm reel number is 2525. The cases are housed in the Georgia State Office Annex building in Atlanta, GA.

*State v. James Cunningham*, No. 6756, 1979 Microfilm Reel, 2525 Case 37736, 27,122-125 (Ga L.C.S.C. Oct.

Stroud, Akia. "The Death Penalty in Georgia," Independent Study directed by Ruth J. Carter, Ph.D., GCSU Spring 2012.

Tennant, O.T. (Charles). Personal interview by author July 25, 2007 and June 19, 2008.

*Time Magazine*. "Their fatalism is generally not wise but numb, a brute shrug," <http://www.time.com/time/magazine/article/0,9171,950821,00.html> (2010).

## Endnotes

<sup>1</sup> *State v. Emma Cunningham*, No. 6757, 1979 Microfilm Reel 2532, Case 37779 , 4, 28 (Ga.L.C.S.C. Oct. 25, 1979). The murder was proved to be committed by Emma's then husband James "Snowball" Cunningham. At the time of James and Emma Cunningham's trials, state level cases were not printed. Although bound into volumes, most state cases are still not reported. Many earlier cases were also placed on microfilm. Since December 2005 significant trial court decisions (only) have been published in *West's Jury Verdicts: Georgia Reports*, which are available in print and at *Westlaw* online. [http://web2.westlaw.com/signon/default.wl?vr=2.0&fn=\\_top&rs=WLW13.01&bhcp=1](http://web2.westlaw.com/signon/default.wl?vr=2.0&fn=_top&rs=WLW13.01&bhcp=1). Copies of both Cunningham cases on microfilm were purchased from the Georgia State Supreme Court. In this format, Emma Cunningham's case number is 37779, the reel number is 2532. James Cunningham's case number is 37736, the microfilm reel number is 2525. The cases are housed in the Georgia State Office Annex building in Atlanta, GA. Each page of both cases was photographed and then electronically scanned.

<sup>2</sup> Except for Mary Alice "Speekie" Tutt , who was the last person to see Mr. Crawford alive when she fixed his lunch no one else as far as is known witnessed his actions on the last day of his life until his murderer. E. Cunningham, No.6757 at 29, (Mary Alice "Speekie" Tutt said that Mr. Crawford called her). *State v. James Cunningham*, No. 6756, 1979 Microfilm Reel, 2525 Case 37736, 27,122-125 (Ga L.C.S.C. Oct. 23,24,1979). (These pages contain much of Mrs. Tutt's testimony, which she repeats as a witness at Emma's trial).

<sup>3</sup> Special Agent Mike Seigler became the agent in charge of the Georgia. Bureau of Investigation's Thomson Office. *Athens Banner-Herald*, June 3, 2004.

---

<sup>4</sup> J. Cunningham, No. 6756 at 129-163, 146 (performing the autopsy on Crawford), 131 (indicating time and place of autopsy). Randy Hanlick, MD, *Georgia Death Investigation History* <http://www.fcmeo.org/GAHistory.htm> February 2002.

<sup>5</sup> The Milky Way Freeze Bar is a locally owned restaurant in Lincolnton, GA, which is rather like a clone of Dairy Queen. It is located on Highway 378 on a section of the road called Washington Street. Milky Way Freeze Bar, 732 N Washington St, Lincolnton, GA 30817. <http://start.cortera.com/company/research/k2j7prj2q/milky-way-freeze-bar/>

<sup>6</sup> Emma Cunningham. Interviews by author on May 10 and 11, 2002.

<sup>7</sup> James's Confession is labeled January 2, 1979 on the first page and January 1, 1979, on the other three pages. It is also identified as GBI case 07-0196-01-79 and is signed on each page by Detective Franklin and James.

<sup>8</sup> Despite the warrant, the revocation of bail and the 1966 Miranda ruling Emma was apparently still not read her rights. The statement as recorded by Special Agent was later admitted into evidence, though later in court Emma denied most of the contents as inaccurate.

<sup>9</sup> Emma Cunningham, "The Red Book" (unpublished personal manuscript 1979-1993), 55-57 Emma never deviated from these statements. She often took the offensive when asked the same questions repeatedly. Emma told me in an unrecorded conversation: " I begin to think them folks plain stupid. They did make up their minds and it like they ain't listening. They keep trying to catch me up but there ain't no trap when you telling the truth."

<sup>10</sup> Another version told to Emma's Uncle O.T. indicated that James hit Mr. Crawford with a wrench while Emma was outside the house and took the money. Then afraid he would be found out he returned later to the house and beat Mr. Crawford to death. O.T. (Charles) Morrison, personal interview, May 10, 2006

<sup>11</sup> The behavior of the psychopath and the sociopath are similar. Both have "a complete disregard for the feelings and rights of others." This behavior may emerge as early as age 15 and may be accompanied by cruelty to animals. These behaviors are "distinct and repetitive, creating a pattern of misbehavior that goes beyond normal adolescent mischief." <http://www.wisegeek.com/what-is-the-difference-between-a-psychopath-and-a-sociopath.htm>.

<sup>12</sup> April 26, 1979 "Lincoln Journal page 1. Trial postponement until Fall Term"

<sup>13</sup> Even if on the way to her father's house, James and Emma went by Mr. Crawford's house for James to ask for money, the murder itself was possibly committed at the later time. The unproved theory around town was that James had knocked Crawford over the head during the first visit and went back later and actually killed him. Emma says she was never there at all and even James said that she had no idea of what he had done, whatever the timeline.

<sup>14</sup> *State v. James Cunningham*, No. 6756, 1979 Microfilm Reel, 2525 Case 37736, 27,122-125 (Ga L.C.S.C. Oct. 23,24,1979). *Id.* at Trial Transcript p. 325. In lay terms, Mr. Goolsby is describing the felony murder rule. A Rule of Law which holds that if a killing occurs during the commission or attempted commission of a felony (a major crime), the person or persons responsible for the felony can be charged with murder.

"<http://legal-dictionary.thefreedictionary.com/Felony-Murder+Rule>. These statements comes from the DA, Kenneth Goolsby's closing statement and it sums up the prosecutions case and was actually delivered on Oct. 25, 1979. James and Emma's trials were both in process on Oct. 25 so the chronology has been compressed for the sake of clarity .This was the day James' penalty was decided

---

and the only day of Emma's Bench Trial which is discussed below.

<sup>15</sup> There's no "normal" length for a trial - "every case is based on its own facts" - but that the defense counsel would be more likely to call few, or even no, witnesses if it felt the prosecution failed to establish a strong case. <http://republicanherald.com/news/experts-short-trial-not-unusual-in-murder-case-1.6288> Shenandoah VA "If a defendant testifies, it creates an opportunity for the defense to call character witnesses as to the character's truthfulness and law-abidingness...

Character witnesses can be effective." "Trial Length - A Serious Problem "(Part I in a Series), [http://www.gibbonsfowler.com/weblog/archives/2006/10/trial\\_length\\_a\\_serious\\_problem.html](http://www.gibbonsfowler.com/weblog/archives/2006/10/trial_length_a_serious_problem.html) (2006). Note this site has been tagged as of 2013 with a "dangerous downloads" sign. The site had no such warning when examined in 2006. "It must surely be accepted that (criminal) trials are on average much longer today than they were twenty or thirty years ago. Talk to any defense lawyer, prosecutor or judge who practiced in those earlier times, and you will hear about murder trials that routinely took less than a week. The length of a fairly short murder trial today would be anywhere from 17 days to a month or so, and the average is probably much longer."

<sup>16</sup> Description from a visit to the Court House by Emma Cunningham and the author May 16, 2008.

<sup>17</sup> Emma Cunningham. Interview by author on May 10 and 11, 2002. "If a person has no experience with arrest and interrogation," they are "more likely to become upset and stressed by the interrogation." A study in England (Irving, 1980) reported, "anxiety and fear were most commonly observed in first-time offenders." Observations noted included trembling, shivering, sweating, hyperventilation [and] verbal incoherence. A substantial proportion of the suspects were not in a normal mental state during interrogation. Hollida Wakefield, M.A. and Ralph Underwager, Ph.D., eds. *Issues In Child Abuse Accusations*, The Institute for Psychological Therapies, <http://www.ipt-forensics.com>.

<sup>18</sup> *J. Cunningham*, No.3756 at Trial Exhibit #11 (Confession January 1, 1979, 9:50 p.m., 3-4). Barbara Leckie, *Comparative Literature*, vol. 54, no. 2, 2002. *Troubling Confessions: Speaking Guilt in Law and Literature*. To be legal, a confession "must be the product of a free and rational will," and yet as amply demonstrated, drawing on psychoanalytic, philosophical, and literary examples, "confessions are rarely products of a free and rational will" *Journal of Criminal Justice and Popular Culture*, 7(3) (2000) 119-121 [pdf version]. Austin Sarat, *Review of Troubling Confessions: Speaking Guilt in Law and Literature*. Department of Law, Jurisprudence, and Social Thought, Amherst College.

<sup>19</sup> *E. Cunningham*, No.6757 at 6-7.

<sup>20</sup> *E. Cunningham*, No.6757 at 6; (Jury Trial waived) 7 (Goolsby).

<sup>21</sup> Despite the introduction of the wrench and clothes from James' trial there was nothing but circumstance connecting Emma to the murder. "Books, movies, and television often perpetuate the belief that circumstantial evidence may not be used to convict a criminal of a crime. But this view is incorrect. In many cases, circumstantial evidence is the only evidence linking an accused to a crime; direct evidence may simply not exist."

<http://legal-dictionary.thefreedictionary.com/Circumstantial+Evidence>. Video and audio interview with The Honorable Roger Dunaway, Chief Judge of the Tombs Circuit, May 2008.

<sup>22</sup> The China, Burma, India (CBI) Theater of WWII only involved about 2% of American military personnel. Established in March of 1942, the goal was to provide supplies to China and combat the Japanese from Burma to Southeast Asia. Lord Louis Mountbatten (later Lord Mountbatten of Burma) was the Supreme Commander. Other noted individuals and groups included Gen Joseph Stillwell, Orde Wingate's Chindits, Merrill's Marauders and the Flying Tigers. Perhaps this "military singularity", which labeled the CBI participants "unique", also contributed to Judge Stevens' approach to the law. Melissa Hall, "Judge Stevens known for life on the bench," [http://newstimes.augusta.com/stories/2002/05/19/new\\_124-1276.shtml](http://newstimes.augusta.com/stories/2002/05/19/new_124-1276.shtml) (Sunday, May 19, 2002).

23 Id. "A piece of McDuffie County history was buried Tuesday when Judge Robert L. Stevens Sr. was laid to rest. Judge Stevens, who died Sunday, was the retired senior judge of the Superior Court of Toombs Circuit, after serving on the bench for over 32 years. He was the senior judge in Georgia before he retired in 1996 and a lifelong resident of McDuffie County."

24 Lawskills.com Georgia Caselaw CUNNINGHAM v. THE STATE.37779.(248 Ga. 835)(286 SE2d 427)(1982) MARSHALL, Justice. Murder, etc., Lincoln Superior Court. Before Judge Stevens. This is a companion case to Cunningham v. State, 248 Ga. 558 (284 SE2d 390) (1981) , against the appellant's husband, James. Appellant Emma Cunningham was indicted for burglary, armed robbery, and murder. She pleaded not guilty, waived jury trial and was tried and sentenced by the court. On motion of the appellant, the trial court dismissed the burglary count. The appellant was found guilty of armed robbery and murder. She was sentenced to death on both counts, upon a finding of two aggravating circumstances.

That the Judge was not impartial in his decision was illustrated by the outcome of the appeal made to the Georgia State Supreme Court. The state sought to introduce a certain wrench and clothing in evidence over objection. The evidence was tentatively admitted by the trial judge subject to being connected with the crime and properly identified. The appellant, at the close of the state's evidence, renewed the objection on the ground that the state had not connected up the evidence. The trial judge overruled the objection.

The appellant, in her 13th enumeration of error, contends that the trial judge erred in admitting this physical evidence. We agree. The wrench was not identified as anything other than having been found in a field. The clothing was also identified only as having been found in an old well. The witness identifying the clothing carefully avoided saying whether it was a man's or a woman's clothes, nor were any of these items connected to the crime or the defendant in any manner whatsoever.

The state contends that since this was a bench trial, the trial judge is presumed to consider only the admissible evidence and reject the inadmissible. However, in the present case, the trial judge, at the close of the evidence, expressly ruled on the admissibility of this evidence. Therefore, the trial judge necessarily considered the evidence to have been properly admitted and considered it in reaching his verdict. We are unable to say that it is highly probable that the error did not contribute to the judgment. Thomas v. State, 248 Ga. 247 (282 SE2d 316) (1981). Consequently, the defendant is entitled to a new trial. Hall v. State, 244 Ga. 86 (259 SE2d 41) (1979).

25 The fall of water drops and what happens when they hit a surface is not as predictable as once thought. Prof. S. Errede, "Chaotic Water Drop Experiment" Physics 403 Lab 1/11. Physics Dept, UIUC. (October 2004). Copyright @ 2001-2004 The Board of Trustees of the University of Illinois. All rights reserved.

26 Emma Cunningham. Interview by author on May 10 and 11, 2002. Video and audio interview with The Honorable Roger Dunaway, Chief Judge of the Tombs Circuit, May 2008.

27 Emma Cunningham, personal interview, August 9, 2006.<sup>2</sup> Between 1930 and the end of 1996, 4,220 prisoners were executed in the United States; more than half (53%) were black. Capital Punishment: Race and the Death Penalty <http://www.aclu.org/capital-punishment> (2012).

28 Brian Johnson, "Courtroom Discretion and Modes of Conviction," *Racial and Ethnic Disparities in Sentencing Departures Across Modes of Conviction* (2003), 455. This issue remains the same in the twenty-first century as well. "A 2007 study of death sentences in Connecticut conducted by Yale University School of Law revealed that African-American defendants receive the death penalty at three times the rate of white defendants in cases where the victims are white. In addition, killers of white victims are treated more severely than people who kill minorities, when it comes to deciding what charges to bring. " <http://www.amnestyusa.org/our-work/issues/death-penalty/us-death-penalty-facts>

29 Even though blacks and whites are murder victims in nearly equal numbers of crimes, 80% of people executed since the death penalty was reinstated have been executed for murders involving white victims. More than 20% of black defendants, who have been executed were convicted by all-white juries. <http://www.deathpenaltyinfo.org/notepad.gif>.

Akia. Stroud, "The Death Penalty in Georgia," Independent Study directed by Ruth J. Carter, Ph.D., GCSU Spring 2012.

---

30 United States General Accounting Office, Death Penalty Sentencing, <http://www.deathpenaltyinfo.org/G-DRbyRace.GIF>. (February 1990).

"In 82% of the studies [dealing with the death penalty], the race of the victim was found to influence the likelihood of being charged with capital murder or receiving the death penalty, i.e., those who murdered whites were found more likely to be sentenced to death than those who murdered blacks."

<sup>31</sup> Former Senator Russ Feingold, (D-WI 1993-2011), "Civil Rights as a Priority for the 108th Congress," US Senate, January 2003 Clinton Duffy, (former warden at California's San Quentin Prison), "The Death Penalty: Questions and Answers: Death Penalty and Arbitrariness" <http://www.amnestyusa.org/> (n.d.). *Gregg v. Georgia*, 428 U.S. 153 (1976), reaffirmed the United States Supreme Court's acceptance of the death penalty in the United States, upholding, particularly, the death sentence imposed on Troy Leon Gregg. Referred to when cited in full with the concomitant cases by many leading scholars as the *July 2 Cases*. James S Liebman, "Slow Dancing with Death: The Supreme Court and Capital Punishment, 1963-2006," *Columbia Law Review* **107** (1), JSTOR 40041708 (2006):1-130.

Contact Email: [writersblock0000@yahoo.com](mailto:writersblock0000@yahoo.com)

iafor

***Legislation of Open Source Usage in Public and Private Institutions in  
Comparison in Developing Countries, Existing Legislation and New Challenges***

George Skeberis, University of Macedonia, Greece  
Nikos Koutsoupas, University of Macedonia, Greece

The European Conference on the Social Sciences 2014  
Official Conference Proceedings

**Abstract**

Since 1837, when Charles Babbage discovered his machine of data analysis, until 1886, where in Berne, the Convention for the Protection of Literary and Artistic Works was signed, the protection of intellectual property developed at a frantic pace until now. The revolution in this field took place during last thirty years. Since 1980's and onwards the science of law has been required to cover radical developments and novel concepts, like the free and open source software movement. These developments affect most developing countries, each of which has separate legal background and historical development. This paper examines, from a historical overview of the international context and the circumstances of developing countries using Balkans as example, the existing legal framework and the actual conditions of open source usage in public and private institutions. In parallel it examines the reconciliation achieved due to the different developments and the process of European integration. Furthermore since most of the development of software has been originated from the United States and the UK, a comparison is taking place between the continental family of legislation with the Anglo- Saxon family of Law mainly examining the impact of the recent accession of US in the Berne Convention. Pivotal in this discussion would be the experience of Intellectual Property in UK, where the IP legislation has been established as a concept for the first time, and what could be the lessons shared. Furthermore it analyses the prospects, developments and the consolidation of copyright law open source software.

**iafor**

The International Academic Forum  
[www.iafor.org](http://www.iafor.org)

## Introduction

Intellectual property (IP) rights are the legally recognised exclusive rights of creation of the mind. Under intellectual property law, creators and owners of intellectual property are granted certain exclusive rights to a variety of intangible assets, such as musical, literary and artistic works. The same applies for discoveries, inventions, words, phrases, symbols and designs. Common types of intellectual property rights include copyright, trademarks, patents, industrial design rights, trade dress and in some jurisdictions trade secrets. The latest legislation in Greece (in article 2 paragraph 1 of law 2121/93) is defining the notion of creation of the mind of intellectual property as every original creation of the mind, manifested in any form, including an indicative number of mind creations under protection. Intellectual products, and original in form, have been achieved since the dawn of human civilisation. The rapid industrial and scientific development though, of the last 3 centuries have altered as well the nature and the extent of coverage of intellectual property law. New, recent and rapid developments, like the developments related to software, hardware, databases, internet and so forth are challenging the rigid regime of intellectual property law, which is based on the protection of any intellectual creation granting rights to its owner. The old almost absolute protection has been challenged especially in the field of software. Concepts of Free and Open Software and Creative Commons licensing are to differentiate the view of future status of intellectual property law. Free and Open Source Software is based as well in a contractual relationship between the user and the creator but on the fundamental aspect of free and unrestricted use and access of the source code. A more recent development of Free and Open Source Software is the Creative Commons Licenses. In this area, as well, the relationship between the user and the creator is defined in its range and values by the common agreement. This legal context is of course influencing both private and public sector to different extent due to the fact that in the intellectual property law during last years there is a tendency to introduce certain elements of public law and public rights. This is applicable not only in Free and Open Source Software movement or Creative Commons licenses but also in the creator-centric continental law in Europe but as well in copyright law of USA.

## Moral Base

The moral principal of the protection of Intellectual property is based on a functionality concept that in creating a strong link between labour, its creation and the fact that the outcome of intellectual creation is for the benefit of the society. There are several moral justifications revolving around the natural right of every person over the labour and the products which produced by his/her body in Chapter V of his Second Treatise, Locke argues. A similar one is extending the argumentation to utilitarian prospect for the society and a more related to personality argument is stating that its person has the right to turn his will upon a thing or make the thing an object of his will according to Hegel (Richard T. De George, "14. Intellectual Property Rights," in *The Oxford Handbook of Business Ethics*, by George G. Brenkert and Tom L. Beauchamp, vol. 1, 1st ed. (Oxford, England: Oxford University Press, n.d.), 417. According to Article 27 of the Universal Declaration of Human Rights, everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.



## Historical Overview

Examples of Intellectual property law can be found in the Ancient World, in Greece, in Syvaris for example, in Talmud and in Rome based in concepts known to Cicero and Seneca for intangible property, as well. (Intellectual Property Law and EuropeAcquis Communautaire , Lambros E Kotsiris Sakkoulas Press Athens 201). With the invention of typography the intellectual property is entering a new phase which is altered by the Industrial Revolution. The intellectual property law from a national legal issue is becoming international and the necessity of protection of intellectual products regarding industrial and technological inventions lead to Berne Convention in 1886. Among others the principal of Assimilation is stipulated (foreign intellectual creations are considered equal with the creations of the subjects of the country where protection is sought). From the initial 10 members, Berne Convention now has 158 members. In order to bridge the American legal system with the European the Treaty of Geneva has been signed in 1952, and later , Intellectual Property has been covered by European Law (Directives 2001/29, 91/250 for software and 96/9 for data bases). In parallel the Trade Related Aspects of Intellectual Property of the World Trade Organisation which was approved in EU with decision 94/800 EC, The WIPO Copyright Treaty (WCT) 1996 has lead to a concrete legal system protecting the rights of the owner of the intellectual creation. In the core of this legislation there is strong recognition of the intellectual property rights of the creator or lately of the person in possession of the right as well. The current legislation is recognising very few (1st critirion) , special, non profoundly harmful of the usual exploitation exemption of the rights (Three steps criteria).

## Development

The initial necessity to protect the individual from any infringement and to give initiative to creation for the sake of society and common good gradually has been replaced with a more mercantilistic definition summing up to the point that every intellectual product is for usage and therefore for trading. The person was replaced with corporations yielding much more power than the state itself and obeying mostly to profit targets. The author of a book is protected in the same way as the author of software run by millions of computers. Knowledge now can be channelled through internet and thus is no more the prerogative of a certain audience. Also the same fundamental concept of audience in intellectual property law is now replaced with the term of user. The user is no longer passive and receptive but also interactive with the possibility to explore, create and modify.

## Software / Hardware

A field where the conflict between the traditional concept of intellectual law (copyright or creator - centered with few exemptions or restrictions) with the new concept of user and the possibility of acknowledgement of rights of the user is the one revolving around the software, internet and data base. First of all the impact of those developments were massive in the society. The impact was also huge because a new, extremely profitable market emerged. New developments in the computing power caused a fundamental shift away from the old model of sales in computers. The focus was not any more in the hardware and when in 1969 IBM decided to unbundle its hardware and software activities, a new huge market was born. Rapid technological

developments in faster computing, smaller machines and bigger capabilities changed everything. Software was first sold as a book (the shrink wrap period) and afterwards Software was licensed. Debate among lawmakers and lobbyists led to various proposals ranging from copyright and patent law to a sui generis right specifically designed to protect software. The USA was the first to adopt copyright protection (Computer Software Protection Act of 1980) and then EU followed with its Directive, largely based on the USA legislation but with more liberal provisions like the permission of reverse engineering (Council Directive 91/250/EEC)

### **Free and Open Source Software , Open Access , Creative Commons**

The reaction in the above restricted legislation came immediately after with the introduction of public law concept in intellectual property law. Especially when that software was regarded as a treasured business and the source code a highly lucrative trade secret. The famous MIT programmer , Richard M. Stallman, considered this “ hoarding “ unacceptable. He quit MIT in 1983 and founded what later became the Free Software Foundation. The goal of this foundation is to create and stimulate software available to everybody. Stallman drafted the GNU General Public License (GPL), a software license that allows anyone to freely use, distribute and adapt the licensed software at no charge. In contrast of copyright the lawyer of Stallman thought of the term copyleft. The concept of Free and Open Source Software (FOSS) was well established. The endeavor was a huge success. In 1991 a Finnish second year student Linus Torvalds created Linux. Similar concepts were applied by Open Access (OA), which means unrestricted online access to peer reviewed scholarly research. Open Access is primarily intended for scholarly articles. There are two main separations into gratis OA, which is free online access and libre OA which is free on line access plus additional rights. Licences are issued by the organization Creative Commons, a foundation created in 2001 by Lawrence Lessing. Creative commons licenses are a compromise between the traditional intellectual property law, (all rights reserved) with the free and open source software (no right reserved) stating the term some rights reserved. (<http://creativecommons.org/about/>.)

### **Free Open Software , OA , Creative Commons And Developing Countries**

According to the International Monetary Fund the definition of a country as developing is based on lower living standard, under developed industrial base and a low Human Development Index (HDI) relative to other countries. The question that is arising revolves around the possibilities to decrease and bridge the gap. Unless new natural resources are discovered one of the most secure way to succeed in this is the enhancement of learning. The creation of capable workforce is the best path forward. Of course this process should be achieved in parallel to the development of more developed countries. Learning is not only achieved by the traditional methods but also with media like internet, movies, music and other elements that constitute the so called cultural assimilation. This process is not always negative but is creating the same level of understanding and awareness among people of developed and less developed countries .On the other hand corruption in the less developed countries could lead to misuse of resources. The institution of open government and similar methods of e-publications could lead to decrease of corruption. Less corruption could lead to faster development because more resources would be available.



### **Legislation in Greece**

In Greece the Berne Treaty was ratified in 27.10/9.11.1920. The initial Greek Law covering the Intellectual Property Law was 2387/20 which remained in force for more than seventy years. Currently Law 2121/1993 is covering intellectual property. Directive 91/250/EEC of the European Council on 14/5/1991 and Directive 96/9/EEC of the European Council on 11/5/1996 were basically introduced with Law 2121/93. So the protection of the intellectual property including software and data bases is valid in Greece, as in most countries of the region, that are members of European Union or in the phase of harmonising their legislation in order to achieve full membership. On the other hand FOSS and Creative commons licenses are already used in Greece. For Greece Creative Commons foundation has authorised a local work group to harmonise those licenses (mainly based on copyright concept as developed in US) to Greek Law. This practice is followed to all countries. In Greece more specifically Working Group 13 of business forum is working to this direction. The commencement of use of creative commons licenses took place in Greece on 13/2007.

### **Developments in Balkans, an example in the field of open source usage in developing countries**

In that frame we could detect that similar activities to above mentioned process are taking places all over Balkans as well. In Kosovo there is an annual Software Conference (SFK) for promoting FOSS. This conference is organized by Free/Libre Open Source Software Kosova (FLOSSK), Kosovo Association of Information and Communication Technology, IPKO Foundation and Faculty of Electrical and Computer Engineering of the University of Prishtina. Internet Society Bulgaria (<http://www.isoc.bg>) is promoting an initiative based on Free/Open Source Software (FOSS) at the local (municipality) level in the Southern- Eastern Europe. In nine municipalities in the region (Bulgaria – Kardjali, Vratza, Mezdra, Peshtera, Belovo, Dryanovo Kostenetz, FYROM Gevgelija, Kosovo – Klina) Open Office and Mozilla Firefox were installed in 200 workstations. Linux was installed in 45 work stations. Benefits and impacts are studied while lessons learned are evaluated

## Conclusion

There is a difference between treatment of private and public institutions according to intellectual property law but not one that could be described as fundamental. On the other hand, regarding the treatment of FOSS and Creative Commons, indeed is the same. In this frame private and public institutions are considered the same and total freedom is provided. This overview has particular importance now days for the developing countries all over the world. During last years and since 2008 an acute recession creep in and the global economy has felt the implications severely both in private and public sector. Funding was slashed and resources are very limited. The use of FOSS , OA and Creative Commons licenses is well spread and well known not only in US and Europe. Enhancing this trend will not only save valuable resources but will also create a culture of participation in the research and in the development of software and applications. Furthermore in the sphere of the intellectual property legislation a discussion could open regarding the current status of the exemptions and the restrictions of the rights of the owner of the intellectual property rights. There are many argument deriving from the Constitutional and Public Law, from the Universal Declaration of Human rights and the arguments of the current developments in law that could support the discussion about the elevation of the exemptions / restrictions to rights of user. The current position of the law accepting few and detailed exemptions could be enlarged, especially to areas of less developed countries, to endorse open and free access, not only to databases of the traditional form but also to digital data bases. Indeed the argument used that “ digital is different “ should be also be interpreted as a first step of enlargement of the exemptions / restrictions or establishment of new rights of the user. That could be for example possible only for educational reasons.

## References

Intellectual Property Licensing : Forms and Analysis , by Richard Raysman , Edward A. Prsacreta and Kenneth A. Adler. Law Journal Press , 1998-2008 ISBN 973-58852-086-9

A Histroy of FOSS Law and Licensing – The International Free and Open Source Software Law Book by Arnoud Engelfriet

Intellectual Property and New Technologies , the relationship of user – creator , Sakkoula Press Athens 2008

Greek Copyright Law , George Koumantos , Irimi Stamatoudi Sakkoulas Press Athens 2014

Intellectual Property Law and EuropeAcquis Communautaire , Lambros E Kotsiris Sakkoulas Press Athens 2011 .

Open Access Overview , Focusing on open access to peer-reviewed research articles and their preprints , Peter Suber, <http://bit.ly/oa-overview>

Free Culture , Lawrence Lessing , [www.free-culture.cc/freeculture.pdf](http://www.free-culture.cc/freeculture.pdf)  
Support to e-Government initiatives based on the Free/Open Source Software (FOSS) at the local ( municipality ) level in the Southern – eastern Europe. Internel Society Bulgaria <http://www.isoc.bg>

FLOSSK Free Libre Open Source Software Kosova <http://www.flossk.org>

Contact email: [gskeberis@skeberis.gr](mailto:gskeberis@skeberis.gr)



## *Gender Dynamics and the Sacred Space of Goa*

Padmaja Vijay Kamat, P. E. S.' Shri Ravi Sitaram Naik College of Arts & Science,  
India

The European Conference on the Social Sciences  
Official Conference Proceedings 2014

### **Abstract**

Goa, an idyllic state on the West coast of India is dotted with Hindu temples that were created in the ancient times by the village communities popularly known as the Gãonkaris. The primacy of the Mother Goddess in the ritual worship is a clear indication that the local community was following the Fertility Cult. This theory is accentuated by the existence of numerous temples dedicated to the Father God worshipped in the form of Linga, the phallic symbol. In the olden times the Gãonkaris managed these temples. Subsequently, control of these key cultural symbols was monopolized by the higher castes, which enabled them to perpetuate caste and gender discriminations. The immense wealth of these temples and their recalcitrant attitude towards the colonial masters drove the Portuguese to clamp government control on these temples by passing the Regulamento das Mazania in 1886, which no doubt, regularized their administration but failed to touch upon the discriminatory practices followed by the traditional temple managers. This paper is an attempt to analyse the factors that permitted these temples to be the avenues of exploitation and abuse of the weaker sex in the name of religion. The rigidity, with which they control the gender systems in the local society even in the modern times, is indeed a perplexing issue!

**Keywords:** Temple, Linga, Gãonkari, Regulamento, Gender, Discrimination

**iafor**

The International Academic Forum  
[www.iafor.org](http://www.iafor.org)

## Introduction

The religious cults that are followed in Goa by the Hindus are rooted in the popular psyche and as such they dominate the social life of the people. Sateri, the universally venerated local mother goddess, which forms the principal component of the paradigm of 'the Kshetra and the Kshetrapal' (Joshi, 1995), has been the creation of the ancient farming community that originally settled in this part of the peninsula, which is represented by the Kulmis and the Gaudes. The other constituent was created by the pastoral community, which followed a few centuries later (Kosambi, 1962). The Gaud Saraswat Brahmins who arrived much later (Talmaki, 1932), ushered in a sea change in the cultic manifestation due to the process of evolution, that they systematically initiated in order to naturalise themselves in the locality of their migration in the early days and subsequently to ascertain their control on the local religious symbols that they had adopted recently for gratifying their spiritual needs. The transition was effected smoothly owing to the fact that by then, they had not only gained control over the local administration by ascending the echelons of power within the village community, but also by contributing scriptures that authenticated their proprietary claims to the local cults. The techniques that they devised in order to gear up the whole process enabled them to indulge in kind of a social engineering. The speed with which they uprooted the matrilineal antiquity and transplanted the patrilineal traditions is indeed amazing.

## Research Questions

The aim of the study was to explore the status of the women vis-a-vis the village temple and the society in the larger perspective. The questions that were addressed were:

- a. Are the women given an opportunity to participate in the temple administration?
- b. What is their participation in the conduct of ritual worship performed in the temple?
- c. How much is their contribution as members of the servant community attached to the temple?
- d. What is the antiquity of the Devadasi system in Goa and how it has contributed to the debasement of society at large?
- e. What changes have come owing to the new legislations that out-lawed the practise of Devadasi system?
- f. Has there come any real change in the gender dynamics in present-day scenario?

## Methodology

Yin's (2003) guidelines have been followed in choosing the case study research design, as it is suitable to answer exploratory research questions, where the investigator has no control over behavioral events and the focus of the study is contemporary. Multiple holistic case study design was utilized since different cases may have slightly different contexts and literal replication in such cases would improve the external validity of the study (Yin, 2003). The unit of analysis was a single temple. Nine temples the Ponda taluka of the state of Goa were chosen for literal replication, i.e. provide similar results as suggested by Yin (2003). Primary



data was obtained from the Private Statutes and Annual Budget Statements of the respective temples and the Comunidade Records housed in the Historical Archives of Goa at Panaji (henceforth referred as HAG) and the oral sources were tapped by interviewing the traditional temple managers, the local residents, the only surviving Devadasi attached to the Temple of Mahalasa at Mardol and the author herself has personally observed certain questionable practices followed in the tenth temple. Secondary data is collected from the Regulamento das Mazania the act that governs all the temples of Goa, the locally created temple chronicles popularly known as the Sthalapuranas and the scholarly writings of the modern day researchers.

## Literature Review

The primary sources that speak volumes about the system of temple administration prevailing for several centuries happen to be the Compromissos or the private statutes of the temple of Mahalasa at Mardol (henceforth mentioned as Compromisso 1), temple of Mangesh at Mangeshi (referred as Compromisso 2), Temple of Nagesh (ref. as Compromisso 3) and that of Mahalaxmi at Bandora (ref. as Compromisso 4), temple of Shantadurga at Cuncolliem (ref. as Compromisso 5) and temple of Shantadurga at Kavle (ref. as Compromisso 6), temple of Kapileshwar at Kapileshwari (ref. as Compromisso 7), temple of Devaki-Krishna at Marcel (ref. as Compromisso 8) and temple of Navadurga at Madkai (ref. as Compromisso 9). These statutes mention the names of clans that have proprietary rights to these temples, their duties and obligations towards the temple. They also specify the cadres of servants and also the service conditions that they have to comply with. A separate section in every Compromisso also specifies the punitive measures that can be taken against the erring servants. These statutes give us an idea about who can perform or sponsor the ritual ceremonies of the temple. The Sthalapuranas render history of individual temples briefly, and also inform about the renovations or rebuilding activity undertaken by these temples in recent times making allusions to the chief sponsors and major donors whose prime aim was to acquire spiritual merit. The Annual Budget Statements of these temples submitted to the Mamlatdar of the Taluka specify the sources of income and heads of expenditure for each temple. The Comunidade records written either in Portuguese or in Modi script of Marathi language illuminate us about the village properties that were assigned to the temple and annual monetary contributions every village community made towards the temple and its servants.

The 'Regulamento das Mazania' was passed in 1886 by the Portuguese colonial Govt. and was revised in 1933. After liberation, the act has been modified several times, but still very much in operation and better known in recent times as the Devasthan Regulation, which serves as the indispensable secondary source for the study. The prime motive behind passing this act was to regularise and systematise the temple administration in Goa through the supervisory agency of the Mamlatdar in capacity as the Administrator of Temples in every taluka. The act contains 437 articles and actually provides the framework within which the Compromissos of individual temples had to be drafted and meticulously adhered to with respect to the governance of each temple. Compilations of Jesuit documents in Portuguese edited by Joseph Wicki and Francisco Silva Rego too are very helpful in tracing the historical references to the temples of Goa.

Goan temples have been investigated through different angles by the modern-day

scholars, both Indian and western. The process of evolution with respect to the different local cults has been the focus of many scholars (Prabhudessai, 2005; Dhere, 1961; Sharma, 1950; Kamat, 2013a). The economic profile of Goan temples has been probed thoroughly (Kamat, 2013b; Kamat, 2013c) to ascertain their contributions to the vibrancy of local economy. The paradigm of the *Kshetra* and the *Kshetrapala* that alludes to the primacy of the cult of mother goddess in context of local worship has been investigated deeply (Joshi, 1995; Dhere, 1978; Khedekar, 1968). Ritualistic practices specific to the folk cults have been widely discussed (Nayak, 2004; Kamat, 2011). Mythology and legendry wrapped around the temples have been analysed with a view to probe the original identity of the cults (Kamat, 2014a; Kamat 2014b). Special attention has been devoted to them with regard to their role in bringing about cultural resurgence in the state (Kamat, 2012). Many western scholars too have devoted their attention to these temples as centres of local resistance to the colonial hegemony (Axelrod and Fuerch, 1996). The Hindu-Catholic syncretism existing in Goa has been duly explored at length (Iffeka, 1985; Henn, 2014) and temple festivals of Goa have also been analysed (Newman, 2001). A host of the oral sources are also interviewed for this study to gain a deeper insight into the managerial and ritualistic practices followed at the different temples. A careful scrutiny of all these sources is aimed at tracing the complexity of the gender dynamics with respect to the sacred space of Goa.

## Findings

The *Compromisso* of every temple in Goa provide the guidelines according to which the temple has to be governed and the failure of which may permit the Administrator of the Temples of the respective talukas to warn the said Management Committee to mend its ways and in the extreme case of negligence of duties or mismanagement or blatant disregard shown to the Devasthan Regulation (henceforth mentioned as D. R.), he can invoke his punitive powers to even dismiss the erring team of managers (D. R. Article 59) Under such conditions he can order the re-election for the committee and in dire situations, he can put the temple under his own care for some time till normalcy is ushered in all over again.

Since the *Compromissos* had to be drafted within the framework of the *Regulamento das mazania*, many features pertaining commitment of the Mahajans towards the Regulation, the obligations of the Mahajans and the servants, and the general and the penal provisions are common to all these documents. Mahajans of every temple had to declare themselves as bound by the *Compromisso* and the *Regulamento* pertaining to the temples, by all the laws in force and those to be promulgated in future, in the administration of a particular temple (*Compromisso* 3, Article 47).

The founder members of each temple are described as *Mahajans*, and their rights are hereditary, perpetual and transmitted down the generations to the legitimate male descendants and to the sons adopted in accordance with the provisions of the Decree of December 16, 1880, which governs the usages and customs of the Hindus of Goa. The catalogue of the names of the *Mahajans* is appended to the Byelaws in each case. Apart from the above descendants, there may be many more descendants of the founder members presently staying in other parts of India. They too enjoy equal rights along with the local *Mahajans*, but they cannot be included in the managing committee. The catalogue of *Mahajans* is to be updated every year. In case the

descendant of a *Mahajan* whose name does not feature in the catalogue, but attends the annual General Body meeting and his identity is confirmed, he can be given the right to vote (Dhume, 1971).

In accordance with the guidelines of the Regulamento, the Compromisso of Mahalasa executed in 1911 permits 18 years old sons of founders to acquire the status of full Mahajan (Kamat, 2014). The same condition holds good for the temple of Mangesh (Compromisso 2, 1909), Shantadurga of Cuncolliem (Compromisso 5, 1909; Kunkalyekar, 2010), Kapileshwar (Compromisso 7, 1909), Devaki-Krishna (Compromisso 8, 1910) and that of Navadurga (Compromisso 9, 1910) respectively. The Compromisso of Nagesh includes the married sons of the Mahajans above 18 years of age and unmarried sons above 21 years, in the catalogue of Mahajans (Compromisso 3, 1910), while the temple of Mahalaxmi increases the age limit to 23 years for the bachelor sons for the purpose (Dhume, 1976).

With respect to all the temples selected for investigation, the proprietary rights are bestowed upon the Saraswat Brahmins except for the temple of Kapileshwar, where Mahajans are drawn from the Padye Brahmins. Entry into the sanctum sanctorum of most of the temples is limited to the people of the *Brahmin* caste for ritual worship like giving morning ablutions to the deity, which is clearly mentioned in the statutes of Devaki-Krishna (Compromisso 8, Article 50). However the wives of the Mahajans can accompany their husbands, for the ceremony of ablutions on certain auspicious days or in order to fulfil a vow. This practice is followed in the temples of Mangesh, Nagesh and that of Shantadurga at Kavle, while they are not entitled to the said right in rest of the temples under study. The temple of Mahalasa happens to be an exception as it permits only the temple priests to perform rituals in the sanctuary especially post-Nakul Gurav episode, which entailed a protracted legal battle between the temple and one of its employees that threatened the rights of the hereditary temple managers (Kamat, 2011). However ladies are permitted to participate in ritual ceremonies that are conducted in the Bhogamandapa or chauka, which is the sacred space within the temple. A closer look on the flow of devotees in all these temples allows us the inference that a wide section of women offer prayers and authorise ritual ceremonies to be performed on their behalf by the temple priests, by making payments specified by the temple administration.

Chapter IV of the Compromisso of the temple of Shantadurga at Kavle, which happens to be one of the richest temples of the state, speaks of the arrangement made to fund the festivals and ceremonies that are performed in the temple. It refers to the names of two ladies, Krishnabai Kausarkodkar from Canara in Karnataka as the sponsor of the palanquin procession of the first fortnight of the Hindu month of Falgun, and Umabai Borkar of Ankola, as the bearer of the expenditure of the ceremony called the Fulvide Panchami in the second fortnight of the month of Vaishakha (Compromisso 6, 1909). The annual budget for the year 2010-11 of the temple of Shantadurga at Kavle is appended with a list of sponsors of temple ceremonies and it contains names of numerous women from within the state and also from the other states of the Indian union.

According to Wagle, the temple of Nagesh was a small shrine a few centuries ago. Mr. Narayan Fonde Kamat from Kumbharjua was managing the temple affairs for quite some time. After his sad demise and death of the other male members of the

family, his widow and his daughter-in-law (Wagle fails to mention their first names) through their agent, Mr. Vadiye from Kumbharjua, began to take care of the temple. These ladies built the existing temple in 1780 A. D. Building of the rest houses, *agrashalas*, within the precincts of the temple of Nagesh were partly funded by the widow of Narayan Fonde Kamat in 1781, and all the *agrashalas* were renovated by Gopikabai, the widow of Pandurang Kamat Panvelkar in 1877. He also mentions that Indirabai Bhatkar from Panaji was one of the cash donors to the temple in 1913 (Wagle, 1913).

All the *Compromissos* perused for this study, inform as to who were enlisted as the temple servants at each temple and what were their service conditions. Every temple employed ladies who were summarily described as the *devadasis*. A *devadasi* was a young girl dedicated to the god by way of a token marriage ceremony locally called as *shensvidhi*. They were not supposed to marry a man, but were permitted to be in relationship with a man and wealthy men took it as a symbol of prestige to befriend with a *devadasi*, whom the Portuguese called, the *bailaderas*. There were different categories with respect to their duties in the temple. Those trained in classical singing and dancing were called *kalavants*, while those who maintained the temple and its precincts clean, helped in assisting in keeping tidy the equipment used in the different ritual ceremonies, and tended to the oil lamps in the temple, were called *bhavins*. There were also other groups of lesser importance to the temple, but belonging to the fold of the *devadasi*, like the *chedvan*, *bandis* etc. All such women practised the matrilineal system. Every *comunidade* or the individual temple in later times, had assigned to the temple woman a house in the vicinity of the temple and a landed property described as *namas*, whose income they could use for their upkeep. But all such properties lapsed to the temple once the services were discontinued. Almost all *comunidades* of Ponda contributed towards the annual pension called *vatan*, for the *bhavins*. The similarity between the *namas* and the *vatan* was that, both could be enjoyed as long as the grantee rendered services to the temple (Gomes Pereira, 1981). As the handmaidens of god, the *devdasis* had a separate legal status and were exempted from enrolment and licensing system imposed by the Portuguese (Cabral e Sa, 1990).

Earliest written reference to the temple women is found with respect to the temple of Mahalasa at Verna. There were a lot of ladies attached to this temple. The Portuguese sources have called them 'religious women' and 'public women' who were ready to commit sin with any stranger who visited them (Wicki, 1962; Silva Rego, 1953). The said temple was destroyed in 1567 Diogo Fernandes, the Captain of the Fort of Rachol (Priolkar, 2008). The *Panchanama* report prepared by the colonial authorities a year later is entered in to the Revenue Register maintained in HAG at Panaji. It mentions that the *gaonkars*, the villager elders, had to pay 4 *barganis* to the woman who lit the lamps for the ceremony of *artis*, which was one of the duties of the *devadasis*, while 12 *tangas bancas* were paid to the woman who (may not be of the said caste) supplied flowers to the temple every year (Foral, 1568). The Articles 31-32 of the Statutes of the relocated temple of Mahalasa at Mardol in Ponda taluka specifies that the *kalavants* had to offer the song and dance recital in the *chawk* at night and after the ceremony of *arti* and accompany all the processions offering their customary services. The *bhavins* had to offer her services with the *chawri*, flywhisk at the time of *arti* and other ceremonies along with other duties assigned to her. They also prepared the *agrashala* for *samaradhana*, the community lunch and cleaned the

cooking pots on such days (Compromisso 1, 1011). Some of the devadasis attached to the temple sponsored the feasts of goddess Sateri, the affiliate deity of Mahalasa (Bhat, 2010). The Lalakhi-Sukhasan procession of the annual festival of Mahalasa was sponsored by a devadasi, Nabu Katkar from Bandora (Katkar, 2007). Wagle mentions that several devadasis made donations to the Vishnuyaga sacrifice conducted in the temple in 1913. Only Shrimati Mardolkar and Bhiki Mardolkar have been contributing services of the kalavant and bhavin respectively to temple in recent times. The Budget of the temple for 1910-11 mentions the name of Savitri Sazu Naik as the quit rent payer to the temple in connection with the temple property that she occupies (Mahalasa Temple Budget, 2010).

The Panchanama report of the temple of Mangesh mentions that the gaonkars had to contribute every year, 48 *tangas brancas* to the temple out of which, 33 *Tangas brancas* were paid to the ladies who performed dance in the temple and 15 *tangas brancas* to the temple singers. Article 16 of the Comromisso says that all objects acquired from offerings from the devotees had to be divided into five equal parts out of which one part was given to the kalavant. Article 26 of the said document divulges that there were eight families of devdasis and one bhavin attached to the temple. There are no devadasis attached to this temple in the present times. They used hire the services of the devadasis from Mardol and other places in the recent times.

With respect to the temple of Nagesh, it does not have anyone to discharge the duties of bhavin and the kalavants at present. Same is the case with the temple of Kapileshwar (Bakhale, 2010) and Shantadurga at Cuncolem (Devidas, 2010) but it is evident from the Comunidade records, that the latter temple had assigned tax-free properties, gharbhat namashi to the bhavin (*Livros da comunidade de Cuncolem*, Vol. IV).

The Chapter V of the temple of Navadurga of Madkai refers to four families of kalavantis that were attached to the temple. All women were prohibited from entering the sanctuary, while those of the Vaishya and Shudras caste, from even sitting in the room near the bedchamber of the deity. At present the kalavantis are hired from Bhoma and Canacona at the time of annual festival of the temple (Kamat, 2011).

The Article 16 of the temple of Shantadurga at Kavle mentions that 19 families of kalavants were residing in 10 houses in the vicinity of the temple that catered to the needs of the temple. It also engaged one Bhavin each for service in the temple of Gramapurush and Narayandev, the affiliate deities of Shantadurga. The kalavants, apart from their temple duties, were permitted to dance in the functions anywhere in the state for which they are invited, with the permission of the Managing Committee, but they had to pay a fixed fee to the Temple Treasury for taking such assignments (Compromisso 6, 1909). There are no bhavins or kalavants attached to the temple now (Sarjyotishi, 2011).

Article 47 of the Comromisso of temple of Devaki-Krishna at Marcel does not permit the servers of the external cult like the dancing girls to stay in the temple building, or premises or outhouses beyond their duty hours and they could be fined up to Re. 1/ for any transgression (Compromisso 8, 1910). Leena Mashelkar, the only bhavin attached to the temple, serves the temple of Devaki-Krishna at Marcel now a day.

The ladies have made major contributions, from the devadasi community attached to the temple of Mahalaxmi at Bandora. As a gesture of thanksgiving for the divine graces received, a Parsi gentleman from Bombay, Mr. Shapurji Sorabji Engineer completed renovation of the Mahalakshmi temple in 1916. The daughter of the temple servant, Nabubai Viswanath Katkar was largely responsible for this massive undertaking. She built the nagarkhana or the drum-house for the temple and also donated many gold plated silver articles. A silver-plated palanquin was donated by Mr. Hiralal Shet from Bombay in the memory of another devadasi, Kesharbai Katkar (Dhume, 1976). No kalavants are functioning now for this temple. But a woman Mhalu Naik from Mardol supplies daily flowers to the temple.

The devadasi system is an all-India phenomenon and at times traced originally to the dancing girl of Mohenjo-Daro (Basham, 1997). Earliest reference to them is found with respect to the temple of Mahakala in Ujjain, in Kalidasa's Meghadutam. Hundreds of women were attached to the temples of Tanjore and Travancore. Temple women owned property despite prohibitions of the Dharmashastras and economic power in south Indian temples through their donations during the Chola period (Orr, 2000). Joginis in Telangana was a legitimised practice in Andhra Pradesh (Mishra and Rao, 2002). French Jesuit, Abbe Dubois during his travels in south India had found them always associated with good luck (Shivaji, 1986). The devadasi system had appeared in Kerala with the emergence of the structural temples in the 7-8<sup>th</sup> centuries (Savelyeva, 2011). Those attached to the Shiva temple, were called Rudraganikas (Pillai, 1953). Poor deluded women tied the necklace of cowries and offered their daughters as Muralis to Khandoba at Jejuri in Maharashtra. Shankar proposes that the devadasi system is a deliberately created custom in order to exploit lower caste people in India by upper castes (Shankar, 1990). Another scholar has argued that the devadasi is a phenomenon much older than the times that she first appeared in temples (Karsenboom-Story, 1987). The mahari system at Jagannath Puri in Orissa is mentioned as an instance of gender injustice in Orissa (Pati, 1995).

Perhaps association of women with places of worship was a universal tradition. Nepal had the deukis. There was the high priestess in the temple of Innana in Sumeria. Dhume refers to the devadasi system in Goa as a reflection of Sumerian contact with the state in olden times. (Dhume, 1985). Ritual servitude was noticed in Ghana and Togo in Africa, Cyprus and Corinth. Sacred women of Babylonia have been listed in the official code (Luckenbill, 1917), while the Vestal virgins have been a distinctive cultic feature of Roman religious history (Beard, 1990).

In all the cases in Indian context, the temple women invariably lived a life of exploitation and moral degradation. Most of the times they suffered from deadly diseases and courted death. As such they left a negative legacy for their children as they carried a social stigma all their life. But when a devadasi died, the temple bore the expenses of the funeral, if she had no relatives. In certain temples, the noontime lamp rite gets postponed till the mortal remains of the woman are consigned to fire. The shensvidhi associated with the devadasi System has been banned by law in 1930, which was a result of the crusade launched by reformers like Rajaram Painginkar and Narayan Bandodkar. A new identity was created for the community by inaugurating the Gomantak Maratha Samaj. The community has enriched the musical traditions of India contributing several of its exponents. It has contributed many stalwarts in cultural, scientific, economic and political fields. In the recent times, the Govt. of Goa

through its Children's Act of 2003 as banished the tradition of dedication of a child to any deity along with providing right to education and health care. The young ladies of the community are getting married also settling with jobs in both, the private and the public sectors. Obviously, the devadasi system is on the verge of extinction.

Yet, the picture on the sacred scenario looks quite bleak for women. No temple extends membership to women as Mahajans. Except a select few, they are not permitted an entry into the sanctuary, nor to perform any major sacrifice independently. In the temple of Dattatreya at Sanquelim, women are segregated and asked to step down from the chauka during the lamp rite, which may be taken as a parallel example of the tradition that is followed at the Jewish synagogue, where the mehitzah is used as a barrier between men and women during prayers. Amazingly, a small notice pasted at the entrance of the aforementioned temple bans entry to people who have consumed non-vegetarian food, liquor and also for the women during their menstrual cycle. This condition made applicable to the women is in stark contrast to the tradition followed at the Kamkhya temple of Guwahati in Assam, which is the oldest of the Shaktipithas dedicated to the cult of the mother goddess, where the ambuvachi festival is celebrated annually to mark the menstrual cycle of the goddess herself (Dhere, 1988).

Once upon a time, magnanimous Indian seers had imagined the Ardhanari or the composite form of Shiva and his consort, Parvati. The first ever Vedic prayer Shrisukta was addressed to the goddess and it was composed by Vac, the daughter of sage Ambharna. Many of the Vedic hymns are credited to women like Ghosha, Gargi, Maitryi and Lopamudra. In the medieval period women were not encouraged to learn Sankrit and these days, they are not adequately motivated for it, which thwarts the possibility of emergence of women theologians who could re-interpret scriptures or contribute afresh. In such a scenario, the gender dynamics do remain tilted in favour of the men. The prevailing patriarchal social set up painstakingly keeps the women at bay particularly with respect to the religious rituals both in the family shrines and at the public temples, where they are allowed only a subordinate presence.

## References

Axelrod P. and M. Fuerch. (1996) "Flight of Deities: Hindu Resistance in Portuguese Goa" in *Modern Asian Studies*, Vol. XXX, Part II., 1996.

Bakhale, A. (2010) Mahajan of the Temple of Kapileshwar was interviewed by the author in the said temple on June 11, 2010.

Basham, A. L. ed. (1968) *A Wonder that was India*. New York: Taplinger Publication Company.

Beard, M. (1980) "Sexual Status of Vestal Virgins" Available at <http://www.jstor.org/stable/299553>.

Bhat, R. (2010) Former Secretary of the Managing Committee of the Temple of Mahalasa at Mardol, was interviewed by the Author, at Bori, Goa, on June 20, 2010.

Budget of Temple of Shantadurga at Kavle for 2010-11.

Bye-laws of the Devalaya of Shri Mhalsa of Mardol, Portaria No. 277, dated June 24, 1911, Govt. Gazette No.51 dated June 27, 1911.

Cabral e Sa, M. (1990) "The Evolution of Community - Devadasis of Goa". Available at [http://www.manushiindia.org/pdfs\\_issues/PDF%20files%2056/the\\_evolution\\_of\\_a\\_community.pdf](http://www.manushiindia.org/pdfs_issues/PDF%20files%2056/the_evolution_of_a_community.pdf)

Compromisso of Temple of Devki-Krishna, Marcel, 1910.

Compromisso of Temple of Kapileshwar, Kavle, 1909.

Compromisso of Temple of Mahalaxmi, Bandora, 1920.

Compromisso of Temple of Mangesh, Mangeshi, 1909.

Compromisso of Temple of Nagesh, Bandora, 1910.

Compromisso of Temple of Navadurga, Madkai, 1910.

Compromisso of Temple of Shantadurga, Cuncollem, 1909.

Compromisso of Temple of Shantadurga, Kavle, 1909.

*Devasthan Regulation*. (2010) Panaji: Govt. Printing Press.

Devidas, D. (2010) Temple servant at Temple of Shantadurga, Cuncollem, was interviewed on June 12, 2010 at the said temple.

Dhere, R. C. (1961) *Khandoba*. Pune: Deshmukh ani Company.



- Dhere, R. C. (1978) *Maharashtracha Devhara*. Pune: Shrividya Prakashan.
- Dhere, R. C. (1988) *Lajjagauri*. Pune: Shrividya Prakashan.
- Dhume, A. R. S. (1985) *The Cultural History of Goa from 10000 B. C. to 1352 A. D.* Panaji: R. A. S. Dhume.
- Dhume, V. N. S. (1971) *Shri Mangesh Devasthan Samagra Itihas*. Margao: Timoji Shenvi Kakodkar.
- Dhume, V. N. S. (1976) *Shri Mahalaxmi Devasthan Bandivade Goa Samagra Itihas*. Sanguem: Jayakrishna Sagashiva S. Bhise Bhatikar.
- Foral de Salcete* of 1568. Available at Historical Archives of Goa at Panaji.
- Govt. of Goa's Children's Act of 2003
- Gomes Pereira, R. (1981) *Goa: Gaumkari*. Panaji: A. Gomes Pereira.
- Henn, A. (2014) *Hindu-Catholic Encounters in Goa: Religion, Colonialism, and Modernity*. Bloomington: Indiana University Press.
- Iffeka, C. (1985) "The Image of Goa", in T. R. de Souza ed. *Old Issues, New Questions*. New Delhi: Concept Publishing Company.
- Joshi, M. (1995) *Gajati Daivate*, Pune: Anmol Prakashan.
- Kamat, A. (2014) Mahajan of Temple of Mahalasa at Mardol was consulted on August 31, 20114.
- Kamat, P. V. (2011) Ponda: A History of Temples. Unpublished Ph. D. Thesis. Panaji: Department of History, Goa University, Taleigao Plateau.
- Kamat, P. V. (2012) "Goan Temples: Symbols of Cultural Annihilation and Resurgence." In Asian Conference on Cultural Studies Official Conference Proceedings. Available at <http://iafor.org/accs.proceedings.html>.
- Kamat, P. V. (2013a) "Evolution of Worship of the Mother Goddess in Goa." In Asian Conference on Arts and Cultures Official Conference Proceedings. Bangkok: Srinakharinwirot University.
- Kamat, P. V. (2013b) "Temple Economy in Goa." In European Conference on Social Sciences Official Conference Proceedings. Available at <http://iafor.org/iafor/conference-proceedings-the-inaugural-european-conference-on-the-social-sciences-2013/>
- Kamat, P. V. (2013c) "Temple Economy in Goa: A Case Study." In Damir Tokic (ed.). *Macrotheme Review* 2(5), Fall 2013.

Kamat, P. V. (2014a) "Legends Dotting the Sacred Space of Goa". Asian Conference on Arts and Culture 2014 Official Conference Proceedings. Bangkok: Srinikharinwirot University.

Kamat, P. V. (2014b) Unpublished paper presented at International Journal of Arts and Sciences Conference on Academic Disciplines on May 29, 2014 held at Harvard University Campus, Boston.

Kamat, S. V. (2010) The former President of the Managing Committee of the Temple of Mahalasa at Mardol, was interviewed by the Author, at Ponda, Goa, on June 25, 2010.

Kamat, V. (2011) President of the Managing Committee of the Temple of Navadurga at Madkai, was interviewed by the Author, at Ponda, Goa, on June 25, 2010.

Karsenboom-Story, S. (1987) *Nityasumangali*. Delhi: Motilal Banarsidas.

Katkar, S. (2007) Family member of Nabubai Katkar of Bandora consulted on February 3, 2007.

Khedekar, V. V. (1968) *Shri Mahalasyana*. Fonda: Samarth Printing Press.

Kosambi, D. D. (1962) *Myth and Reality: Studies in the Formation of Indian Culture*. Bombay: Popular Prakashan.

Kunkalyekar, S. (2010) Secretary of the Managing Committee of the Temple of Shantadurga was interviewed on April 29, 2010.

*Livros da comunidade de Cuncolem*, Vol. IV

Luckenbill, D. D. (1917) "Temple Women of the Code Hammurabi". Available at <http://www.jstor.org/stable/528511>.

Mishra K. and K. Rao, (2002) "Theogamy in Rural India: Socio-Cultural Dimensions of the Jogini System in Andhra Pradesh". Available at <http://www.jstor.org/stable/41919906>.

Nayak, J. (2004) *Konkani Lokvedantli Baylechi Pratima: Ek Samajik-Sanskritik Abhyas*. Unpublished Ph. D. Thesis. Panaji: Department of Konkani, Goa University, Taleigao Plateau.

Newman, R. S. (2001) *Of Umbrellas, Goddesses and Dreams*. Mapusa: Other India Press.

Orr, Leslie. C. (2000) *Donors, Devotees and Daughters of God: Temple Women in Medieval Tamilnadu*. Oxford: Oxford University Press.

Pati, B. "Of Devadasis, Tradition and Politics" available at <http://www.jstor.org/stable/4403361>

Pillai, K. K. (1953) *The Suchindram Temple*. Madras: Kalakshetra Publications.

- Prabhudessai, P. K. (2005) *Devikosha*. Vol. II, Second Edition. Pune: Anjali Publishing House.
- Priolkar, A. K. (2008) *The Goa Inquisition*. Second Edition. Panaji: Rajhamsa Vitaran.
- Sarjyotishi, K. (2011) Preist of Temple of Shantadurga at Kavle was consulted on April, 20, 2011.
- Savelyeva, N. (2011) "Devadasi System over India". Available at <http://www.natyam.ru/devadasi.html>
- Shankar, J. (1990) *Devadasi Cult: A Sociological Analysis*. New Delhi: Ashish Publishing House.
- Sharma, M. (1950) G. R. *Saraswat Bhushan*. Mumbai: Popular Book Depot.
- Shivaji B. (1986) *The Art of Mohiniattam*. New Delhi: Lancer International.  
*Shri Mahalasa Saunsthan Mardol Goa, Budget for the year 2010-2011*
- Silva Rego, A. da (ed.). (1953) *Documentação Para a História das Missões do Padroado Português do Oriente: India*. Vol. X. Lisboa: Agencia Geral das Colonias.
- Talmaki, S. S. (1932) *Saraswat Families*. Vol. I. Bombay: S. S. Talmaki.
- Wagle, S. V. (1913) *Gomantakatil Shri Mhalsadevasthancha Sachitra Itihas*. Mapusa: S. V. Wagle.
- Wicki, J. (ed.) (1962) *Monumenta Histórica Societatis Jesú-Documenta Indica*, (1566-1569), Vol. VII.
- Wolosky, S. (2009) "Foucault and Jewish Feminism: The *Meḥitzah* as Dividing Practice". Available at <http://www.jstor.org/stable/10.2979/NAS.2009.-.17.9>
- Yin, R. (2003) *Case Study Research Design and Methods*. Applied Social Research Methods Series Volume 5 (3rd ed.) California: Sage Publications



*An Assessment of the Socio-Economic Impact of  
Medical Tourism on the Mauritian Community*

Asrani Gopaul, University of Mauritius, Mauritius

The European Conference on the Social Sciences 2014  
Official Conference Proceedings

**Abstract**

Medical tourism is also known as medical travel, health tourism or more recently, global healthcare; which in a broad sense, means seeking for medical wellbeing by travelling to a foreign region. However, this is not new; for thousands of years, people have traveled to foreign lands for healing purposes. This form of health travel has grown tremendously in the past decades and has been labeled “medical tourism” by the media and tourism industry actors although this term has been criticized for its suggestion of leisure and frivolity and viewed as disrespect for unavailable services for patients in their home country (Kangas, 2010).

However, despite its huge impact parallel to a blooming tourism sector, this qualitative study will show that the life of Mauritian has not changed to the better except for the creation of a few jobs. Moreover, the majority of Mauritian is not even aware of the existence of such market in Mauritius. This study, qualitative in nature, is original as it is the first qualitative one being made in the field of medical tourism in Mauritius. The experience of people living at grass root has been sought and analysed in order to show disparity that exist between these community and the big organisations that really benefits from the impact of the phenomenon. A series of 200 interviews was carried out across the island in order to induce and support the study.

**iafor**

The International Academic Forum  
[www.iafor.org](http://www.iafor.org)

## Introduction

Medical tourism is also known as medical travel, health tourism or more recently, global healthcare; which in a broad sense, means seeking for medical wellpeople have traveled to foreign lands for healing purposes. This form of health travel has grown tremendously in the past decades and has been labeled “medical tourism” by the media and tourism industry actors although this term has been criticized for its suggestion of leisure and frivolity and viewed as disrespect for unavailable services for patients in their home country (Kangas, 2010).

In the past century, it was the more developed nations of the world that were considered popular medical tourist destinations because these nations had the knowhow and technology to provide high quality medical services that may have been unavailable in many developing nations. Today, however, this trend is being reversed. With the neoliberal macro-economic policies and the perpetuating financial crisis in the developed world, patients and insurers are now seeking high quality, low cost health care options outside of their national border (Lee, 2000). It is in this particular context of globalised healthcare that Mauritius represents a potential destination for Medical Tourism.

Medical tourism represents a fundamental shift in the way that we think about health care which brings down a close link between globalization and healthcare. Stiglitz (2002) describes globalisation as a rapid integration of the countries and people of the world brought about by the enormous reduction of costs of transportation and communication, and the breaking down of artificial barriers to the flows of goods, services, capital, knowledge and people across borders. In the context of medical tourism, globalisation has enabled to achieve greater foreign revenue and patients are more open to the idea of travelling overseas for care. With increasing trade in health services, there has been improvement in medical infrastructures and high quality of health care services is dispensed.

Medical tourism has emerged as a niche market and has known a boom in the recent years because of relatively high costs of treatments in Western countries and relatively low price of international air travel. More than thirty countries in Asia, Africa and Eastern Europe are active in the field of medical tourism but among them the Asian countries have won fame for the different dimensions of the services that they provide.

Moreover, the World Tourism Organization (WTO) and non-government organizations (NGO's) have endorsed tourism as having the capacity to foster development, economic growth and new opportunities for poverty alleviation in regions that have scarce resources and limited livelihood options. It is basically because of such support that many developing countries have happily embraced tourism as an alternative for feasible livelihood. In light of this, it crucial to know what the long term benefits of the medical tourism are as practically it is a new market. On the other hand, powerful players with interests in the industry have made huge financial investments in medical tourism; for example the British American Investment has massively invested in the Apollo Bramwell Hospital although health care is free in Mauritius. According to Deloitte (2009), by year 2012, medical

tourism will represent a sustainable annual growth of 35% across countries in the world.

Many countries have identified medical tourism as a national industry. Greater numbers than ever before of student volunteers, health professions trainees, and researchers from resource-rich countries are working temporarily and anticipating future work in resource-starved areas. However, the quality of service and standards of care varies widely across the globe, and there are risks and ethical issues that make medical tourism controversial. As a practical matter, some providers and customers commonly use informal channels of communication-connection-contract, and in such cases this tends to mean less regulatory or legal oversight to assure quality and less formal recourse to reimbursement or redress, if needed. Also, some destinations may become hazardous or even dangerous for medical tourists to contemplate. For example in certain countries the traffic of human organs is much prevalent and if medical tourists use informal channel which may represent a huge risk.

However, the real impact of this market on the Mauritian community has been very dispersed. The main question being asked today is who is getting access to the modern infrastructures being put in place to welcome this market. Except for some rich Mauritians who are able to make use of these ultra modern infrastructures, the poor have to make use of the free public health care system. This study will demonstrate through a series of 200 qualitative interviews the net impact of this market on the local community.

## **1. Review of literature**

The term “medical tourism is interpreted differently by different authors; for this reason different definition is provided below from different sources. However, a more consistent definition could be a commercial phenomenon of industrial society which involves people travelling over night from their normal home environment for the express benefit of maintaining and improving health conditions in destinations which supply and promote such facilities (Hall, 2003).

Furthermore, Kaspar (1996) said that medical tourism can be combined in a relationship of changing location, residence in line to stabilize and restore one’s physical, mental and social well-being. Medical tourism encloses various factors for which consumers look for medical care in another country and these features are most commonly price, access, expertise and quality of service that the host country offers (Hume *et al*, 2007). Instantly, a more simple definition for medical tourism can be the provision of transnational health services (Moe *et al*; 2007).

OECD (2010, pp.30-31), define medical tourism as when consumers elect to travel across international borders with the intention of receiving some form of medical treatment. This treatment may span the full range of medical services sought by travelers which include elective procedures as well as complex specialized surgeries such as joint replacement (knee/hip), cardiac surgery, dental surgery, and cosmetic surgeries and fertility treatment among others. However, virtually every type of health care, including psychiatry, alternative treatments, convalescent care and even burial services are available.

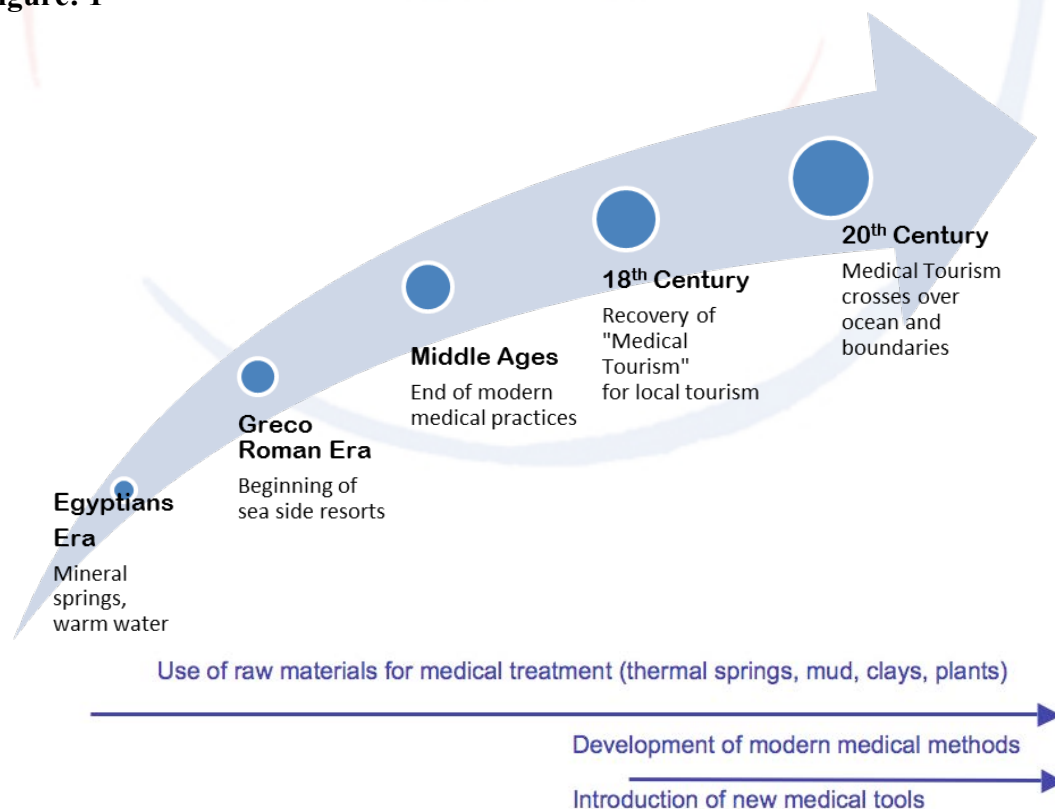
This study will show us that the impact of medical tourism on the Mauritian society

People have been traveling to other countries for health purposes for centuries. According to Pickert (2008), Epidauria is the original destination for recorded medical tourism. Greek pilgrims traveled from the Mediterranean to Epidauria, a small territory in the Saronic Gulf which was the sanctuary of Asklepios, known as the healing God.

According to Smith *et al* (2010), medical tourism is the most ancient forms of tourism. Ancient Greeks and Egyptians travelled to hot springs and baths, to relieve certain health problems. In the 18<sup>th</sup> and 19<sup>th</sup> century Europeans and Americans journeyed to health spas, sanitariums and remote retreats in a hope to cure sickness like tuberculosis bronchitis or liver diseases from the healing virtues of water (Boyer, 1996). Furthermore, Napoleon III demonstrated an active enthusiasm for thermal benefits and in the opening of the 20th century France was known to have a complimentary climate for healing and attracted a great number of wealthy people (Kelly, 2006).

Figure 1 below, illustrates the different era and the types of treatment provided at different times. It also shows that as from 20th century onwards the development of modern medical cure has started with the advent of new medical tools. But surgery abroad is a fairly modern phenomenon. As health costs rose in the 1980s and 1990s, patients looking for affordable options started considering their options offshore. (<http://www.understanding-medicaltourism.com/history-of-medical-tourism.php>)

**Figure: 1**



Source: Menvielle *et al* 2011



### 1. The Evolution of Tourism sector in Mauritius

Before independence, Mauritius with its turquoise water of the Indian Ocean was essentially a mono crop economy based on the cultivation of sugarcane. However, the recession of the 1970s affected to price of sugar on international markets. To counteract with uncertainties Mauritius acted boldly by diversifying the economy through the export oriented manufacturing Sector and also a laborious service sector mainly towards tourism industry. A new source of foreign exchange earnings emerged and the government gave incentives to both local and foreign businessmen to invest massively in the tourism industry. Over the years, Mauritius constantly continued a vigorous diversification of the economy by transforming the sugar sector into agro industry, and in new emerging sectors like financial services and ICT.

Prior to 1980s, tourists arrivals in Mauritius were negligible, but by 1996 as shown in table 1, tourism reached a peak of 486,867. As from 2002, the number of tourists arrival increased steadily before stagnating in the midst of the financial crisis.

**Table1: Tourists Arrival in Mauritius**

Year	Tourist arrival	Percentage of change of tourists arrival over previous year
1996	486,867	+15.2
1997	536,125	+10.1
1998	558,195	+4.1
1999	578,085	+3.5
2000	656,453	+13.6
2001	660,318	+0.6
2002	681,648	+3.2
2003	702,018	+3.0
2004	718,861	+2.4
2005	761,063	+5.9
2006	788,276	+3.6
2007	905,971	+15.1
2008	930,456	+2.6
2009	871,356	-6.4
2010 *	934,827	---
2011	964,642	+3.2
2012	965,441	+0.1

*Source: Digest of International Travel and Tourism Statistics 2012*

Tourism cannot be viewed in isolation. It is closely linked with supply of various factors:

- The provision of infrastructure such as hotel accommodation, internal transport facilities and road networks, local attractions, night life, casinos, exotic settings among others.
- Tourism promotion, marketing of destination and pricing policy.
- Air transport facility (carriage capacity, frequency, availability) and fares policy.

Although the infrastructural amenities have been upgraded systemically years after year, tourism promotion and marketing and opening the air space need to be widened.

### **1.1. The Emergence of Medical Tourism in Mauritius**

From 1998 to year 2005, tourists mainly were coming from France and Reunion Island, followed by UK, Italy and South Africa. Mauritius is experiencing huge competition from other destinations like Maldives and Seychelles. In order to be able to survive in this competitive market, the Ministry Of Tourism has planned to diversify in niche markets for the tourism sector such as green eco- tourism, wedding and honeymoons, golf and duty free shopping tourism, film-making and the emergent niche opportunities in new sectors such as health care and life sciences; therefore in health tourism.

Taking in account, the rapid, and sustained and encouraging development taking place in the healthcare and wellness industry, it can be assumed that Mauritius has started to build its reputation for medical treatment and wellness activities.

The health care sector has a well developed network of private clinics and specialist centers providing health care facilities and treatment in different specialist areas. Mauritius has a good track record as an up market tourism destination and is now gradually transforming itself into a medical hub in the region. The island is an ideal destination where patients can undergo treatment, recuperate and enjoy a holiday for a fraction of what it would have cost them in developed countries. Furthermore, the number of private healthcare institutions has nearly doubled and future projections indicate that the sector is expected to substantially contribute to the GDP and become a pillar of the economy. The presence of global healthcare players on the island has positively increased competition and enhanced the image of Mauritius as a high-tech medical hub. The Mauritian healthcare sector is now shifting gears towards export of services and is positioning itself as a medical tourism platform for Africa. In 2010, more than 10,000 foreign patients travelled to Mauritius for both inpatient and outpatient procedures. This represents a 25% increase compared to 2009, when some 8,000 foreign patients visited the island. Mauritius projects to attract 100,000 foreign patients by 2020, which is estimated to contribute to the tune of US\$ 1 billion annually to the economy.

With its strategic location at the crossroads of Africa, Middle East and Asia, Mauritius may position itself as a prominent provider of medical care to patients coming from different parts of the world. Currently, Indian Ocean islands remain the main market followed by Europe, Eastern and Southern Africa and Middle East. The island has developed expertise in providing specialized treatment to foreign patients travelling to Mauritius for both inpatient and outpatient procedures. In fact, Mauritius provides a suitable alternative to avoid the long waiting lists and expensive medical procedures in developed countries.

Alongside, with its world class hotel infrastructure and amenities, the island offers attractive and integrated packages combining health care, wellness and leisure at a very competitive price. Visiting Mauritius as a medical tourist is a unique opportunity to enjoy a package combining a tropical vacation, medical treatment, cosmetic surgery or dentistry and rejuvenating wellness treatment. Mauritius has a positive tract

record in delivering treatment to foreign patients coming from various countries. Likewise, an increasing number of tourists visit Mauritius to enjoy soothing and rejuvenating wellness treatments in extremely peaceful and beautiful environment. The emergence of the land based oceanic industry positioned the island to exploit century old deep sea water currents flowing 1000 meters below the surface of the sea. The healing and therapeutic attributes of deep sea water have been known for centuries.

Thus, Mauritius is a destination of choice for quality treatment. It has nurtured its reputation as a leading provider of treatment in niche areas like cardiology, cosmetic surgery and dentistry. It also offers attractive features to medical tourists in terms of treatment, convalescence, wellness and relaxation. However, the impact of the sector on local community has not been a success except for some job creations and CSR initiatives. The poor cannot get access to these state of the art medical treatment and

Mauritius, which is already a world-class tourist destination, has the potential to evolve as a tropical medical-hub combining healthcare, wellness and leisure. However, it needs to fine-tune its marketing strategy. At present, the arrival of medical tourists in Mauritius is highly concentrated from the UK, France and the South West Indian Ocean region. If Mauritius wants to achieve the target of tenfold increase in medical tourist arrival by 2020, it should imperatively diversify its markets. The long distance from Europe may not encourage the bulk of the patients to travel to Mauritius. The focus must, therefore, be on the regional market. However, a note of caution must be observed while raising hopes on regional clients. Most of the patients from Southern Africa have a tendency to flock to the medical centres in South Africa, while those of Eastern Africa find easy access to Nairobi, which is positioning itself as a regional medical hub. However, Mauritius has an advantage of being a stable and peaceful abode as compares to the high criminality rate in South Africa and unstable Kenya.

Mauritius must also scale up its marketing strategy in the oil-rich countries of the Middle East, which fall very well in the proximity range. Since 9/11 episode, the imposition of stringent immigration rules has drastically diminished the flow of Arab patients to the hospitals and clinics of the West. These captive clients are now being recuperated, to a large extent, by Turkey, India and Malaysia. With its 350 million population, the Arab world needs more than 160,000 specialist family doctors. However, the supply from the local faculties is very low according to Professor Faisal Abdul Latif Alnasir, President of the Arab Board of Health Specialization's Council. This implies that the Arab world will continue to rely on foreign doctors or will have recourse to treatment overseas. Mauritius only needs a fraction of this clientele to sustain the growth of its medical hub. To achieve this goal, Mauritius must actively raise an awareness campaign on this market, overcome its image deficit in the Middle East and multiply the air connections towards this region.

The medical tourism industry is consumer driven. People generally would expect health services in developed countries to be better than those in developing countries. Then the question arise; why does the medical tourism industry exist or is expanding? Citizens in developed countries may have trouble accessing health services in their own country due to long waiting lists or high costs. The main reasons prompting the medical tourists to get treatment abroad are the high costs of healthcare and the long

waiting times to have an operation in the home country on the one hand and the convenience and speed of receiving treatments in the host destinations on the other hand. For this reason, there are some critical factors that are necessary for a country to emerge as a medical hub for tourists.

In the first place, the geographical proximity, frequency of air links and efficiency of IT connectivity are crucial in influencing the travel decisions of the medical tourists. Mauritius is quite advanced in these two sectors although it has to further open its air space in the Middle East. Added to these, the prospective medical tourist destination must also be attractive in terms of its natural endowment, mild climate, cultural comfort, friendly people, low risk of liability, political stability, personal safety, excellent tourism amenities and a broad spectrum of accommodation choices for both high-end clients and moderate purses.

Mauritius satisfies many of the conditions to become a medical destination for tourists. The number of privately-owned clinics and hospitals is on increasing trend. The Government is working on an appropriate regulatory framework to address the socio-economic and ethical issues surrounding high tech cures. It is in the process of setting up the appropriate frameworks for stem cells treatments. According to Le Mauricien Newspaper of 24 November 2011, the Government is making available 50 seats in general nursing and 20 seats in midwifery at the Central School of Nursing. With regard to training in the field of medical professions, Mauritius, apart from having its own medical schools, largely benefits from the training opportunities provided by the universities of friendly countries such as UK, France, India, Pakistan, China, Australia, Malaysia, Turkey and Russia amongst others. Moreover, the local medical centres are connected to a network of doctors abroad who come to practice in Mauritius from time to time. The Mauritian healthcare facilities treated some 11,000 foreigners in 2010 and about 100,000 medical tourists are expected to visit the island by 2020.

The perpetuating economic crises have squeezed the size of middle-class populations in many developed countries whereby unemployment skyrocketed, the stock market plunged and many people lost their savings. On the other hand, regional markets for privately funded health care collapsed and private hospitals in many developing countries have started expanding their international customer base.

This is an opportunity for Mauritius to work towards increasing the market share of international patients. Mauritius can attract private equity firms, clinics, hospital chains to further invest in this domain due to the low rate of corporate taxes; favourable currency exchange rates and a competent medical care. The prospect of low-cost health care - in particular, inexpensive cosmetic surgery, cardiac procedures, orthopaedic procedures, dental surgery and ophthalmologic surgery could consumers from such countries as the United States, United Kingdom and Australia.

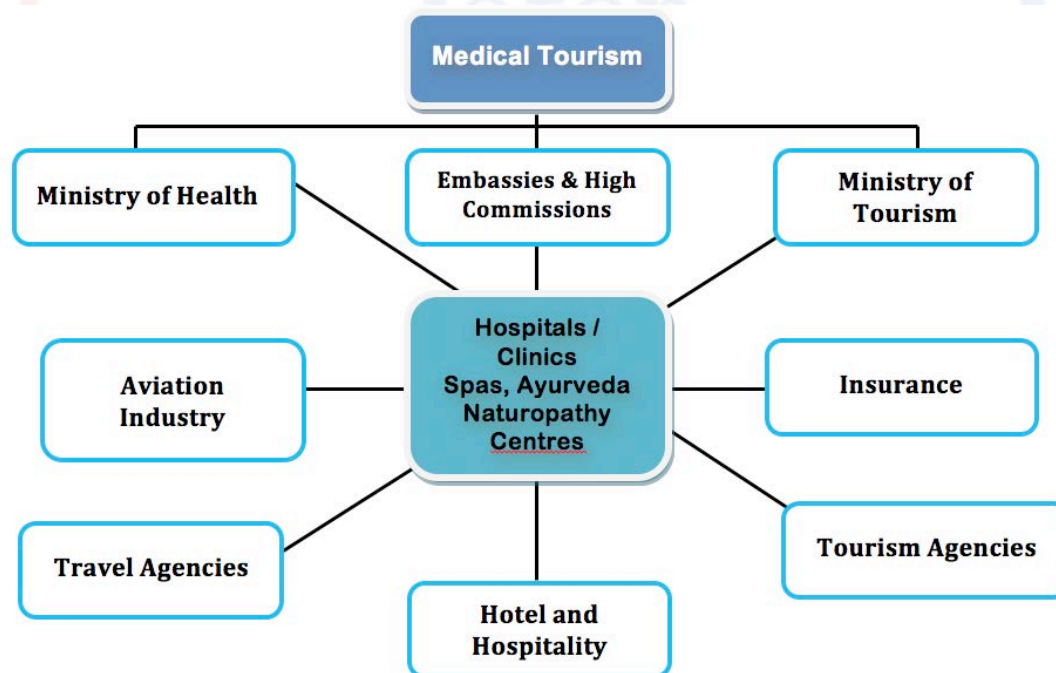
The Government in countries like India, Thailand, Singapore, Malaysia and Indonesia regard the 'medical tourism' trade as an important resource for economic and social development (Kuan Yew, 2006; Mudur, 2003, 2004a). In these countries, revenue generated from tourism is a significant part of the national economy. Leaders there see integrating the tourism industry with the health care sector as a progressive vehicle for diversifying their economies, attracting foreign investment, promoting job

creation, building the health services industry and using regional strengths to benefit from the doctrine of comparative advantage. ‘Medical tourists’ are among the most profitable visitors in Singapore. According to Singapore Tourism Board a regular medical tourist spend an average of US \$144 per day. The question arise about the real impact of the sector on the local community. It would be a waste for government to give economic and infrastructural assistance to private firm and in the end all the capital derived are sent back other countries without benefitting the Mauritian community.

Proponents of international medical travel have argued that increased patient volume has the advantage of promoting economies of scale, maximizes institutional efficiencies, and helps hospital chains and government ministries negotiate better contracts with companies selling medical devices, hospital supplies and pharmaceuticals. Substantial private and public investments are going into upgrading older facilities and building new hospitals and clinics like in India, Thailand and Singapore. Industry leaders and government ministers in a host of nations are attempting to use the economic doctrine of comparative advantage to ‘export’ health care by ‘importing’ patients into their countries.

The conceptual framework in figure 2 below shows how Medical Tourism may contribute to national economic development.

**Figure 2**



### 1.2. Some drawbacks of Medical Tourism

The medical tourism industry is growing; however estimates of the growth rate in numbers participating in medical tourism vary greatly. For example, Deloitte has suggested the global market is growing by 6. For individual countries, the estimated value of the industry was \$0.4 billion in Malaysia for 2005 (Hopkins *et al.*, 2010),

\$0.85 billion in Thailand for 2008 (Hopkins *et al.*, 2010), between \$0.3 billion (Hopkins *et al.*, 2010) and \$0.5 billion in India for 2005 (Horowitz *et al.*, 2007), and \$0.6 billion in Singapore for 2004 (Hopkins *et al.*, 2010).

On the surface, the medical tourism industry generates increased revenues for the host country, both in terms of the money paid for the medical package and the money spent whilst the medical tourist stays in the country. In addition, it is likely that the person who travels for treatment brings a companion, again adding to tourist revenues. The additional revenues received by the hospital for providing the treatment can be viewed as an opportunity to expand the facilities and to invest in new technology. While an expanding medical tourist industry will certainly increase GDP at a macro-level, a question remains as to how these additional resources are distributed in the developed country. Ideally, we would see evidence of greater access to medical care for those on low income, however there is no evidence that these gains have transpired.

The government offer incentives to the industry through reduced import duties for medical supplies and other facilities. In exchange for facilities, private hospitals have a moral duty to treat a certain proportion of domestic patients that are inoperable in public hospitals. However, there is no evidence that private hospitals are doing so. Government is still subsidizing individuals to go to India for treatment that are not available in state hospitals.

While some argument suggests that those of low income may not gain from the presence of the medical tourist industry, there are also some scenarios where they may lose. Ideally, the industry should aid in reducing the brain drain of medically qualified individuals from developing countries. Given that the expansion of the industry implies the availability of funds to pay higher wages to health care workers and improve the facilities and technologies of medical centres, thus making them a better place to work. However, there is little evidence that this has occurred. In fact, the industry may be having a detrimental effect by shifting medical specialists from areas that are most in need to affluent private clinics (Smith, 2009) thereby exacerbating inequities and further weakening the health system of the developing country (Gupta, 2004). This scenario is typical in the Mauritian context; clearly, the local disadvantaged citizens are particularly vulnerable to these changes as private clinics are priced out of their reach (George, 2009). Essentially, this implies an internal brain drain from the public to private sector.

## **Methodology**

The Main aim of the study was to evaluate the impact of medical tourism on the Mauritian community at grass root level. The main objective was to have an in depth appreciation of the impact of medical tourism on the life of people in Mauritius, and to make this feasible a series of 200 in depth interviews were carried out to assess the real social impact of this market. There is a tendency to believe that the mere presence of this market in the Mauritian space will enhance automatically the life of Mauritian citizens. This study will explore how difficult it is for Mauritian citizens to get access to these resources.

The study targeted a population of 200 respondents across the island using convenience survey method. The 100 interviewees only were selected for this survey through snowballing and “direct” sampling method. That is, the interviewer went directly to different places to interview the respondents. The respondents were selected as follows:

REGIONS	Rural	Urban	men	women
north	20	50	34	36
South	32		14	18
Centre(three regions)		50	24	26
East	26		13	13
west	22		11	11
Total	100	100	96	104

The questionnaire was divided in 4 main questions, devise in order to gather information on the following areas: knowledge of the interviewees on medical tourism, personal experience if they have been a user of the service, their preferences between the different services that exist and their views on the impact of such a market on Mauritian community.

Beside this survey a secondary data search has been carried out through newspapers , the Central Statistical Office( statistics Mauritius), publications and other institutions (e.g Mauritius Research Council) carrying out research on the local industry.

### **Limitations of the study**

Lack of adequate statistics and studies on the social return and contribution of private clinics on the Mauritian economy made it difficult to calculate the real economic impact of the sector.

### **Analysis of Findings**

#### ***(i) knowledge of the interviewees on medical tourism,***

The persons interviewed were from different educational and socio economic background. Analysis of their narrative recorded in the questionnaire showed that educational and socioeconomic background was a determinant in assessing the knowledge of the respondents about the existence of medical tourism on the Mauritian health market. Moreover, those who were aware about the existence of the services acquired the knowledge through advertisement in business that was in fact being read by professionals in Mauritius or other reading materials designed for tourists. Thus, this was an indication that there was inequality of access to such services.

In depth interview of the respondents revealed that those who were aware knew that the price of such services was beyond their means. To their knowledge the type of services being offered was mainly plastic surgery and other interventions in specialized clinics were a package was offered to the tourist (mainly a mixture of sun, sea, rest and cure). These services were offered by private clinics only. Some of the professionals interviewed further mentioned that the advert mentioned that the clinics were the propriety of internationals entrepreneurs.

The inequality was more persistent in rural region where low level of education of older generations revealed that they were not even aware of some new technologies in the world of medicines being now available to them. Those who were interviewed usually said : “ ki ete sa touriste medical la?” ( translate into :”what is this medical service for tourists?”) depicting their lack of knowledge on the issue. The only information they had on medical services were those obtained through the local television on heart surgery. Most of the times they would attend regional community health centers where information on more specialized care are not available. A visit to some of the community regional health centres revealed that there was a lack of information on new developments in health care in Mauritius.

**(ii) *personal experience if they have been a user of the service,***

Only a few of the interviewees have had the chance of using the service as the price was beyond reach for the majority of the Mauritians. Mauritians usually makes use of the public health care system which is free on a universal basis in Mauritius. Those who have used the service made use of plastic surgery, dental surgery and hair implants. Mauritians are now being encouraged to take up private medical scheme and these private insurance rarely covers aesthetical surgery.

Mauritian usually considers private medical system to be better than public service. However, the private medical system is usually more accessible to those forming part of the upper middle class and above or to those having a private medical insurance. Thus we can induce that medical tourism contributes to increase the inequality in health care that is already persistent in the country. ( it is worth noting here that Mauritius is one of the country's in the African region with the most comprehensive welfare system. Public Health care even covers areas such as free medicine for HIV/AIDS patients, dental health care, maternal care and geriatrics among many other services).

The few users admitted that the cost of the services reserved for tourist was very high and at times they even mentioned that the clinic practiced two level of prices for the same treatment. In today's globalized world this can add to the already existing inequality , as mentioned above.

**(iii) *their preferences between the different services that exist***

There is a myth in Mauritius which make people think that services in public hospital are poorer than in private clinics , because when you pay , you can get more personalized care. However, the new myth in Mauritius is that the best doctors prefer to work in private clinics offering their services to tourists than to the general public. This has been induced by both respondent themselves and local newspapers. Newspapers have been reporting the excess of generalists on the labour market. Some of the generalists are struggling to find work while private clinics are employing human resources from abroad. There were more than 100 unemployed doctors on the labour market according to recent statistics. However, some of the private clinics have been recruiting specialist doctors from Asian countries.

Respondents mentioned that even if they knew that the services were beyond access to the poor they would still choose the private clinics for two main reason. One because of the myths mentioned above and secondly because at times it was difficult to get appointment with specialists in public hospitals. Some interviewees even



mentioned that at times they had to indulge in lobbying in order to get access rapidly to some services in public hospital. The high cost of maintaining a universal free health care may be blamed for this situation here. Some of the reasons repeatedly mentioned during the interviews are: clinics reserved for tourists are cleaner than public hospitals, the food are better in private hospitals, you don't have to wait in public hospitals, both doctors and paramedic are more humane in private hospitals, you can get your own room in private hospitals and your family can get access to you easily at any times. Many others mentioned that some services were not available in public hospitals but thank to medical tourist they are now available.

We can induce from these responses that if the preferences above are justified then medical tourism can be very positive for the Mauritian population. However, the question that remains to be answered is whether Mauritians are getting access to the service. And to this question the majority answered that the services was beyond their mean.

***(iv) views on the impact of such a market on the Mauritian community***

The interviewees were of the opinion that in the long run all the services put in place for the tourism industry will be beneficial for the Mauritian population at large. They opined that if the services were inaccessible now they will in the future become part of the Mauritian health sector. They all agreed that such a market will bring both work and money to the Mauritian economy. Those who did not know what the issue of medical tourist meant for the Mauritian community as mentioned in part (i) above , were relating the whole issue to the holiday tourism sector. They were afraid that prices of local services may rise in the future because of the tourism sector. Some of the interviewees sees in this new market a golden opportunity for an already saturated Mauritian economy and yet another alternative to other established markets such as finance and manufacturing sectors. Some even mentioned the inexistence of regulatory frameworks to tackle this new area of intervention.

## **Conclusion**

The impact of medical tourism on the economic development of Mauritius has become a matter of interest. There is some evidence that medical tourism may breed a new field of revenue and generate employment. A survey conducted by Dheeyanee in 2012, see a bright future for the development of the medical tourism industry in Mauritius. It is projected that medical tourism is a sector which is going to pool Foreign Direct Investment to the country which in turn will create further job opportunities. However, accessibility for Mauritians from different background, visibility and quality of service are important landmarks to uphold medical tourism. The world is evolving at an ever-increasing pace and it is indeed an opportunity that Mauritius must seize in order to focus on the substantial development of medical tourism. One comparative advantage that Mauritius has over other countries is that it is positioned in a strategic location and has a peaceful atmosphere for convalescence.

Sustainable tourism development will improve the Mauritian economy in terms of revenue generation and employment creation. Medical tourism in itself is vulnerable. In order, to make it competitive and worthwhile, there need to be alternative sources within it. This might include telemedicine, online consultations, Ayurvedic and

Chinese medicine. Alongside, with such facilities medical tourism is likely to grow and will take an increasing share in economic growth.

Furthermore, the development of medical tourism in Mauritius depends on the alliance between the Ministry of Tourism and Leisure, the Ministry of Health and other private stakeholders in the field of medicine. If all these three stakeholders work hand in hand, there is no doubt that many medical health centers will set up on the island having major positive economic impact on the economy and people at grass roots by creating new jobs and making major changes in the health care infrastructure.

### **Recommendations**

Mauritius being already a high profile tourist destination, Medical tourism may enhance the value added. With regards to the different advantages that medical tourist entails for the Mauritian economy, the following recommendations is sought to help foster the growth and promotion of medical tourism:

(i) **Diversification:** The sub parts of the tourism industry need to be explored as it helps in developing and diversifying the tourism product as a whole. Moreover, with the help of government and private stakeholders a concrete strategic plan can be developed on promoting other forms of tourism and precisely medical tourism to sustain the tourism industry from economic shocks.

(ii) **Regulatory Framework:** Government needs to regulate the existing laws that would enable to practice surgery and human organ transplant and other surgery that will enhance Mauritius as a Medical hub.

(iii) **Bridging the gap between community and the sector:** The Mauritius Tourism Promotion Authority should work in close collaboration with the Ministry of health to explore new areas such as CSR where the gap that exist between the community and the sector can be diminished.

(iv) **Enhancing capacity:** Private clinics in collaboration with the Ministry of Health should organize more training programs for medical and paramedical staffs for both public and private clinics. Training should also geared towards hospitality in clinics; which will help in providing high quality service in the field of medicine and will also match with medical tourist's expectations. Local people can thus benefit from these expertise in the long run.

(v) **Medical tourism development knowledge on the issue:** In order to make the dream of medical hub becomes successful for every Mauritian, Mauritius, a medical tourism coordinating mechanism and information bureau should be created. The aim of the Bureau will be to build lines of communication between medical tourists, travel industry professionals and the local community. This will create a positive source of information about Mauritius being a medical tourism hub. Moreover, people at grass root should be better informed of the positive issues of such an industry.

(vi) **Encourage foreign medical practitioners to come to Mauritius:** Medical practitioners from other countries should be encouraged to practice in Mauritius. In so doing, this will promote the medical health care sector and there might also be sharing

of knowledge and expertise among foreign medical practitioners and local practitioners.



## References

- BOYER, M. (1996), "Invention of tourism", Paris: Gallimard.
- DELOITTE. (2009). Medical Tourism: Update and Implications. Edited by Deloitte Center for Health Solutions: Deloitte Center for Health Solutions
- Digest of International Travel and Tourism Statistics 2012, Vol 39. (November 2013). Ministry of Finance and Economic Development, Statistics Mauritius.
- GEORGE, B. (2009). Medical tourism in India: a case study of Apollo hospitals. In Smith, M. and L Pucsko (Eds), *Medical and Wellness Tourism*. Elsevier Science and Technology Books, Burlington, USA.
- GUPTA, S. (2004). Medical tourism and public health. *People's Democracy*, 28(19), pp. 24-25.
- HALL, C.M. (2003), "Health and spa tourism in Hudson", *Journal of International sports and adventure tourism*, New York, pp.273-292.
- HOPKINS, L., LABONTE, R., RUNNELS, V., and PACKER, C. (2010). Medical tourism today: what is the state of existing knowledge? *Journal of Public Health Policy*, Vol. 31, pp.185-198.
- HOROWITZ, M.D., ROSENZWEIG, J.A., and JONES, C.A. (2007). Medical tourism: globalization of the healthcare marketplace. *Medscape General Medicine*, Vol. 9(4), p. 33.
- HUME, L. F., and DeMICCO, F. J. (2007). "Bringing hotels to health care: A reason for success". *Journal of Quality Assurance in Hospitality and Tourism*, Vol.8 No.1, pp. 75-84.
- KANGAS, B. 2010. "Traveling for Medical Care in a Global World." *Medical Anthropology* no. 29 (4). pp. 344-362.
- KASPAR, C. (1996). "Emerging issues for cultural tourism in Macao". *Journal of current Chinese affairs*, Vol. 1 No.1, pp. 73-99.
- KELLY, C. (2006). "Global outsourcing of Health care: A Medical Tourism Decision Model". *Journal of information, technology, care and application*, Vol. 9 No.3, pp.19-30.
- KUAN YEW, L. (2006). Excerpts from speech by Minister Mentor Mr. Lee Kuan Yew at the SGH 185th anniversary dinner on 16 April 2006 at Ritz-Carlton Millennia. *Singapore Medical Association News*, Vol. 38, pp. 12–15.
- LEE, K. (2000). *Globalization and health policy: A review of the literature and proposed research and policy agenda*. Washington, DC: Pan American Health Organization, pp.15- 41.

MAL, J. (2010). Globalisation of Healthcare: Case studies of Medical Tourism in Multi-Specialty Hospitals in India. Dissertation submitted to The University of Manchester for the degree of Master of Science in Healthcare Management in the Faculty of Humanities.

MENVIELLE, L., MENVIELLE, W., and TOURNOIS, N. (2011). Medical tourism: A decision model in a service context. Preliminary Communication, Vol. 59, No 1, pp. 47-61.

MOE, J.L., PAPPAS, G., MURRAY, A. (2007). "Transformational leadership, transnational culture and political competence in globalising health care services: A case-study of Jordan's King Hussein Cancer centre", Journal of globalization and health, Vol.3, No.11.

MUDUR, G. (2003). India plans to expand private sector in healthcare review. British Medical Journal, Vol. 326, No. 520.

MUDUR, G. (2004a). Hospitals in India woo foreign patients. British Medical Journal, Vol. 328, 1338.

PICKERT, K. (2008). The History of Medical Tourism. Available from: <http://content.time.com/time/health/article/0,8599,1861919,00.html> [Accessed on 11/04/2014]

SMITH, E., BEHRMANN, J., MARTIN, C., & WILLIAMS-JONES, B. (2010). Reproductive Tourism in Argentina: Clinic Accreditation and its Implications for Consumers, Health Professionals and Policy Makers. *Developing World Bioethics*, Vol. 10, No.2, pp. 59-69.

TURNER, L. (2007). First World Health Care at Third World Prices': Globalization, Bioethics and Medical Tourism. *BioSocieties*, Vol. 2, pp. 303–325. London School of Economics and Political Science.

Contact Email: [as.gopaul@uom.ac.mu](mailto:as.gopaul@uom.ac.mu)





©The International Academic Forum 2014  
The International Academic Forum (IAFOR)  
Sakae 1-16-26-201  
Naka Ward, Nagoya, Aichi  
Japan 460-0008  
[www.iafor.org](http://www.iafor.org)