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CRISIS MANAGEMENT IN THE ERA OF THE GLOBAL NETWORK. THE CASE OF QATARI RESPONSIVE POLICY VS. THE ANTI-TERROR QUARTET SANCTIONS

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Abstract

Crisi s management and the global network were the two fundamental methods that Qatar has used to avoid and mitigate the negative impact of sanctions imposed by the so-called Anti-Terror Quartet states (Saudi Arabia, United Arab Emirates, Bahrain and Egypt). They have also served in the process of recovery of security after the internal crisis. The research objective of the article is the presentation of Qatar's anti-sanction policy, one based on these two remedies (crisis management and global network) that turned out to be successful and as such may become a model useful for other states that face a similar threat.

Key words: *Gulf Crisis, Sanctions, Crisis Management, Qatar, Anti-terror Quartet*

INTRODUCTION

In recent years we might observe an ongoing significant trend to explore the effectiveness of sanctions and the countermeasures taken in response to them. The case of sanctions imposed on states with natural resources is extremely noteworthy. Such an analysis was made of the sanctions imposed on Iran by the United Nations (UN) and USA to prevent Iran from acquiring a nuclear weapon [Torbat 2005: 407-434], on Iraq to compel Iraq to withdraw from Kuwait, to pay reparations and to disclose and eliminate any weapons of mass destruction [Reuther 1995: 121-132], Russia, imposed in light of Russia's annexation of Crimea and involvement in the armed conflict in south-east Ukraine [Dreyer, Popescu 2014: 1-4] or Venezuela to force its government to respect civil and political rights (imposed by the US)

These analyses show that sanctions have not led the target countries to change their behavior. The countries listed above are authoritarian regimes so when their security and sovereignty are threatened, they will defend these values by all available means, and sanctions constitute their violation. Authoritarian regimes are ready to incur high costs to maintain full sovereignty. A dependence between authoritarian regimes and the low effectiveness of sanctions is confirmed by Daniel W. Drezner who argues that sanctions lead to the consolidation of power around the ruling leader, accompanied by certain repressions against rather weak opposition (Drezner 2000: 75-78). Among these four countries, the sanctions put on Iran and Iraq had the most significant impact.

The above case studies prove that the negative effects of sanctions and the difficulties with their neutralization have at least slowed down economies, if not led to the collapse of targeted countries (Iran, Iraq). However, this did not happen in Qatar. None of the countries mentioned above showed such resistance to the negative effects of sanctions as Qatar did. Qatar's resistance sparked a discussion among researchers and many analysts have started to talk about a model of counter-sanction policy today. Qatar's resistance to sanctions is an important reason to conduct an in-depth scientific analysis.

There is no doubt that research on sanctions is evolving. The modern world is undergoing profound change, globalization and digitization are changing the environment of targeted countries. This change allows sanctioned countries to find new supply channels and build new alliances in a short time to reduce the effectiveness of sanctions.

RESEARCH OBJECTIVE AND HYPOTHESIS

The objective of the article is to analyze the successful model of the anti-sanction policy (adaptive policy) led by Qatar. Accordingly, we conceptualize the internal and external conditions of the effectiveness of sanctions in regards to the resources countries (richest countries) and their attributes that allow them to be successful (capitalize on the negative economic impact of sanctions) or failure (allow the export of

LNG, Qatar's main source of income). In this paper we propose an initial analysis of a model of resilience to state sanctions in specific conditions that might be applicable to other states in some ways.

We analyze sanction policy and the countermeasures taken in response basing on two analytical methods: 1. Crisis management mainly used in the case of corporations but also applicable in analyzing countries; 2. The theory of global network by Manuel Castells [Castells 2009]. These two analytical instruments show how Qatar has developed certain roundabout ways to maneuver itself out of the sanction (i.e. creating alternative sources of supply).

The hypothesis of the article is as follows: The way Qatar has reacted to the sanctions imposed by the GCC countries proves that, in the era of global network, individual states have gained effective methods for crisis management in situations resulting from external shocks. Qatar proves that effective methods of dealing with and neutralizing sanctions are available providing that one applies adequate measures. The global network factor allows quick changes in supply sources and finding alternative business partners. The efficiency in this case is dependent on the institutional quality of the state that is under the pressure of sanctions from its former partners.

The abovementioned statement affirms that the power of the state depends on its location within the network of international relations. The better the state is positioned the more influential it is and the bigger advantage it has over other states, especially in an emergency situation. It simply means that the lower the structural-network power of target country, the higher the probability for the sanctions' success. This assertion is close to the social-network theory that deems that the standing of an individual (state) in the network increases with the tightening of relations with other units in this structure. It shows how much each state is globalized (economically) [Kim 2013: 85-100].

To verify the hypothesis and to analyze the reaction to sanctions we pose the following research questions:

1. What were the aims of the Quartet's sanctions?
2. How has Qatar managed to resist the sanctions of the Quartet?
3. How does the global network work in international relations?
4. What roles did the global network and crisis management play in Qatar's resilience/adaptive policy?
5. When are sanctions effective and when are they ineffective?
6. What were the results of the sanctions for Qatar and the Quartet countries?

The example of the recent crisis within the Gulf Cooperation Council shows a new dimension of defense against sanctions. Global networking made it possible for the state of Qatar to create surrogate connections with other entities (countries), enabling it to neutralize the negative effects of sanctions, both in the political and economic sphere.

CRISIS MANAGEMENT POLICY

Crisis management is the process by which an organization deals with a disruptive and unexpected event that threatens to harm the organization or its stakeholders [Bundy et.al 2017: 1661-1692]. The principles of crisis management are aimed at mitigating (limiting) the risks associated with potential sanctions and in improving state security. In other words, the primary concern of crisis management is to provide public safety. Effective teamwork and communication are the key elements in crisis management. Successful crisis management also requires knowledge about instruments and policies that allow to deal with problems before they occur. In Alan Hilburg's model of crisis management there is an assumption defining three stages: crisis avoidance, crisis mitigation and crisis recovery. These three stages involve dealing with threats before, during and after a crisis. To successfully avoid a crisis, using an impact/probability model that help to predict crisis scenarios is essential. To see this more clearly, we must get back to the sanction policy.

Basically, a sanctions policy has two stages. The first stage is the threat of sanctions. They signal to the target country the conditions and consequences of their non-fulfilment. In some cases, the threat of sanctions is enough to achieve the goals set by the sanctioning countries [Bapat et al. 2013: 79-98]. At this stage, the target country is able to prepare and introduce a policy protecting against the negative consequences of potential sanctions against it. The second stage is the actual phase of the sanctions' imposition. Below we present an outline of these stages in regards do the Gulf crisis [Joshi, Mahmud 2018: 52-65].

Figure 1: Lesson from the past: The outline of the State of Qatar's model for absorbing sanctions created after 2014 - introducing crisis management policy
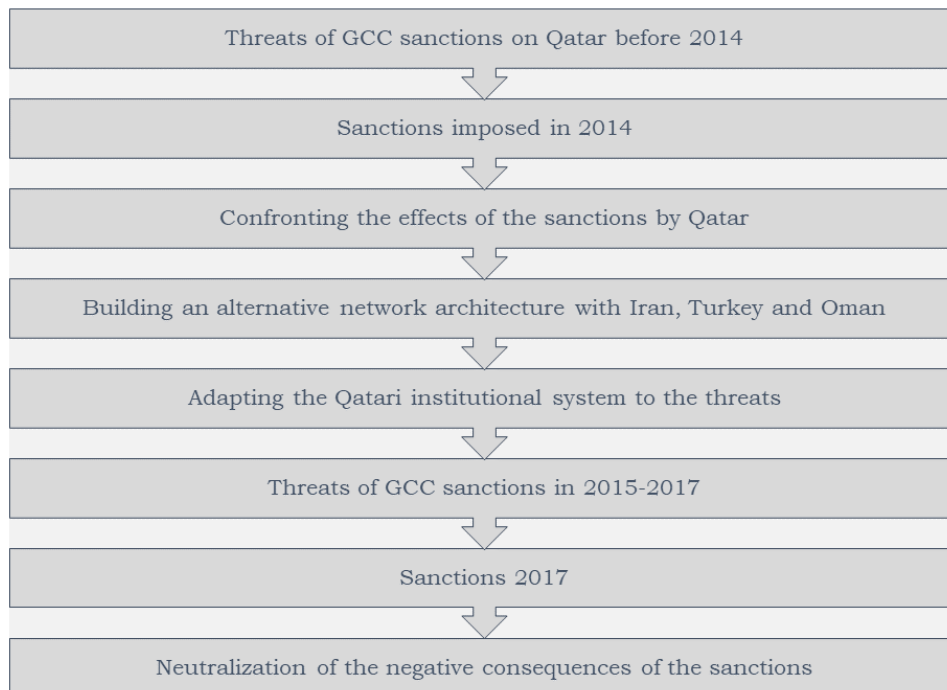
Source: author's own elaboration

Sanctions can bring about the expected attitude and behavior from the sanctioned country only if they impose costs in excess of the profits gained from its current policy. The cost of sanctions is dependent on the location of the imposer and the target country within the network architecture and their mutual interdependence.

In a globalized and digitalized world, it is seldom that the imposer and target are isolated. Therefore, the key point for a country expecting to be sanctioned is to develop different, alternative models of network architecture in advance, as in the case of Qatar. By building such connections Qatar was able to replace one network with another.

The conditions that had to be in place for Qatar to answer the Quartet's sanctions effectively were: 1) a preparedness for a high probability of sanctions that was proportional to the emergence of a crisis management plan as the symptoms of use this form of hard power was hinted by Qatar's neighbors in 2014. "Saudi Arabia has threatened to blockade neighboring Qatar by air, land and sea unless Doha cuts ties with Egypt's Muslim Brotherhood, closes the Al-Jazeera global channel, and expels local branches of the U.S. Brookings Institution and Rand Corporation think tanks" [Jansen 2014]; 2) establishing a coalition of states that support Qatar in the face of the crisis. However, a crisis can't be fully predicted by the target country because it may involve many possibilities and outcomes and from this point of view it is not easy to construct a good crisis management plan.

The second phase of Alan Hilburg's model of crisis management is crisis mitigation when sanctions are already imposed. This phase is the most difficult for the target country because institutions that are hit by the sanctions are limited or blocked and must shift their policies. Qatar's crisis management during the crisis comprised of: 1) a rapid establishing of new sources for the supply of foodstuffs (initially Turkey and Iran and later Oman, Pakistan, India and the UK), 2) the releasing of massive financial reserves (from June to December 2017 Qatar injected about $38.5 billion of its foreign reserves into its economy) aimed at stabilizing domestic prices (that have grown as a result of increased import costs) and funding local start-up projects to support domestic production in order to increase the level of self-sufficiency, 3) producing counter-evidence to refute accusations and fake news against Qatar targeting media, foreign states and international organizations i.e. the UN, WTO, ICAO, 4) vying for the allegiance of international public opinion (donation to the PSG football team, support for the state of Texas after Hurricane Harvey), 5) demonstrating determination in opposing sanctions (completing projects in progress, opening a new port and new trade routes etc.)

This crisis management has resulted in a rapid growth of local manufacturing and increased self-sufficiency in agricultural and farming activities. It has also led to community cohesion and convince Qatari citizens of positive prospects even after the sanction period.

To assess the Qatari process of decision making in the face of sanctions we have cre-

ated a conceptual model for the crisis management pattern in Qatar. It proves that such a plan must be prepared before a crisis and quickly implemented for it to be successful. A special group that is created only for this purpose takes responsibility for such a plan.

Figure 2. Conceptual model for the crisis management pattern in Qatar
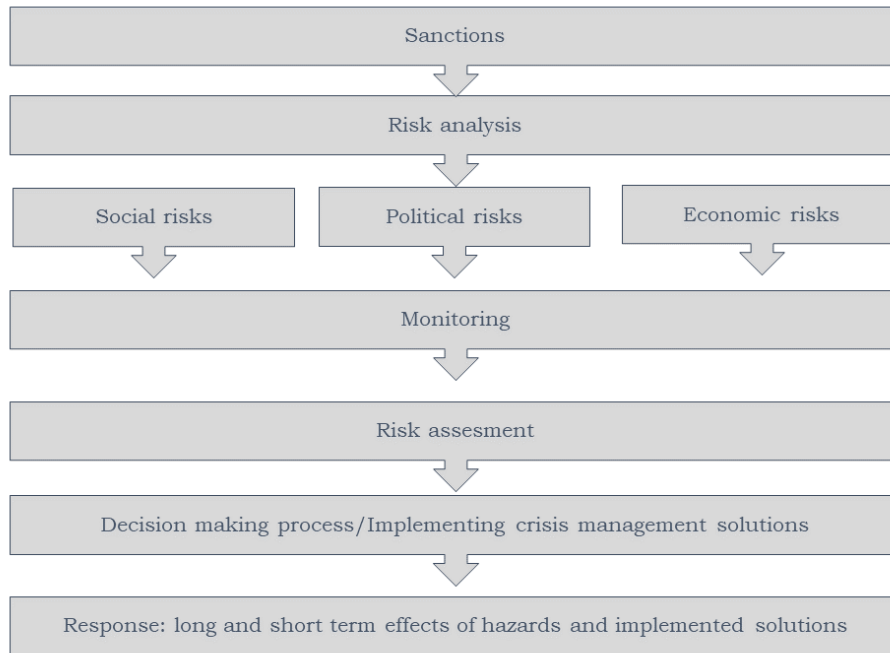
Source: author's own elaboration

The case of Qatar shows the importance of the institutional quality of the state determining the ability to neutralize the negative effects of sanctions. In defending against sanctions, time plays a key role in the adaptation of shock capacity. The system of antifragile policy for a sanctioned country requires an ex-ante defined possible scope of sanctions and scale of threats and the implementation of an appropriate crisis management procedure. To ensure systemic and effective crisis management the state must demonstrate:
- institutional efficiency expressed in an appropriate delegation of responsibilities to individual entities in the economy,
- coherence of undertaken activities,
- clarity of commands and the right way to enforce them.

In Qatar's case, the institutional maturity of the state was crucial and made it possible to fully use the network environment to neutralize the sanctions and build alternative channels of supply, cooperation or guaranteeing international security. As a result, the Qatari case sets a new response path to sanctions and crisis management in terms of internationalization of transactions (global network). It can be a benchmark for countries hit by sanctions or other asymmetric shocks.

The third stage of the Alan Hilburg model of crisis management is the phase of crisis recovery. This recovery was necessary after the trading routes with Qatar were closed and Qatari export and import fell by 40% while prices increased by 4.5%. A recovery that Qatar based on its place in the global network.

GLOBAL NETWORK

In our opinion, Thomas Friedman's theory (2005) presented in *The World Is Flat: A Brief History of the Twenty-First Century* [Friedman 2005] applies to the crisis in the Gulf in 2017. It allows us to show how Qatar uses the global network to establish alternative supply chains. This theory analyzes the impact of globalization and digitization on the modern world. Friedman suggests that the world is flat (or, as Beheruz Sethna suspects [Sethna 2008: 25-31], the world is in the process of being flattened) in the sense that competitive opportunities between developed and emerging countries are decreasing; and that individual companies are becoming part of a large, complex, global supply chain.

Friedman's theory is related to the theory of network orchestration - developed by Victor Fung, William Fung and Yoram Wind in the book *Competing in a flat World. Building enterprises for a borderless world* (2007). The theory of network orchestration refers to the strategy of an organization (corporation) that assumes survival and leadership in an increasingly flattened world [Fung, Fung, Wind 2007]. Although this theory applies to corporations, it can be successfully applied to Qatar. This is due to the fact that Qatar has a small area and population, small level of economic diversification and a type of (absolute) power. Without going too far, taking into account these characteristics, we can treat the Emirate as Qatari Corporation and use for the analysis of orchestration theory as well as the theory of network organization to describe new opportunities for Qatar, created by the so-called "flat (flattened) world." Together with globalization and digitalization, the "flat World" involves a growing number of participants of economic processes (in our case a growing number of countries). This in turn creates a global platform for many forms of cooperation, increasing opportunities of a more open environment, enabling countries to build bi- or multipolar policies. Network organization can be applied to supply chains, enabling multiplier effects that increase the efficiency and flexibility of an organization, especially in the event of rapid changes in the environment and growing risks [Fung, Fung, Wind 2007].

Such a "flat World" has rapidly limited cross-dependency between countries, has mitigated the role (importance) of integration organizations and has reduced the privileged position of the leader.

Digitalization itself brought a new form of communication, giving a chance to build new channels of cooperation, new forms of competition and providing opportunities for new behavior on the global market.

Friedman's book applies to both micro (corporations) and macro (countries) scale.

The author use the concept of glocalization (globalization + localization), indicates that the importance of continental and global levels increases with the increase in the importance of local and regional levels. The term "global management" in the sense of "think globally, act locally" is used in business strategies of enterprises. "The more outward looking the culture is (open to foreign influences and ideas), the more "glocalized" it is, the greater its advantage in the flat(tening) world" [Sethna 2008: 28]. Before the globalization era (the 1990s), Qatar did not have such an extensive network of economic connections with other countries, but with globalization's emergence it was able to establish alternative supply networks. Globalization enabling the free movement of capital, labor and goods became more important for the small Emirate, because of the small area and disproportion between work and capital, than for Saudi Arabia. In addition, Qatar, located in the waters of the Persian Gulf, has been exposed to foreign cultures for centuries, making it much more culturally open compared to more conservative and closed Saudi Arabia.

Quraeshi and Luqmani said that in a "flat World," sanctioned countries are seeking and creating new alliances and alternative economic networks [Quraeshi, Luqmani 2013: 120]. To prevent this, the sanctioning state should build a maximum coalition and introduce multilateral sanctions. However, such a scenario in the case of sanctions against Qatar was doomed to failure. Effective sanctions would have to include regional opponents of the Saudi Arabia- i.e. Iran and Turkey in the coalition. This option turned out to be completely unrealistic. What's more, the coalition was not even able to convince its allies from the GCC, Oman and Kuwait, to join the sanctions. In effect, Oman, Iran and Turkey played a key role in breaking the sanctions. Saudi Arabia and the UAE misjudged their strength in relations with Qatar. What's more, thanks to their policies they brought the Qatar Emirate closer to their biggest rival and regional opponent: Iran.

The application of the Flat World Theory to the Qatar crisis makes it possible to understand the reasons for the decline in the importance of the GCC, the position of the KSA and the emergence of new opportunities enabling Qatar to implement a rescue policy and survive the so-called asymmetric shock.

The purpose of the sanctions imposed by the Quartet was to hit Qatar's economy and thereby force it to cooperate and change its international policies. The Quartet expected that the sanctions would bring high socio-political costs and economic losses. This was to be achieved by excluding Qatar from various profits resulting from its participation in the GCC and partnerships with the KSA, UAE and Bahrain. The Quartet expected Qatar to change its policy at the global and regional level under pressure from these sanctions.

Thanks to globalization, countries that were previously at the edge of mainstream economics can benefit from its global nature. In the case of Qatar, these new opportunities have enabled the country to effectively neutralize the negative effects of sanctions. This was achieved by creating new horizontal connections as well as through

cooperation and communication with alternative partners.

Since the first GCC crisis in 2014, the Emirate has strengthened relations not only with Iran and Turkey, but also with the countries of Asia, Europe, North America and Russia. Qatar has undertaken new investments in flagship projects (such as Hamad Port) and has expanded its LNG customer base. This allowed Qatar to secure its position in the potential conflict. In the first month of the blockade, Turkey sent to Qatar 200 cargo planes, 16 trucks and one ship of supplies to meet its daily needs. Trade with Iran increased by 117% in the seven months leading up to November 2017 [Hasan 2018]. This also meant shifting from using UAE and KSA airspace to Iranian airspace (in the case of Qatar Airways) and, last but not least, substituting Jebel Ali Port with ports in Oman, in Sohar and Salalah. Omani trade with Qatar is estimated to have risen by over 1000% from January to September 2017. According to Ulrichsen, after the first year of sanctions "Qatar had a smaller fiscal deficit, a substantive increase in foreign reserves, an improved trade balance, and a fully recovered banking sector" [Ulrichsen 2018]. Despite some costs that had to be incurred (in the long run they mainly affected Qatar Airways), Qatar proved to be relatively lightly affected by the sanctions.

In the modern world, globalization also includes media, including social media. They were used by the Emirate authorities to defend the state brand and present the Qatari point of view or to ensure security. The dementi of a false statement attributed to Emir Al-Thani occurred within 45 minutes after it appeared on the Qatar News Agency website. The press office of the Ministry of Foreign Affairs published an official statement that the sanctions "will not affect the normal lives of Qatar citizens and residents." Qatar has been conducting public diplomacy from the very beginning of the crisis, creating the image of a "controlling victim" and inviting human rights organizations to engage in and show evidence of abuse of its inhabitants by the Quartet. International media wrote about the tragedy of camels and sheep trapped between borders without water and food, starving and wounded. This was to create an image of Qatar as a victim deserving of international compassion, because the population of its people and animals suffered from abuse and lawbreaking. This policy confirms the effectiveness of crisis management control and a well-integrated information policy (for internal and external use).

ADAPTIVE QATAR POLICY (COUNTERSANCTIONS)

According to the conceptual model for the crisis management pattern in Qatar presented in Graph 2, after the sanctions are imposed the target country makes a risk analysis. Such an analysis was crucial for Qatar to "weather the storm" and effectively came out on the top. The authorities in Doha made a series of strategic policy moves to come out from the crisis stronger than ever.

The following graph (look at graph 3) presents the directions of the sanctions and the actions taken by Qatar to counteract the effects of sanctions.

As presented in graph 3, in the result of sanctions imposition Qatar faced following risks:

1. Political risk: Destruction of the national brand; Diminishing international importance and role of Qatar; Diplomatic sanctions; Reducing Emir Tamim ruling power; destabilization of the state.
2. Social risks: Entrance restrictions for Qatari citizens and residents; Border and transborder traffic restrictions; Blockade of scientific and academic cooperation; Blockade of the access to reciprocal healthcare services; Banning on family reunification; Freezing assets; Restrictions to pilgrimages.
3. Economic risks: Loss of supply channels from Quartet countries; Destabilizing the rate of exchange; Destabilizing the budget; Economic slowdown; Inflation; Destabilizing the financial market; Loss of access to Qatari assets in Quartet countries; Destabilizing the real estate market; Blockade of Qatar Airways.

In reaction on these threats Qatar took effective countermeasures based on traditional diplomacy focusing on defending its brand and maintaining a positive image of the state. To address the first group of risks Qatar ran a positive PR campaign that cost the state $5 million [Al-Arabiya, 16.10.2017]. As part of this campaign Qatar: ran a campaign on CNN channels, established the Gulf International Forum whose aim was to promote Qatar's point of view on the crisis, signed an agreement with the USA on the cooperation in combating terrorism and financing, promoted itself as an attacked country that has the right to defend itself.

To protect its position Qatar also accused the Quartet of breaching international law by imposing illegitimate sanctions. The Emirate won the arbitrage procedure before the Office of the United Nations High Commissioner for Human Rights (OHCHR). Even though the High Commissioner expressed the will to visit both sides of the conflict he didn't received any reply from countries imposing the sanctions. As a result, the OHCHR expressed the opinion that sanctions are "breaking up families and disrupting young people's education" [Al-Jazeera, 8.1.2018].

To mitigate the anti-Emir campaign led by the Quartet, has organized a movement for mass support and solidarity with the Emir called "We are all Tamim" (*Kollona Tamim)* or Tamim the Magnificent (*Tamim al-Majd*). This movement was expressed by a stylized portrait of the Emir, drawn by a local artist, displayed on huge banners on glass skyscrapers, shop windows, walls of homes, T-shirts, cars etc. Many Qataris appreciate that life in Qatar after the sanctions has not changed, inside the state there is no crisis. They consider it as a success of Qatar policy.

Qatar strengthens diplomatic relations with many regional and international entities and undertakes a number of activities, including mediation, branding and image building, cultural and sport diplomacy, defense contracts (including by providing foreign bases to international and regional authorities) and even by engaging in military

Figure 3. Adaptive policy of the State of Qatar to the sanctions

Sanctions
▽

Risk analysis
▽

Risk analysis

▽   ▽   ▽

Social risks:

- Diplomatic sanctions
- Diminishing international position of Qatar
- Diminishing Qatar's position as a GCC member state
- Reducing Emir Tamim al Thani's ruling power
- Imposing the revision of international politics
- Cyber war

Political risks:

- Closing of border and cross-border traffic for foreigners among GCC member states
- Entrance restrictions (among citizens of GCC member states)
- Blockade of scientific and didactic cooperation
- Blockade of access to reciprocal healthcare services
- Restrictions for mixed families / ban on family reunification
- No access to property / freezing assets for Qatari
- Restrictions to pilgrimages

Economic risks:

- Blockade of imports of food and pharmaceuticals
- Destabilizing the rate of exchange
- Freezing assets
- Attack on currency reserves
- Destabilizing the state budget
- Inflation
- Reducing exports from Qatar
- Destabilizing stock exchange
- Destabilizing financial markets
- Destabilizing real estate markets
- Blockade on the expansion of Qatar Airways

▽

Monitoring
▽

Risk assessment
▽

Counteractions/ Adaptive policy of Qatar to the sanctions

▽   ▽

Political solutions:

- Diplomatic campaign, explaining Qatar's perspective and position.

- Accusing the Quartet of breaching international law and illegitimate sanctions.

- Winning the arbitrage procedure at the Office of the OHCHR, regarding illegitimacy of sanctions and breach of human rights by the Quartet.

- Mass movement of support and solidarity with the Emir.

- Development / consolidation of national identity.

- General support offered to the Emir by expats.

- Increase of Emir al Thani's role and influence.

- Reinforcement of national sovereignty

- Consolidating relations with Turkey and Iran.

- Massive purchase of weapons.

Economic solutions:

- Interventional purchase of food, pharmaceuticals from Iran and Turkey

- Establishing close relations and collaboration with Oman

- Concluding agreements on harbor services with Pakistan and India.

- Opening of Hamad Port

- Investing in domestic agricultural and food processing business (developing cattle farms)

- Strengthening the riyal as a prerequisite to reducing inflation.

- An increase in exports of hydrocarbons

- Leveraging payment to the companies, carrying out investments in the country

- Rationalizing and cutting budget expenditure for the public sector

- Merger of *RasGas* and *QatarGas*

- Maintaining the former gas contracts with UAE, Saudi Arabia, Bahrain and Egypt

- Liberalization of visa regulations for several new countries Diversifying tourist destinations

- Protecting the special position of QA

There are no social solutions

Source: author's own elaboration

interventions [Baabood 2017].

As regards national security, Qatar decided to buy a range of arms from Russia (negotiations over purchase of S-400 air-defense systems) and from Great Britain (24 Typhoon fighters). Qatar has also boosted its arms spending by 282% comparing to 2015 and become the world's 3rd biggest weapon importer [Hodgson 2017]. It signed a number of agreements on military and defense cooperation, including with France, as one of the first countries to sign the NATO Cooperation Initiative [Baabood 2017].

As to social sanctions, there are much more limited possibilities for adaptation and neutralization by the sanctioned state compared to political sanctions. Social sanctions touch mostly ordinary people in target country, and they can rarely be neutralized by the country's policy. Due to this fact, it is usually the people who pay the highest price for the government policy because they do not affect the moves their government undertakes (i.e. in the cases of Iraq or Iran). Even if people of the target country force their state leaders to change the policy of the authoritarian regime and start to protest, the probability that they succeed is very low. The target state has very limited, if not to say no, instruments to mitigate these kinds of sanctions. Closing the Saudi-Qatari border, closing foreign banking accounts, blocking scientific cooperation, banning family reunification are obstacles that can't be solved by the target country in a simple way. Even if the people of the sanctioned state look for alternatives to their businesses in other countries, broken families suffered as a result of splitting Saudi-Qatari or Saudi-Emirati marriages is an issue that is impossible to solve and expresses the high social costs of such sanctions.

Sanctions can stimulate anti-import policy in a target country. Such a policy is a key to the process of building a diversified economy. However, it requires from the state wide access to resources, an effective economy and highly legitimized authority. In Qatar's case, social sanctions worked as a stimulus for a shift in the national economy by accelerating the diversification processes.

Economic sanctions and the risk they pose give the target state more options to remain resilient and to mitigate their negative consequences. The embargo on the export of food, pharmaceuticals and construction materials to Qatar was supposed to lead to a decline in aggregated supply in the Qatari market. However, in order to neutralize this negative impact Qatar has signed a long-term contract with Iran and Turkey to facilitate trade between the three countries and to deliver food supplies from Iran (import from Iran rose by 60%) and Turkey (import from Turkey rose by 90%) [Kumar 2018: 437-442]. They enabled the replacement of Saudi and Emirati deliveries by Turkish or Iranian products. For instance, the construction materials necessary to finalize the construction works at the football stadiums for World Cup 2022 were delivered previously by the KSA and UAE. After the sanctions were imposed, they are imported from Iraq and Oman.

A very significant role in mitigating economic sanctions is played by Oman. By establishing tight collaboration between these two countries in form of initiating a trade

connection between Salalah Port and Hamad Port in Doha and by allowing Qatari flagged vessels to enter a sultanate's water lifted Qatar from isolation. No less significant was the Qatar's access to the Strait of Hormuz which ensures the free flow of the Emirate's hydrocarbon export to Asia. After the imposition of the sanctions by the Quartet, Qatar announced plans to raise its liquefied natural gas output by 30% to prepare for greater economic independence (self-reliance) in the long term.

It is worth noting that until then Qatar was using a Dubai located hub, Jebel Ali Port, as a key partner in its foreign trade. Much of its export and import of goods took place through this port. The launch of the Hamad Port in 2017 enabled Qatar to reduce its dependence on the UAE (Zafirov 2017), it started to play a crucial role in Qatari foreign trade, as a regional transport hub. Hamad Port is a component of the National Security Program. In the first 8 months of 2018 Hamad Port received more than 1000 vessels and helped Qatar circumvent Arab sanctions.

Although in many cases the sanctions proved to be ineffective, this was not the case for Qatar Airways (QA). As a result of the sanctions, 18 destination flights to the United Arab Emirates, Saudi Arabia, Bahrain and Egypt were lost. Furthermore, flights to other countries suffered because QA could no longer fly in the Quartet's airspace. This resulted in a decrease in passenger numbers by 9% and cancellations by 15% one year after the imposition of the sanctions. To neutralize the shock, they responded very professionally: 1) in response to the closed airspace, QA aircraft were diverted via new air corridors through Iran and Oman 2) QA added 21 new destination flights in 2017 (more are planned: 8 flights, including Lisbon and Langkawi) and increasing capacity to Oman, which has become an air hub for those who want to visit Qatar from outside the region 3) QA charters its fleet to other airlines 4) QA develops Cargo services [Dudley 2018]. As a result of the sanctions, a deterioration of QA's financial results in 2016/17 can be seen, transforming into a financial loss in the following years (2017/18 and 2018/19) [Qatar Airways 1.4.2018-31.3.2019]. QA seems to be the main and biggest victim of the sanctions.

To counteract the destabilization of the real estate market Qatar changed the law to allow foreigners to buy real estate and establish own businesses without a local partner. Since 2018 foreign investors have been allowed to possess 100% ownership in most sectors of the economy in a bid to boost non-energy revenues. The authorities in Doha liberalized visa regulations for several new countries to reach a total number of 80 of those who can enter to Qatar without visa permission. This aims to attract more investors and tourists, and make Qatar one of the most open states in the region. As regards real estate market policy, Qatar issued much more building permits (90% increase in July 2018 compared to the previous July) to influence construction sector growth. Residences are at the top of the list (59%) [The Peninsula, 13.8.2018]. Another sector under siege was the public sector. Many government departments and private sector conglomerates cut their budgets and reduced staff costs. According to the Financial Times Qatar is fostering enough growth "to fill the malls and residen-

tial towers rising across the urban sprawl of the capital." The gross domestic product will grow 2.7% in 2021 following a contraction of 2.5% this year, the IMF said in a statement following virtual meetings held with Qatari officials Dec. 6-14. Qatar also increased its gas export by signing new long-term supply deals with Bangladesh and Vietnam. By 2025 Qatar is going to build four new liquefaction plants. According to the Bloomberg "Qatar's LNG capacity will rise to 110 million tons of LNG a year from 77 million currently within 7 years" [Sergie 2018].

CONCLUSIONS

Sanctions imposed by the Quartet have changed the relationships within the GCC. For many years the State of Qatar tied its interest to the interests of the GCC. Qatar refrained from building other alliances, set new destinations or cooperation with other actors. Because of the imposed sanctions, Qatar did not have to remain loyal to the GCC members and countered its dependency on them [Feldman, Guzansky 2017: 2]. This new situation allowed it to create new international politics and alliances, and to open new supply channels without considering the interests of other GCC members. As a result, Qatar strengthened its economic diversity, broadened the scope of its international cooperation, and economic and national security. This was possible due to an implemented crisis management formula and the use of a global network to defend its sovereignty (including economic independence). The paradox of this situation lay in the result it has brought: sanctions that were supposed to diminish the power of a small Emirate strengthened Qatar in the way that was not expected by the sanctioning states.

The effects of the sanctions are both costly and economically painful for Qatar, especially looking from a short-term perspective. A much more significant long-term consequence generated by the sanction/blockade policy lies in the deterioration of trust among GCC member states that will be very difficult to rebuild, especially in as regards the current leadership in Abu Dhabi and Saudi Arabia. The decision to impose sanctions on one of the GCC member states has undermined the stability of the organization, one which plays a crucial role in the region. It seems that this situation will make recovery impossible for many decades. As a result, it may be argued that the Middle East has lost one of its most important stabilizing factors.

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SAFE HAVENS FOR GLOBAL JIHADI MOVEMENTS

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Abstract

The issue of terrorist safe havens has been dealt with since 9/11 when al-Qaeda attacked the US from its sanctuary in Afghanistan. However, until now there have been only few attempts to elaborate an analytical framework to identify areas that could transform into terrorist safe havens. Moreover, this issue is particularly important in the era when the so-called ISIS has been physically defeated, however, its ideology remains, hence there is a potential risk of its physical re-emergence in a new sanctuary. Thus, the aim of this article is to define safe havens for global jihadi movements by a set of criteria that make a certain area more attractive and vulnerable to the exploitation by jihadists. All criteria were identified after a rigorous study of the establishment of al-Qaeda in Afghanistan as well as its failure to establish itself in Somalia in the 1990s. The provided toolbox consists of three categories of criteria and sub-criteria whose interplay *conditions a successful establishment of a global jihadi movement within a particular area.* A quantitative analysis of every factor will enable to identify areas that are the most vulnerable and could potentially become the jihadist sanctuaries.

Key words: *Terrorist Safe Haven, Al-Qaeda, Afghanistan, Somalia*

INTRODUCTION

A "terrorist safe haven" is generally understood as a territory of a state (or within a state) that a terrorist group exploits as a base to freely perpetrate its activities, including training, planning, recruiting and sheltering terrorists. This term has been widely used especially in relation to the so-called failed states (or weak/fragile/collapsed states) where terrorists are believed to exploit non-governed areas. However, a previous research of the author concluded that there is no direct causal relation between failed states and terrorism, whereas other factors not necessarily related to state fragility or failure need to be considered as well. Therefore, the author suggested to re-define the term "safe haven for terrorists" and use it separately from "failed states". This article aims to fulfil this ambition and introduce the concept of "terrorist safe havens" as a separate category with a particular focus on so-called "safe havens for global jihadi movements". The scope of research has been narrowed to terrorist movements/groups that promote radical Islamist ideology[1] and operate on the global level (such as al-Qaeda and the so-called Islamic state). The ideology of jihadi terrorists based on the hostility towards secularism and towards the West makes their ambitions and scope of operation global. "Therefore, there is an increased risk that they may implant themselves anywhere across the world.

The aim of the article is to define the terms "safe havens for global jihadi movements"[2] by a set of criteria that makes certain areas more attractive to jihadists and vulnerable to being exploited as their safe havens. Thus, it introduces the criteria that contribute to the emergence of the so-called "safe havens for global jihadi movements". They were defined as a result of the author's previous research of the nexus between state failure and the establishment of Islamist terrorist groups. The study suggested that failed states should not be uncritically depicted as safe havens for terrorists, yet, instead, a set of criteria should be observed in order to estimate the probability that a particular area could become a safe haven for a global jihadi network.

The criteria were defined after a rigorous study of al-Qaeda's attempts to establish a new safe haven in the 1990s. The documents obtained by the US, which contains the communication between al-Qaeda headquarters and members of the al-Qaeda exploratory team in Somalia, revealed that bin Laden's expectations to turn Somalia into its safe haven in early 1990s had not been met. [CTC 2007] Somalia, despite being perceived as a perfect safe haven for al-Qaeda, showed features that disabled the group to fully exploit its territory. Finally, al-Qaeda established a safe haven in Afghanistan in 1996 after Omar al-Bashir expulsed bin Laden from Sudan. This historical case study enabled the author to evaluate which factors played the crucial role in the process of creating a safe haven for an international jihadi movement. The failure of al-Qaeda to turn Somalia into its sanctuary and its subsequent establishment in

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1 The radical Islamist ideology aims to conquer secular governments, purify Islam and Muslim societies from foreign elements and establish a global caliphate that would be ruled by the Sharia law.

2 In this article, the terms "safe haven" and "sanctuary" are used interchangeably.

Afghanistan will be used throughout the article to support individual factors delimited as positively or negatively influencing attractivity and exploitability of a territory for global jihadi movements. Besides, we will also give some more recent examples of the so-called Islamic state.

At the end of the article, we provide suggestions on how to apply the outlined toolbox in practice. The article aims to answer the questions: What makes an area attractive for global jihadi movements? What conditions a successful establishment of a global jihadi movement within a particular area? The findings in this study may be applicable when it comes to the contemporary situation in the Middle East. Although the so-called Islamic state has been physically defeated, its ideology has remained, and many radicals have fled. Therefore, the risk remains that the IS could re-emerge. Its re-emergence may not be limited only to Iraq and Syria, it may occur at any convenient area. This article provides a toolkit on how to detect an area convenient for global jihadi movements such as the IS. It could be used for determining which areas face the highest risk of potentially becoming its new safe haven.

1. DEFINING THE CONCEPT

Safe havens for terrorists had been present in the political and academic discourse even before the major attacks of 9/11. However, it was only when al-Qaeda, harboured in Afghanistan, attacked the American territory, that terrorist sanctuaries have become a major concern of the US counterterrorism efforts. Sanctuaries begun to be considered a critical element for the functioning of a terrorist group that make terrorism even a bigger threat. Therefore, the US post-9/11 counterterrorism policy has largely focused on denying terrorists safe havens. Accordingly, the invasion to Afghanistan was legitimized by the fact that its territory had provided al-Qaeda a sanctuary to plan the attacks. Since then, any area labelled as a terrorist sanctuary has been categorized as a threat and a potential target of counterterrorism.

1.1 Post-9/11 debates on terrorist safe havens

The attacks of 9/11 have not changed only the perception of the threat posed by terrorist safe havens, but also the perception of the term itself and its meaning. In the 1970s and 1980s, the notion of terrorist safe havens described functioning states that supported or sponsored terrorist activities. After the attacks which were planned by al-Qaeda in its sanctuary in poor and unstable Afghanistan, there has been a synonymic use of terrorist safe havens and failed states[3] in both political and academic domains.

The 9/11 Commission Report claims that "to find sanctuary, terrorist organizations fled to some of the least governed, most lawless places in the world". (p. 366) It concluded that the US should focus on "remote regions and failing states" in its effort

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3 Rotberg (2003) defines failed states as states that are unable or unwilling to fulfil their main functions stemming from the statehood. Taylor (2013) defines them as states where the government cannot maintain order, control over the territory, monopoly on the legitimate use of force and control over social and economic relations in the society.

to suppress terrorist sanctuaries. (p. 367) Similarly, the 2003 National Strategy for Combating Terrorism states that, "the United States will work […] to ensure effective governance over ungoverned territory, which could provide sanctuary to terrorists." (p. 22) The 2006 Quadrennial Defense Review states that, "they [terrorists] exploit poorly governed areas of the world, taking sanctuary where states lack the capacity or the will to police themselves". (p. 21) The 2006 National Strategy for Combating Terrorism declared: "we will continue to prevent terrorists from exploiting ungoverned or under-governed areas as safe havens - secure spaces that allow our enemies to plan, organize, train, and prepare for operations." (p. 16) The 2011 National Strategy for Counterterrorism states that "al-Qaeda and its affiliates and adherents rely on the physical sanctuary of ungoverned or poorly governed territories, where the absence of state control permits terrorists to travel, train, and engage in plotting." (p. 9) Finally, according to the Ungoverned Areas Project launched by the US Department of Defense, "all ungoverned, under-governed, misgoverned, and contested areas are potential safe havens, because governance gaps in such places are vulnerable to exploitation by illicit actors seeking invisibility." [Lamb 2008, p. 18] All these documents imply directly or indirectly the link between terrorist safe havens and governance deficiency or failed states.

However, the narrative that perceives terrorist sanctuaries in relation to state fragility has been facing increasing criticism. First of all, there are number of opponents of direct causality between the two phenomena. Mankhus (2007) and Patrick (2011), for instance, argue that failed states and ungoverned areas may be less attractive for terrorists than weak yet relatively functioning states that can provide them more benefits. In this context, we suggest that the relation between fragile states and the establishment of a terrorist group is not directly causal, rather, it is conditioned by other elements that may not be related to state fragility. Hence, although state fragility may contribute to the attractiveness of a territory to terrorists, there are other criteria to consider as well.

Secondly, there is an ongoing debate on the role of metropolitan areas as sanctuaries especially in functioning and stable democracies that through the openness, freedom and population density indirectly enable terrorists to communicate, recruit and plan while remaining hidden in the crowd (so-called Londonization). Yet, we argue that although terrorists in the cities in Western democratic states are able to hide and plan, they face a relatively high risk of persecution and their activities thus remain limited. Hence, although metropolitan areas enable them to conduct some partial activities, it is far from what terrorists could achieve if they enjoyed the support from powerbrokers and could operate without restrictions and fear from persecution. These are the definitional features of terrorist safe haven as understood in this article.

Another debate has emerged on whether terrorists do actually need a *physical* sanctuary if they can use cyber space as a *virtual* sanctuary for most of their activities, which makes them physically even less vulnerable. [Arsenault, Bacon 2015] Nowa-

days, terrorists are able to recruit, raise funds, plan and train on the internet. However, the spread of the IS and the declaration of caliphate on significant parts of Iraqi and Syrian territory proved that physical sanctuaries offer additional assets (training, acquisition of abandoned weapons, money coming from the taxes and oil sales, etc.). The IS proved that despite the terrorists' exploitation of virtual space, the issue of physical safe havens is not out-of-date, and its potential re-emergence remains a threat to international security.

1.2 Terminological and analytical approaches to terrorist safe havens

There have been several attempts to provide a definition of terrorist safe havens, their typology and a framework for analysis. However, this area remains under-researched and faces several shortcomings outlined below.

Innes (2008), one of the prominent experts on the issue of safe havens, understands a terrorist sanctuary as a "complex terrain of material, human, and cognitive dimensions". (p. 251) Korteweg (2008) defines terrorist sanctuaries as "areas in which non-state militant organizations are able to undertake activities in support of terrorist operations" (p. 60). He also refers to the definition of a sanctuary as "a secure base area within which a non-state [militant] group is able to organize the politico-military infrastructure to support its activities". (p. 64) These activities consist of finding a shelter, managing logistics, gaining access to financial resources, training, recruitment and establishing bases for operations. Campana and Ducol (2011) perceive safe havens rather as "social spaces governed in alternative ways" (p. 408). Their conceptual framework applies, in particular, to under-governed or ungoverned areas susceptible to emergence of alternative governance which may be further exploited by the terrorists. Similarly, the US government defines safe havens with reference to the deficient governance. Country Reports on Terrorism published annually by the US Department of State defines terrorist safe havens as "ungoverned, under-governed, or illgoverned physical areas where terrorists are able to organize, plan, raise funds, communicate, recruit, train, transit, and operate in relative security because of inadequate governance capacity, political will, or both."

In general, terrorist safe haven is usually understood as a geographical area, social space or the territory of a state which is ungoverned or ill-governed. Governance (its deficiency) is the central element of most analysis thus making direct or indirect reference to so-called fragile states, another vague and debated concept. Linking safe havens to fragile states may be perceived as one of the main shortcomings of existing research.

When it comes to typology, Korteweg (2008) distinguished between two types of sanctuaries: host-state sanctuaries and terrorist black holes. The difference consists of the government's knowledge, attitude and activities undertaken vis-à-vis terrorists. His study is focused especially on terrorist black holes, which he perceives as ungoverned areas characterized by lawlessness and fragility conducive to terrorist presence.

This approach evokes again the confluence of state failure and terrorism. A similar approach is offered by Arsenault and Bacon (2015). Their typology distinguishes between the government's will and capacity to oust a terrorist group. The intersection of the two axis provides three types of terrorist safe havens based on the interplay between the will and capacity to eradicate terrorists: government-enabled sanctuary, government-sponsored sanctuary and contested sanctuary. [Arsenault - Bacon 2015] Finally, there have been several attempts to provide an analytical tool that would enable politicians and analysts to define areas that are the most susceptible to becoming the next terrorist sanctuaries. Korteweg and Kittner are among the few scholars who provided a set of elements that define a terrorist sanctuary.

Korteweg (2008) defines seven elements of what he calls terrorist black holes, and by their confluence he explains why a terrorist group is present within a particular area: (1) lack of government control; (2) ethnic-religious communities; (3) legacy from prior conflict (weapons, veterans); (4) geographical characteristics; (5) economic opportunities; (6) economic underdevelopment; (7) external influences. He emphasizes the role of the government and claims that there is a zero-sum game between effective government control and terrorist presence. According to him, "terrorist black holes lie at the crossroads between transnational terrorism and state failure". (Korteweg 2008: 70)

Kittner (2007) focuses on safe havens for international *Islamist* terrorist networks. She defines them as "geographical spaces where Islamist terrorists are able to successfully establish an organizational and operational base." (p. 308) She defines four conditions that are necessary for the establishment of such a safe haven: (1) geographic features; (2) weak governance (with a direct reference to so-called failing, failed or collapsed states); (3) history of corruption and violence; (4) poverty. Similar to Korteweg, Kittner claims that these conditions cannot be taken in isolation, but it is the combination of them that offers a favourable environment for transnational Islamist terrorists.

These studies represent a significant contribution to the debate on terrorist safe havens, however, they face also certain weaknesses. First of all, they pay too much attention to governance-related issues, thus creating the confluence between failed states and terrorist sanctuaries. Secondly, Korteweg neglects the fact that there are different kinds of terrorist groups when it comes to their motivation and goals, and accordingly, they require different environment to thrive. Last but not least, none of them enables us to explain satisfactorily why al-Qaeda failed to establish a safe haven in Somalia in the 1990s, which suggests that there are more factors that should be taken into consideration when identifying terrorist safe havens.

In this article, a terrorist safe haven is understood as a *physical* area where terrorists can establish their base and perpetrate all kinds of their activities with relative safety and impunity. We suggest that rather than automatically identifying failed states as terrorist sanctuaries, a set of specific criteria that make a territory attractive to terrorists should be observed. Thus, we can avoid using the term failed state

and its equivalents (weak, fragile, collapsed state). Instead, we define specific criteria that may increase the attractiveness of a territory for jihadi movements, while we acknowledge that some of the criteria may belong to the attributes of failed states.

2. PRESENTING A TOOLBOX

To overcome the above-mentioned shortcomings, we provide a set of criteria whose interplay conditions the success of an international jihadi group in exploiting a particular territory as its safe haven. At the same time, we point to the factors that may have a counter-effect in the establishment of a terrorist safe haven as they neutralize the impact of pro-establishment criteria. All the factors are divided into three main categories (ideological aspects, governance-related aspects, geographical aspects), which consist of particular criteria and sub-criteria. Stemming from the Welch's theory on the causes of conflict, the below-defined criteria play the role of *necessary conditions* when it comes to emergence of a safe haven for jihadists, while sub-criteria represent *sufficient conditions.* Sufficient conditions are not directly related to the emergence of a jihadi safe haven, yet they influence the existence of necessary conditions, hence they have an indirect impact on the establishment of a jihadi sanctuary. [Welch 1993] Together, they constitute a toolbox - a complex set of conditions whose mutual interactions influence the attractivity of a particular area for global jihadi networks.

2.1 Ideological affinity: adoption of jihadi ideology

For an area to become a safe haven for a global jihadi movement, first of all, ideological aspects need to be met. Ideology of jihadi terrorist groups such as al-Qaeda or the Islamic State (so-called *jihadi ideology*) consists of three main pillars: (1) hostility against secular governments and desire to implement the Islamic law, eventually restore a caliphate; (2) antiwesternism; (3) willingness to use force in pursuit of their goals (militarism). A society or at least a certain part of it that advocates these three pillars represents a favourable environment for the establishment of a jihadi group. Hence, the promotion or adoption of a jihadi ideology by a certain community constitutes the first precondition for a jihadi group to successfully establish a safe haven within a particular territory. The process of adoption of jihadi ideology is outlined in the figure 1 and its separate elements are explained below.

It consists of four main steps/criteria: *presence eventually importation of radical Islamist ideology[4] + self-identification with radical Islamist ideology + adoption of anti-Westernism + militarization.* Within this process, it may be distinguished between the *Islamist radicalization* (adoption of radical Islamist ideology based on ultra-conservatism and politization of religion) and the so-called *jihadi radicalization* understood as the adoption of *jihadi ideology* as proclaimed by al-Qaeda or the IS. Jihadi radicalization thus implies two additional criteria: *hostility against the West* and pro-

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4 By radical Islamist ideology we understand especially ultra-conservative teachings of Salafism and Wahhabism based on political Islam, fundamentalism and strict interpretation of the Islamic law.

motion of *the use of indiscriminate violence,* and it constitutes an extension of Islamist radicalization.

2.1.1 Presence of radical Islamist ideologies

There are several branches of Islam, some of them embracing more strict interpretation of religious tenets and advocating political aspects of religion. Probably the most conservative interpretation of Islam is provided by Salafism[5] and Wahhabism[6] (part of the Salafi teaching), which were born within ultra-conservative communities of Egypt and Saudi Arabia. These branches of Islam provide ideological base for most of the contemporary Islamist terrorist groups that try to legitimize their actions by misinterpreting the verses of the Qur'an.

On the other hand, Sufism represents a moderate and apolitical branch of Islam that strictly refuses to link religion to politics as well as the use of violence. It promotes mysticism, spiritualism and pragmatic interpretation of the Qur'an instead of the literal one. Therefore, in societies with majority Sufis, we may expect that ideas of global jihad striving for a violent restauration of the caliphate ruled by Sharia would find only little if any support. Sufism is characteristic for African societies including, for instance, the tribes in Somalia.

However, even a Sufi society may be forced by number of circumstances to gradually adopt radical Islamist thoughts. In general, it may result from two subsequent phenomena. Firstly, radical Islamist ideologies need to be *imported* from abroad, and secondly, society itself needs to be *radicalized* under certain circumstances to identify itself with these radical teachings. The import of Salafism/Wahhabism may be well portrayed by the case of Somalia with a traditionally Sufi society. The import of radical ideology occurred by several means: (1) exodus of religious preachers and students to Muslim countries with predominant Salafi/Wahhabi ideologies, their indoctrination and subsequent return to Somalia; (2) return of mujahideens fighting in the Afghan jihad in the 1980s; (3) engagement of ultraconservative states seeking to export the Islamist revolution.

During Siad Barre's regime and his repressive politics against religious organisations, many religious leaders and their sympathizers left Somalia and joined the growing Somali diaspora in the Persian Gulf states, where they got in touch with teachings of ultraconservative Salafism/Wahhabism. [ICG 2005] In addition, many young people

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5 Salafism strives to return to the early Muslim practices and purify Islam from innovations and especially from Western elements that according to Salafis caused the contamination of true Islam and the deviation from the right path. (Brtnický 2008) The Salafis believe in the strict obedience to the rules of the Qur'an and the Sunna.

6 Wahhabism is an ultra-conservative ideology that manifests in severe interpretation of Islamic law. At the same time, it embraces features of military extremism. When compared to other Muslims, the Wahhabis are more susceptible to using violence not only against Westerners but also against Sufis and Shiites that radical Wahhabis do not recognize as Muslims. Wahhabis believe that they are the only true believers who should take up arms against non-believers. (Netton 2008) The ultimate goal of Wahhabis is the establishment of the global Umma that would include all the territories formerly subjugated to the Islamic rule.

went abroad to study at foreign universities especially in the Middle East, where they were influenced by political Islam and fundamentalism. Once back in Somalia, some of them formed opposition groups including one of the few Salafi groups, al-Itihad al-Islamiya (AIAI), which was founded by young Somalis who had studied in Egypt and maintained contacts with the Egyptian Muslim Brotherhood. [Cilliers 2015] After Barre's collapse, they promoted the establishment of an Islamic government as an alternative to anarchy. Socio-economic and political situation in Somalia was dire, hence Somalis who were influenced by the conservative Islamist teachings perceived political Islam and fundamentalism as a solution to their problems. Moreover, in the early 1990s, mujahideens who were fighting in the Afghan jihad, returned home and joined these groups which influenced them in terms of ideology and militarism.[7] The indoctrinated mujahideens supported the idea of the fight against corrupt secular regimes that they believed ought to be replaced by Islamic governments.

Last but not least, Wahhabism/Salafism was imported also by other states, missionary and charity movements. The involvement of states abroad usually entails also the import of the respective state's ideology. Radical Islamist ideology may thus expand via the engagement of states supporting such ideologies.[8] Since the 1970s, the Gulf states, especially Saudi Arabia, financed mosques, madrassas and charity organizations in Somalia and enabled educational exchange programs, which all together contributed to the spread of Wahhabi influence within the Somali society. In the 1990s, it was especially Sudan and Iran that used humanitarian aid to promote their own interests - export of the Islamic revolution to Africa. They supported Islamic and charity organizations that served them to spread the Islamist and revolutionary ideology. (Shay 2008) In addition, various Salafi missionary and charity movements from abroad have infiltrated into the traditional Sufi society, established new mosques, schools and provided services. Their adherents are more susceptible to radical and intolerant interpretation of Islam, they are thus more susceptible to being recruited by the radical Islamist or jihadi groups. [Menkhaus 2007] Hence, Salafism/Wahhabism started to penetrate the traditional Sufi society in the form of ultraconservatism and political Islam. As a result, several movements embracing Islam as an instrument in the political struggle emerged. However, the import itself is not sufficient. For radical ideologies to thrive, at least a part of the society needs to be responsive and identify itself with the ideology.

The ideological aspects were underestimated by al-Qaeda which was looking for a new potential safe haven in the early 1990s. Bin Laden considered Somalia as an option, however, a predominant Sufi population with no ambitions to fight for a global jihad

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7 Foreign fighters played important role in the import of radical Islam also into the Balkans on the background of military conflict in Bosnia and Herzegovina in the 1990s. (Stojar, 2016)

8 On the other hand, if the state in question participates in the global war on terror and maintains good relations especially with the US as the leading nation in this "war", we may presume that it will not tolerate radical groups and terrorist activities on its soil. After all, it was especially the US pressure that led Omar al-Bashir to expulse bin Laden from Sudan. In general, active participation of a state in counter-terrorism decreases the attractivity of a particular area for global jihadists.

made it difficult for al-Qaeda to find support for its cause. Even the alliance with AIAI did not ensure al-Qaeda full support. Despite military assistance to AIAI, the group refused to participate in the military operations against the US and the then leader sheik Hassan Tahir suggested to opt for political tools instead. Similarly, Hassan Dahir Aweys, member of the AIAI leadership, claimed at the beginning of the 1990s that the time was not right yet for jihad proclaimed by al-Qaeda. Al-Qaeda hence criticized the Somali Islamists and claimed that they were unreliable "cowards". [CTC 2007: 41-44] Moreover, Somalis refused to join al-Qaeda because it would mean loss of their clan identity which would not get along without punishment. Al-Qaeda despite providing food and money was not able to compensate the loss if someone decided to abandon their own clan. [CTC 2007: 23]

Therefore, despite the import of Salafism/Wahhabism, Somalia dealt with it (at least at the beginning) in its own specific way respecting the prevalence of moderate and apolitical Sufism. Other factors were thus required to enable the jihadi ideology to thrive. It was conditioned especially by the radicalization of the society and gradual self-identification with the basic tenets proclaimed by jihadists (including anti-Westernism and the use of force). All of them will be explored in more detail as separate criteria.

2.1.2 Self-identification with the radical Islamist ideology

Infiltration of a foreign jihadi group within a certain area is easier, if there are already some radicalized communities or even terrorist groups with similar ideology. In such a scenario, a global jihadi movement may prepare ground for its physical establishment on a certain territory by first establishing links with ideologically similar groups. These links will later facilitate the penetration and establishment of a global jihadi movement. Emergence of homegrown terrorist groups is conditioned by prior *Islamist radicalization* of a part of society understood as *self-identification with radical Islamist ideology* that promotes ultra-conservatism and political Islam (advocating religious solutions for political problems).

As mentioned above, al-Itihad al-Islamiya emerged in opposition to the secular politics of Siad Barre, who suppressed Muslim identity in the Somali society and banned religious organisations and political movements. Members of AIAI believed that the only way to free Somalia from the corrupt dictatorship is to adopt political Islam. [Gatsiounis 2012] After the collapse of Barre's regime in 1990, AIAI was one of the non-state actors that sought to fill the vacuum and impose the rule of Sharia. The movement's ideology was further influenced by the fact, that former Afghan mujahideens became members of AIAI. The group established training camps to train its members in combat tactics including terrorism, however, the Somali society was not yet prepared to accept violent jihad and, as mentioned above, even AIAI leaders refused to participate in the anti-American armed jihad of al-Qaeda. [Mantzikos 2011] Despite the fact that AIAI refused al-Qaeda's vision of global jihad, bin Laden per-

Figure 1: Process of adoption of jihadi ideology
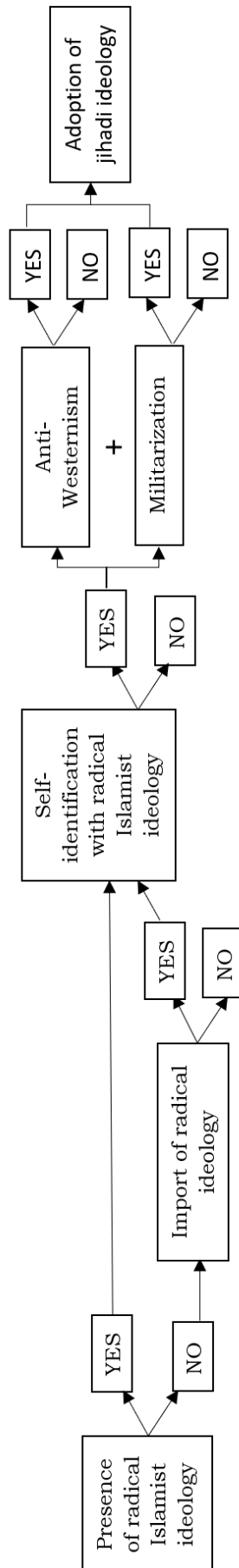
Source: Elaborated by author

ceived AIAI as a potential ally in the lawless Somalia. There had been already *personal contacts* between former mujahideens (AIAI members) and bin Laden, and several wealthy Saudis even financially supported AIAI to influence its ideology. In the 1990s, AIAI allegedly enabled al-Qaeda to use its bases, training camps and infrastructure to perpetrate attacks on the African continent, including the 1998 attacks on the American embassies in Kenya and Tanzania and Mombassa hotel bombing. [CTC 2007] AIAI together with al-Qaeda are believed also to have participated in the Black Hawk Down incident in 1993. Bin Laden even enabled the transport of hundreds of former mujahideens to assist AIAI in its fight against Ethiopia, when it intervened in Somalia in 1996 to defeat Somali extremists. [Shay 2008] AIAI was ultimately weakened after the Ethiopian intervention, however, it played an important role in terms of ideology and human resources in the emergence of other radical movements, such as the Islamic Courts Union and al-Shabaab.

Islamic Courts Union (ICU) was created on the background of anarchy and lawlessness as a non-state actor, whose prime task was to provide citizens with basic goods and services such as order, security and law. However, it promoted ultra-conservative version of Sharia, imposed strict rules and cruel punishments, which made it closer to radicals from al-Qaeda. Partially shared ideology enabled them to maintain close contacts and cooperate in some areas. For instance, ICU provided shelter to some of al-Qaeda members, including the terrorists responsible for attacks in 1998. Although ICU was defeated in 2006, it represents another important element in the process of al-Shabaab creation. It was only al-Shabaab that under specific circumstances adopted the vision of jihad as proclaimed by al-Qaeda.

Hence, although Al-Qaeda did not succeed in establishing itself in Somalia since the 1990s, it managed to use the territory for some of its activities

directly or indirectly via *local Islamist organizations*. In other words, although AIAI and ICU did not fully embrace bin Laden's vision of anti-American jihad and they did not enable al-Qaeda to make Somalia its safe haven, they did enable al-Qaeda to partially exploit the Somali territory and sow the seed of its ideology which started to germinate only later. What made al-Qaeda's ideology different from the local Islamist groups of the 1990s was the emphasis on anti-Westernism and the use of excessive violence in pursuit of its goals.

2.1.3 Presence of anti-Westernism

Anti-Westernism consists of a strong sentiment of hostility against the West. Its emergence and reinforcement can be perceived as a part (or extension) of the radicalization and it constitutes an important element in the adoption of jihadi ideology as proclaimed by al-Qaeda or the so-called Islamic state. If anti-Westernism was absent from the agenda of a jihadi group, its enemies would be different from those of al-Qaeda or IS. In that case, cooperation between the groups would be more difficult and limited.

Anti-Westernism may emerge within the Muslim society as a result of a perceived threat to its religious identity posed by the West. It may be present within ultra-conservative societies as a heritage of colonization by the Western states, but it may be also provoked by the expanding globalization and more recent involvement of the West in Muslim countries, including their support for corrupt secular regimes or military intervention and co-opting of the so-called "puppet governments". In Somalia, anti-Westernism begun to emerge first on the background of the failed US-led intervention in the 1990s. Later, it was reinforced by the co-opting of transitional governments which were created at international conferences and not from within Somalia. But still, in the first years after the collapse of Barre's regime, Somali radicalization was more nation-oriented and less anti-Western, which disabled al-Qaeda to find a favourable environment for the establishment of a safe haven on the Somali soil. The sentiment of anti-Westernism is thus an important precondition in the adoption of jihadi ideology proclaimed by al-Qaeda or the Islamic state. It makes the corresponding part of the society more vulnerable to accepting their vision, especially because of the principle of the common enemy.

2.1.4 Tradition of militarism/militarization of the society

Another pillar of jihadi ideology is the use of violence. People are susceptible to using weapons to solve their problems if the so-called culture of violence prevails or if they are "forced" by specific circumstances. This is often the case of lawless areas characterized by a power and security vacuum where communities have to rely on themselves when it comes to security and protection. The state of anarchy is characterized by self-help and constant battle between the groups striving for power. The groups and communities form their own militias to ensure safety and conquer ene-

mies. Moreover, militarized groups may be susceptible to supporting political violence even in the form of terrorism as a last resort, if no other adequate forms of achieving their political goals are feasible. In general, if a society is militarized, it means that: (1) there is a significant number of weapons on its territory that terrorists may be interested in, and (2) people are willing to use violence in pursuit of their interests. Hence, militarism increases the risk that terrorists will find recruits as well as weapons within the respective area.

When it comes to Somalia, after Barre's collapse, Somali society has become increasingly militarized. Warlords were fighting between themselves to increase their power on the local level. In a lawless society, violence has become a tool to solve problems and people had to rely on themselves and on the clans' militias to ensure their safety and protection. Militarization of the Somali society was further reinforced after the US had dispatched its troops in the Horn of Africa in the 1990s. Sudan and Iran, which tried to export the Islamic revolution to Africa via Somalia, perceived the US-led intervention as a threat to their interests. Therefore, they provided finance, military equipment and training to Somali warlords to enable them to fight the Americans. Among those providing training to Somalis was Hizballah, Lebanon-based terrorist group. Militarization was one of the reasons that led al-Qaeda to believe that Somalia could become its new safe haven.

In the contemporary Somalia, al-Shabaab is the major militant non-state actor. It emerged at first as a militant wing of the ICU, hence, it has been a militarized Islamist movement since the beginning. At first, al-Shabaab acted more like a nationalist force that would free Somalia from foreign influences and establish the rule of Sharia, yet, it gradually adopted the idea of international jihad. Its ideology in terms of indiscriminate use of violence and anti-Westernism was reinforced especially by the 2006 military intervention of Ethiopian troops to Somalia and the establishment of provisional governments that were regarded as puppets of the West. Moreover, several al-Shabaab leaders maintained personal contacts with al-Qaeda and both groups have been cooperating in the area of indoctrination and training. This partnership enabled al-Shabaab to improve its military capabilities, while al-Qaeda gained opportunity to expand its network and reinforce its ideological influence in Somalia. In 2009 al-Shabaab pledged loyalty to al-Qaeda thus formally joining the global jihadi network. However, at that time al-Qaeda was already weakened and decentralized.

The case of Somalia suggests, that the adoption of jihadi ideology that consists of self-identification with radical Islamist ideologies (ultra-conservatism and politization of religion) as well as adoption of anti-Westernism and militarism may emerge as a result of four *sub-criteria* (sufficient conditions): a threat to Muslim identity, inadequate socio-economic conditions, a lack of government's legitimacy and presence of foreign military.

Threat to Muslim identity

In general, any threat to one's identity provokes a desire and need to protect it. The perception of such a threat may result from the penetration of foreign elements that are considered incompatible with the identity or from forced oppression. A community whose identity is threatened may try to purge itself of undesirable foreign elements, protect itself from any potential devastating influences, and ultimately, it may use force to get rid of the source of perceived "contamination" or oppression. Historically, Muslim identity was endangered by secular rulers, Western imperial ambitions and colonization, but more recently also by globalization (from the perspective of the ultra-conservative communities).

Colonization of the Muslim lands by the Western powers became one of the major drivers of fundamentalism and radical Islamist ideologies seeking to conquer the foreign rule by reinstalling Islamic principles and by establishing Islamic emirates which would be ruled by a Muslim leader in line with the Islamic law. More recently, globalization had a similar impact on traditional Muslim societies which fear that the penetration of the Western lifestyle would endanger their traditional way of life. Hence, in conservative societies, the heritage of colonization and ongoing globalization provoked the sentiments of anti-Westernism and especially anti-Americanism as the US are considered the driving force of globalization. On the background of these two phenomena, number of radical religion-based groups have emerged that sought to conquer the Western influence and protect Muslim identity.

The Muslim Brotherhood was among the first fundamentalist anti-Western Islamist groups. Its ideology developed from the ideas of two Egyptians in particular, Hassan al-Banna (1906-1949) and Sayyid Qutb (1906-1966). The former was irritated by the British presence in Egypt and its efforts to enforce the pro-Western oriented educational reform at the expense of Islamic teachings. To spread his ideas, al-Banna founded the Muslim Brotherhood, which was later partially radicalized by his disciple Sayyid Qutb. Similar to al-Banna, Qutb was disillusioned especially with the American liberal lifestyle and excessive freedoms. [Brtnický 2008] He feared that the Western influence on the Egyptian society would have devastating consequences for Islamic traditions which led to his radicalization and desire to purge the Muslim society of the Western facets. For this purpose, he promoted armed jihad to vanquish the British that he perceived as oppressors, to change the secular constitution and establish the rule of Islamic law. [Davis 2007] Ideology of the Muslim Brotherhood was adopted and further radicalized by terrorist groups such as al-Qaeda.

When it comes to Somalia, the need to protect the religious identity of Somalis emerged already during Barre's regime that suppressed religious organizations. A threat to Muslim identity contributed to the emergence of AIAI that sought to establish a state ruled by Sharia. As mentioned above, a threat to Muslim identity may be caused by secular rulers who suppress the Islamic traditions of the society as well as by the subjugation to the rule of foreign powers or by penetration of Western values and life-

style. These trends may provoke attempts to protect Muslim identity, not excluding the use of force as the last resort. In this case, violence would be perceived by the endangered community as a legitimate tool to defend the Islamic values and identity.

Inadequate socio-economic conditions, frustration and discontent within the society

Another aspect that may provoke radicalization of the society relates to its socio-economic situation. The economic theory of radicalization claims that a lack of economic opportunities, socio-economic degradation, poverty and misery may become a source of radicalization and adoption of terrorist ideology. Number of academics claim that frustration, marginalization and socio-economic degradation of the Arab world creates a breeding ground for Islamist radicalism. [Škvrnda 2002, Sviatko 2005] Gurr, the author of the theory of economic deprivation, claims that the gap between economic ambition and opportunities to achieve them lead to frustration which may be the cause of protesting violence. Lack of economic development endangers state legitimacy, and according to him, delegitimization is a source of political violence. Poor and frustrated people may perceive the government as corrupt, ineffective and incapable to guarantee economic growth and adequate living standards. The decrease of trust and legitimacy thus increases the risk of a violent conflict. [Gurr 1970, Lutz - Lutz 2008: 17]

Stemming from these theories, it may be claimed that people who face unfavourable economic and social situation, where the state cannot guarantee them adequate living standards, security or regular income and provide opportunities for self-realization, are vulnerable to frustration and radicalization and seek alternative ways of income. Such individuals may be susceptible to supporting political violence and participating in criminal/terrorist activities in order to gain economic and political results, certain level of security and protection. [Howard 2010: 962] They may believe that terrorist organizations will succeed where the state has failed. Some of them may decide to support political violence in the form of terrorism to ensure themselves basic goods or demonstrate discontent with the prevailing situation in the state or to achieve the feeling of self-realization. [Takeyh - Gvosdev 2002: 100]

Socio-economic deprivation was characteristic for Somalia especially after Barre's collapse. Given the prevailing socio-economic conditions in Somalia of 1990s (poverty, deprivation, unemployment), bin Laden expected to find a pool of recruits in the Horn of Africa. [CTC 2007] However, he underestimated other factors, such as the prevalence of moderate Sufism, strong clan identity and the lack of anti-American sentiments, hence his expectations were not met. Yet, when al-Shabaab, a home-grown terrorist group, was increasing its power 15 years later, many recruits where motivated by the possibility to earn money and obtain food. When Transnational Federal Government was unable to pay policemen and soldiers, al-Shabaab provided its members 20 USD for a grenade attack, 30 USD for killing a soldier and 100 USD

for a bomb attack. [Hansen 2013: 58] Moreover, al-Shabaab gained control over a part of food assistance which was afterwards distributed among its members and their families. This illustrates that socio-economic situation may make people more vulnerable to joining terrorist group for pragmatic reasons. However, the ideological affinity remains still important. Moreover, al-Shabaab may have been more successful in recruiting frustrated Somalis because it is a home-grown terrorist organization.

Lack of government's legitimacy

Delegitimization of the government/ruler may lead to radicalization understood as the adoption of an extreme form of political activism. [Sprinzak 1991] Delegitimization and subsequent radicalization may occur in three ways. Firstly, transformational delegitimization is specific for the states that have not successfully accomplished the process of democratization, where democracy is not consolidated enough and the power is abused for the sake of elites. Disappointment from the democratic transformation leads to the decrease in trust towards the government and regime, which may evolve into the crisis of legitimacy. Those who are not satisfied with the results of transformation are vulnerable to radicalization and they may even opt for violence in order to change the system. Secondly, radicalization may occur if some ethnic, separatist or minority group is not satisfied with the level of fulfilment of its demands and it regards the central government as illegitimate to rule over its people. Thirdly, radicalization can also arise in authoritative states, where dissatisfaction and frustration results from slow and insufficient reforms or unwillingness of the government to respond to its people's demands. People feel powerless and become susceptible to solving their situation by force, if no other tools are available.

In general, delegitimization and subsequent radicalization are related to disappointment from political and socio-economic development. Deprivation, disillusion and hopelessness are often considered to be not only reasons of decreasing loyalty towards the government, but also the sources of terrorism. [Cigánik, Jaššová 2006; Schmid 2011; Hoffman 2006: 24] If the government is incapable to reflect public opinion and protect public interests, it loses legitimacy. Stemming from Sprinzak theory, these conditions create a breeding ground for a successful implantation of radical ideologies. Frustrated and disenfranchised Muslims may identify themselves with radical jihadi ideologies that call for Islamisation (adoption of radical interpretation of Islamic law) and restoration of the glory of the Islamic world. (Klavec 2014) Ultimately, they perceive themselves as holy fighters driven by the feeling of despair and incapacity to make change without the use of violence.

Similarly, according to Moghaddam, the prerequisite for radicalization stems from structural conditions, that are perceived by a certain group as unfair. Disadvantaged individuals strive to improve their social and political situation, and with each failure, they progress to the subsequent phase of radicalization which ends by the use of force/terrorism. [Moghadam 2005]

Delegitimization relates also to the so-called puppet governments that are perceived as co-opted by foreign powers and do not reflect specificities and traditions of the respective society.[9] If the foreign powers are part of the so-called West, the radicalization may achieve the form of anti-Westernism. In Somalia, transitional governments were perceived by the radicals as illegitimate, and there were several assassination attempts aimed at the president and prime minister. In 2006, the first suicide bombings by al-Shabaab occurred in Baidoa, the provisional capital of Somalia, which almost injured the president Yusuf. [Menkhaus 2007]

In general, if the government lacks legitimacy, there is an increased risk of general discontent. If the government is non-responsive to people's demands or incapable to ensure basic goods and services, people search for alternative sources of legitimacy often provided by local or spiritual leaders, warlords, but also terrorist groups. Moreover, if the system disables a peaceful political change, disenfranchised people may eventually opt for violence. Finally, if the government is regarded as a puppet of the West that rules regardless of the local traditions, it may provoke sentiments of anti-Westernism that could be further exploited by global jihadi movements seeking an ideologically "friendly" environment.

Presence of foreign military/recent experience with military intervention

Military intervention is one of the key factors that may lead to general discontent and anti-Westernism, if the intervening state is part of the "West".[10] General public opinion would be highly hostile against foreign military presence, especially if the intervention was perceived as illegitimate, in violation of the state's sovereignty, and if the troops plundered the territory and abused their power. Such an intervention may reinforce nationalism and desire to protect the state's sovereignty even with arms. Regardless of motives, ordinary civilians may feel hostility against armed foreigners or even humiliation and may want to protect their country. This is especially the case of Western interventions into Muslim countries, given the fact that the most of the Muslim world was colonized and oppressed by Western powers in the past. Therefore, any Western intervention is portrayed as "occupation" that aims to subjugate Muslims and enforce Western-style secular rule. Presence of the Western troops may deepen sentiments of anti-Westernism and it may be further abused by radical groups to reinforce hostility towards the West. Radical Islamists depict Western involvement in Muslim states as a threat to Muslim identity. They proclaim that it needs to be countered in order to restore the glory of Islam.

This pattern of radicalization may be observed in many recent examples[11]. When it

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9 This was the case of the Shia government in majority Sunni Iraq established after the 2003 intervention. The lack of legitimacy and loyalty from the Sunni perspective enabled the so-called ISIS to thrive.

10 According to Robert Pape (2005), 95% of terrorist attacks are "motivated by the presence of foreign combat troops".

11 Al-Qaeda in Iraq emerged in reaction to the American-led 2003 invasion to Iraq. Iraqi Sunnis waged guerrilla war against the US-led coalition and the so-called puppet government. Their resistance gradually began to be defined as jihad and its elements began to cooperate with Zarqawi's jihadists. Coun-

comes to Somalia, one of the key factors that influenced the AIAI's ideology was the UN intervention in 1992, which was perceived by the AIAI members as a Western attempt to get control over Somalia. The intervention as such did not meet its goals and it led to increasing anti-Americanism, which had not been present in Somali society before. Afterwards, Islamic courts radicalized not only on the background of international efforts to establish a central government in Somalia, but especially after Ethiopia sent troops to Somalia to counter Islamic extremism. ICU refused foreign military on Somali soil and declared jihad to Ethiopian troops in Somalia. It called upon all Somali Muslims and mujahideens all over the world to join the Somali jihad against "occupants". Ethiopia was perceived as an obstacle in the reunification of Somalis under the rule of the Islamic law. ICU even established military training camps where indoctrination and training were held, in other words, ideological and military preparation to fight the perceived enemies of ICU and of Islam. (Shay 2008)

Last but not least, al-Shabaab radicalized on the background of Ethiopian the intervention to Somalia in 2006. After the defeat of ICU in 2006, al-Shabaab became independent and it acted as a national Somali force fighting against lawlessness and the so-called foreign occupation and illegitimate government co-opted by the foreigners. In the Somali society, there was an increasing aversion against the invasion especially after the Ethiopian troops attacked the residential district. (Kaplan 2010) Al-Shabaab's objective to defeat and expel the Ethiopian troops enabled it to recruit new members who wanted to protect the Somalis against external threats and fight foreign troops in the so-called Somali jihad. Moreover, foreign fighters joined the ranks of al-Shabaab and influenced the movement ideologically. The intervention ultimately consolidated al-Shabaab's jihadi agenda and resulted in marginalization of moderate figures on behalf of more radical elements. Its radicalization may be observed by the introduction of the suicide-bombing strategy. [Campana, Ducol 2011] Hence, foreign interventions enabled radical ideologies to gradually spread within the Somali society and ultimately, al-Shabaab embraced al-Qaeda's vision of jihad.

To sum up, a partial exploitation of the Somali territory by jihadists from al-Qaeda was enabled due to the radicalization of the Somali society and Islamist groups. Although Islamists promoted only limited goals related to Somali territory and nation at first and they refused anti-American and anti-Western jihad, their agenda became gradually more radical under the influence of various factors. Important role was played especially by the import of Salafism/Wahhabism as well as foreign interventions and presence of foreign troops on the Somali soil, which reinforced the antipathy against foreign, especially Western, elements. Last but not least, radicalization was provoked by the refusal of provisional governments which were perceived as illegitimate and corrupt puppets of the West incapable to respect the Islamic tradition of the society. Al-Qaeda managed to exploit the Somali soil partially only after domestic radical Islamist and terrorist groups were formed and adopted the ideology

ter-US insurgency provoked by the US-led invasion to Iraq was "hijacked" by terrorists. (Williams 2007)

similar to al-Qaeda's. Hence, domestic radicalization and existence of home-grown jihadi movements may be considered as being among the prerequisites for a foreign jihadi group to exploit a territory as its potential safe haven. However, despite gradual radicalization there were still other factors that disabled al-Qaeda to fully exploit the Somali territory as its safe haven.

2.2 Governance

The second category that influences the attractivity of a territory for jihadists consists of the governance related criteria: risks stemming from the power and security vacuum and relations between powerbrokers and terrorists (based on ideological affinity or corruption).

2.2.1 Power and security vacuum

When studying terrorism, the concept of power comes forward. Terrorism is a strategy that enables a weaker party to gain power (understood as capacity) to influence political decision-making and achieve its political goals. As Hoffman points out *"terrorism is designed to create power where there is none or to consolidate power where there is very little".* [Hoffman 2006: 41] Hence, for a terrorist group it may be attractive to establish a safe haven for its activities in the so-called power vacuum with an absent or very weak state authority. Terrorists may use "ungoverned areas" to establish training camps and plan operations. Absent law enforcement and ineffective security forces enable them to operate without being accountable to a higher authority. [Piazza 2008: 471] Ungoverned areas provide also significant material benefits, especially abandoned weapons and items for illegal sale but also natural resources. Terrorists may participate in money laundering or other criminal activities to gain money. Moreover, if a terrorist group controls a part of the state territory with its population, it may enforce its own version of law and taxes which become another important source of the group's income.

Power vacuum may thus give terrorists the opportunity to fill it and replace the state. As Kittner has pointed out, terrorists may seek ungoverned areas and vacuums to avoid state interference and by stepping into the chaos they may try to establish a so-called "state-shell". [Kittner 2007: 310] A terrorist group may step into the vacuum and function as an alternative governing authority and gain legitimacy and support from the local populace through the provision of services. [Arsenault, Bacon 2015] However, there are a few if any cases where a de facto vacuum emerged. When the central government collapses, the power is disseminated into the hands of local powerbrokers and alternative governing structures that emerge to provide protection and deliver services. Hence, for terrorists to implant into the society, they usually need to interact with these alternative governing bodies.

However, a security vacuum also has its drawbacks as it may be dangerous even for the terrorists if they do not have the support among the locals who would safeguard

their facilities. The benefits of power and security vacuum were overestimated by al-Qaeda in the 1990s. At that time, Somalia was a de facto lawless country with no central authority and prevailing power vacuum from the perspective of a non-existing central government. The International Crisis Group even designated Somalia as the most potential safe haven for al-Qaeda in Africa in the early 1990s. [Shay 2008: 188] In fact, even Bin Laden expected that the lack of state power and lawlessness would create suitable conditions for al-Qaeda to exploit the Somali soil for its activities. However, his expectations were not fulfilled. Al-Qaeda had to deal with several of the above-mentioned challenges (moderate and apolitical version of Islam, lack of anti-Westernism and anti-Americanism, reluctance to engage in the global jihad, strong clan loyalty) that disabled it from using the Somali territory as a safe haven. Moreover, it would cost al-Qaeda a lot of resources to protect itself against local criminals. A limited success of al-Qaeda was achieved in Ras Kamboni where Somalis perceived the group as a more effective provider of goods and services as the clans. It provided not only material benefits and military training, but also a certain level of security and order. In this case, locals made a pragmatic decision to accept al-Qaeda in exchange for basic goods and services. However, al-Qaeda did not manage to expand in other areas and its activities in Somalia depended on the collaboration with local radicals. Therefore, when a power vacuum emerges the crucial question is, who will fill it. Then it should be asked what relations there are between those who have filled the vacuum and the jihadists.

2.2.2 Powerbrokers supporting terrorism/ideologically close to radical Islamists
For a jihadi group to establish a safe haven within a certain territory, it needs to enjoy at least some level of support or acceptance from the part of society or other radical groups. However, support and acceptance should stem also from those who are in power (on the state or local level if the central authority is weak and instead the territory is fragmented and ruled by local leaders).

After al-Qaeda failed to establish itself in Somalia, it found a safe haven in Afghanistan in 1996. However, it managed to establish itself on the Afghan territory not because Afghanistan was a lawless country (from the perspective of the central government which was weak and unable to control the overall territory), but because a non-state actor, Taliban, got to power and enabled its establishment. Personal links between bin-Laden and Muhammad Umar, the leader of Taliban, were established already when both participated in the jihad against the Soviet Union. [Felbab-Brown 2013] But the most important, both movements, al-Qaeda and Taliban where ideologically close to each other. Taliban stemmed from Deobandism, a branch of Islam specific for Pakistan and the Indian subcontinent, while al-Qaeda was established on the bases of Wahhabism, the official religious doctrine of Saudi Arabia. Both promote strict interpretation of the Islamic law, ultra-conservatism, puritanism, moral renaissance of the society, purification of Islam from foreign, especially Western influence, and

their sympathizers belong to Sunni Islam. [Haqqani 2005] Last but not least, both promoted the vision of a state ruled by Sharia. Due to the similar ideologies, Taliban represented a natural ally for al-Qaeda. Their symbiotic relationship was reinforced by the principle of the common enemy - the US.

The alliance between Taliban and al-Qaeda had also a strategic military significance as they realized joint exercises and operations. Al-Qaeda created a special battle unit called Brigade 005, which was integrated into the military units of Taliban and its objective was to fight against the Northern Alliance, the prime enemy of Taliban on the Afghan territory. Al-Qaeda also perpetrated a number of terrorist attacks in the name of Taliban, including the assassination of Massoud, the leader of the Northern Alliance. On the other hand, al-Qaeda gained access to the training camps, it was allowed to use the aviation of Afghanistan to transport its personnel and supplies. [Hellmich 2011] Hence, in general, the establishment of al-Qaeda in Taliban controlled Afghanistan was mutually beneficial for both actors. Most important of all, al-Qaeda obtained a de facto protection from Taliban and could thus exploit the Afghan soil as its safe haven.

Hence an important precondition for an international jihadi network to successfully establish itself within an area is *the support from local leaders*. This prerequisite was underestimated by al-Qaeda when it tried to change Somalia into its safe haven in the 1990s. Al-Qaeda did not succeed in building a safe haven in the Horn of Africa for several reasons, one of them being the lack of support from the part of warlords. They were interested primarily in increasing their power and defeating other warlords instead of fighting the US in the global jihad. Anti-Americanism and anti-Westernism in the early 1990s were still foreign concepts for Somalis, they were not strong enough to unify hostile clans in the fight against the so-called far enemy. Tribalism disabled al-Qaeda to create an anti-American coalition of tribes that would have adopted its vision of a global jihad. Moreover, as soon as al-Qaeda managed to gain the sympathy of one clan, the concurrent ones would automatically become hostile. [CTC 2007]

2.2.3 Corruption

Another option how to establish a safe haven on a certain area is to corrupt the elites and buy their support via financial reward. The risk that a terrorist group will buy support and protection from the local population is especially high if the population suffers from poverty. [Kittner 2007] There were a number of cases where terrorists paid powerbrokers to ensure non-interference and protection.

In addition to the above-mentioned strategic partnership between al-Qaeda and Taliban, there were also significant financial benefits stemming from this alliance to Taliban. Bin Laden paid Taliban for al-Qaeda's presence on the Afghan soil 20 million USD per year from the overall al-Qaeda's annual budget of 30 million. [Byman 2015: 22] He allegedly built a house for mullah Umar's family, while other Taliban leaders

were also provided certain financial reward. [Rashid 2002] Moreover, a simple house in the Afghan-Pakistan border area that was worth 80 USD per month was rented to an al-Qaeda member for 750 USD per month. [Kittner 2007: 313] Hence, for state authorities or frustrated local population, presence of a terrorist group may become a source of income in exchange for active or at least passive support. In fact, Afghanistan under Taliban's rule became "a state sponsored by terrorism". [Williams 2007]

2.3 Geographical aspects

Geography influences the attractiveness of an area for jihadists especially in terms of borders, location and terrain. Terrorists seek such areas that would enable them free and undetected movement and provide shelter.

2.3.1 Porous borders

First of all, global jihadi groups look for areas with easy and undetected access in and out. Hence, one of the factors that increases the attractivity of an area for global jihadi networks are porous borders. Lack of control may result from the lack of government's capacity or simply the geographic conditions disabling effective control. Porous borders enable not only free movement of jihadists but they also facilitate the smuggling of weapons, mobility of financial resources as well as the spread of ideology. A highly porous border between Afghanistan and Pakistan enabled uncontrolled movement of terrorists from one country to another. The border region is often referred to as Af-Pak and it proved to be highly beneficial to al-Qaeda, especially after the US invasion to Afghanistan, when most of al-Qaeda core fled to Pakistan through these porous borders.

2.3.2 Geographic location: state neighbouring to an existing safe haven

If there is a terrorist group established in the state A (a neighbour of the ideological close state B) and the border between the two states is un-controlled, there is a high probability that terrorists from the state A would exploit the state B, especially if such a state has something to offer (uncontrolled areas to establish training camps, suitable shelters to hide terrorists, pool of recruits, material benefits, etc.) Hence, a simple fact that there is a terrorist movement in some country, represents a certain risk to its neighbours. Neighbouring countries face a risk of possible extension of the group and exploitation of their territory. This may be illustrated by the spread of the so-called Islamic state from Iraq to Syria and back. In addition, Kenya, a neighbouring state of Somalia, was discussed as a potential sanctuary for al-Shabaab. (Patrick 2011)

2.3.3 Geography suitable for cover

Terrorist usually seek areas that enable them to perpetrate their illicit activities in secret and shelter their members. As Kittner [2007: 309] has pointed out, this may

include rugged terrain that is inaccessible for state authorities and offers cover for training facilities and illicit activities. A shelter was provided by a complex system of tunnels in Tora Bora mountain, where bin Laden was hidings towards the end of his stay in Afghanistan. Geographic terrain that provides shelter represents one of the benefits for terrorists seeking a safe haven. However, hostile conditions of jungles, mountains or deserts may become double-edged. On one hand, terrorists may hide and conduct their activities secretly, yet on the other hand, it may be difficult for them to build the required infrastructure.

Indeed, terrorists need a certain level of infrastructure to conduct their activities. A lack of infrastructure made potential establishment of al-Qaeda in Somalia in the 1990s difficult and expensive. It required the transport of human resources and equipment to remote parts of the country with no roads or any other communication, which would be very difficult and expensive in terms of logistics. Hence, terrorists seek such areas that provide shelter and enable undetected activities, yet at the same time, there should be at least some level of infrastructure. [Patrick 2011] In the best-case scenario, there would be already training camps established that they could use for their activities. This was the case of al-Qaeda in Afghanistan, where it could have used Taliban's facilities for its own benefits. On the other hand, in Somalia, there was a very poor communication infrastructure and lack of potable water, which posed a constant challenge not only for the local population but also for terrorists.

To sum up, lawless Somalia of the 1990s had several features that seemingly made it an ideal safe haven for al-Qaeda. There was no central authority that would disrupt al-Qaeda's activities, people were frustrated and seeking alternative income and protection. In addition, there were already Islamist groups that maintained contact with al-Qaeda, however they adopted anti-Western ideology and indiscriminate violence only reluctantly. Moreover, the complete lack of infrastructure increased the costs for al-Qaeda's establishment. Al-Qaeda would have to pay also for its own protection from criminals whose numbers thrived in the prevailing conditions of poverty and security vacuum. Finally, it proved to be extremely difficult to find support and allies within a tribal society where clan identity and rivalry between the clans were too deeply enrooted. Therefore, Afghanistan appeared to be a better option for al-Qaeda as its territory was under control of ideologically and otherwise affiliated Taliban. Thus, Al-Qaeda could enjoy the protection of Taliban and did not have to deal with the challenges it would have to face in Somalia.

As it was pointed out, despite the presence of the above enumerated criteria, there may be some factors that would negate their impact on the attractiveness of a territory for global jihadi movements. The table below summarizes the factors that influence both positively and negatively the attractiveness of an area for jihadists. It includes both necessary and sufficient conditions for the establishment of a safe haven for global jihad movements.

Table 1: Summary of the necessary and sufficient conditions (criteria and sub-criteria) facilitating or obstructing the establishment of a safe haven for a global jihadi movement on a certain area

Category	Conditions pro	Conditions against
Ideological aspects / adoption of jihadi ideology	*Presence of radical Islamist ideologies (Salafism/Wahhabism)* • Import of radical ideologies • Return of citizens participating in jihad abroad • Return of students studying at radical madrassas abroad • Involvement of states supporting radical Islamist ideologies or terrorism (financing mosques, charity organizations, educational exchanges, etc.)	Dominance of Sufism - moderate apolitical Islam Active participation of the state in the global war on terror
	Self-identification with radical Islamist ideology • Personal contacts with jihadists • Threat to Muslim identity • Inadequate socio-economic conditions, frustration and discontent within the society • Lack of government's legitimacy • Presence of foreign military / recent experience with military intervention	• Opportunity of political participation, existence of civil society, syndicates and opposition that enable to address the demands to the government in a non-violent way and achieve at least partial success • Strong loyalty on the clan level (tribal identity)
	Presence of anti-Westernism • Threat to Muslim identity coming from the West • Heritage of colonization by Western states • Ultra-conservatism versus globalization • Puppet government co-opted by the West • Presence of Western military troops / recent experience with military intervention by the West	
	Tradition of militarism / militarization of the society • Experience with military interventi • Power and security vacuum	
Governance	*Power and security vacuum*	
	Powerbrokers supporting terrorism / ideologically close to radical Islamist ideologies	
	Corruption of elites	

Category	Conditions pro	Conditions against
Geographic aspects	*Porous borders*	
	State neighbouring an existing safe haven	
	Geography suitable for cover	• Capacity of the government and security forces to protect borders and territory against the penetration and infiltration of terrorists • Lack of infrastructure

Source: Elaborated by author

Individual factors interact, intersect and influence each other, therefore, when studying vulnerability of a state in terms of becoming a safe haven for a global jihadi movement, not only the criteria as such should be scrutinized, but we should observe also their mutual interactions and context in which these interactions occur. Even if one criterium seems to act in favour of the establishment of a jihadi group, the final outcome may be neutralized by another counter-factor that ultimately disables its establishment.

It is not possible to generalize and determine one factor that would be always applicable as a decisive one. Instead, we recommend to study each case individually and monitor mutual interactions between the factors to estimate their impact (positive or negative) on the potential emergence of a jihadi safe haven. We thus recommend a rigorous qualitative analysis when applying the outlined model. Quantification does not enable to observe mutual interactions between the criteria, yet we regard these interactions as crucial when defining the vulnerability of a state to becoming a jihadi safe haven. Quantification would only point out whether the criterium as such is present or not while it would disable to explain how individual factors interact and what effects they have. Therefore, we do not consider the quantitative approach as satisfying as it may lead to distorted conclusions.

CONCLUSION

The article provides a set of factors that condition a successful establishment of a safe haven for a global jihadi movement within a certain area. Criteria act as *necessary conditions* and they are grouped into three categories: adoption of a jihadi ideology consisting of Islamist and jihadi radicalization, governance related issues, and geographical aspects. Particular criteria further consist of sub-criteria - *sufficient conditions* - that influence the emergence of necessary conditions, hence they have an indirect impact on the establishment of a jihadi sanctuary. Besides, there are several specific factors that may disable the emergence of a necessary condition and, in general, they act as counter-factors that may prevent an area from becoming a sanctuary for jihadists.

The provided toolbox takes into account not only the individual criteria and sub-criteria but also their mutual interactions and context in which they exist as well as negative factors that may neutralize the effect of particular conditions. Monitoring of individual criteria/sub-criteria and their mutual interactions enables us to identify whether an area fulfils the prerequisites of a potential safe haven for global jihadi movements. Hence, a rigorous qualitative analysis based on the proposed model should enable us to define which states and areas are the most lucrative and attractive for global jihadi movements such as al-Qaeda and the so-called Islamic state. However, it should be pointed out, that there is probably no ideal case that would satisfy all the criteria delimited in this article. Instead, when applying this model, we should be able to determine which territory gets the closest to the "ideal case" and hence which one faces the highest risk of becoming a safe haven for the global jihadi network.

This article contributes to the on-going debate on terrorist safe havens by providing a complex analytical tool. The application of the outlined model should explain why some areas are more sought after by global jihadists and more vulnerable to becoming their safe haven when compared to other areas. This should be borne in mind when it comes to counter-terrorism and prevention from emergence of jihadi safe havens. Particular attention should be paid to a potential re-emergence of the so-called Islamic state after it has lost its territory in Iraq and Syria.

ACKNOWLEDGEMENTS

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DETERMINANTS OF ETHNIC PRIDE AMONG NEW ZEALAND'S POLISH IMMIGRANTS

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Abstract:

The survey research and respondent interviews described in this article were conducted in late 2019/early 2020 to assess the determinants of Polish identity among first and second-generation New Zealand born individuals of Polish descendant -- the generation first born in New Zealand whose parent(s) was/were born in Poland -or- the second generation born in New Zealand whose grandparent(s) was/were born in Poland and whose parent(s) was/were born in New Zealand. Many of these individuals were related to the Polish child refugees that came to New Zealand in 1944. The article begins with a brief literature review on the subject. This is followed by a description of the research methods used, findings that pertain to a target audience, and a strategy for promoting Polish identity with this target audience. This strategy should prove useful to Polish cultural organizations in New Zealand (and perhaps elsewhere) in their efforts to develop programming that successfully promotes Polish identity with their audiences.

Key words: *Promoting Polish Culture, Polish Cultural Organizations, Survey Research, New Zealand.*

INTRODUCTION

The study reported here was conducted in late 2019/early 2020 to assess the determinants of Polish identity among first and second-generation New Zealand born individuals of Polish descendants -- the generation first born in New Zealand whose parent(s) was/were born in Poland -or- the second generation born in New Zealand whose grandparent(s) was/were born in Poland and whose parent(s) was/were born in New Zealand. Of particular interest are the responses from individuals related to the Polish child refugees that came to New Zealand in 1944. The article begins with a brief literature review on the subject followed by a description of the research methods used, results that contrast findings of all respondents with a target audience, and a strategy for promoting Polish identity with this target audience. This strategy should prove useful to Polish cultural organizations in New Zealand (and perhaps elsewhere) in their efforts to develop programming that successfully promotes Polish identity with their audiences.

1. LITERATURE REVIEW

1.1. Polish Immigration to New Zealand

Poland is a country with a rich culture and long history of migration. The Polish diaspora, referred to as "Polonia", is found throughout the world in great numbers. According to the Polish Ministry of Foreign Affairs website (2012), up to 20 million Poles and their descendants live abroad. A turbulent history in Europe, particularly in Poland, resulted in many powerful political and economic factors causing extensive immigration. The first Poles (estimated between 500 and 1,000) arrived in New Zealand in the 1840s to escape unstable political conditions in a divided Poland. In the early 1870s more Poles arrived under a scheme funded by the government of Julius Vogel (New Zealand's Prime Minister from 1873 to 1875). They formed small Polish enclaves on both the North and South Islands [Sawicka, 2012]. Yet, the most important event in Polish-New Zealand history is probably the arrival of the Polish refugee children in 1944. Their unusual and moving story and later successful integration into New Zealand society has had a lasting effect on the way Poles are perceived in New Zealand.

In 1944, 732 Polish children plus 102 caregivers, survivors of the forced resettlement of Poles to Siberia by the Russians, were temporarily resettled at a refugee camp in New Zealand, which was located in Pahiatua on the North Island. In the camp, the children and their caregivers maintained their language and culture. It was originally planned for them to return to Poland after World War II ended, but they were eventually allowed to stay in New Zealand because of the onset of the Cold War.

In 1945 when the war ended as a result of the Yalta agreement, Poland was put under the control of Soviet Russia. Many of the children no longer had parents or close family alive. Around this time, there was an attempt made by the Polish Communist Government to bring the children back to Poland. The government of New Zealand ruled that the refugees could stay permanently if they wanted. Very few decided to

return to Poland. Out of the original, 732 children that had come to New Zealand, 642 remained [Skwarko, 1974].

It was the perspective of the New Zealand government that the children who decided to stay in New Zealand would benefit most by adopting and identifying with the dominant New Zealand culture. However, these children were refugees who always thought that they would go back to their families in Poland. Consequently, their assimilation into the New Zealand culture took longer than expected. In 1949, the New Zealand government closed the camp and the children and their caregivers prepared themselves to fully embrace New Zealand society.

Over 700 additional displaced persons arrived between 1949 and 1951. Many had been in labor or concentration camps during the Second World War. Many of them were related to the children or caregivers from the Pahiatua camp.

About that same time, Polish immigrants in New Zealand formed the Polish Association in New Zealand. Many of the children and their caregivers joined. The association was instrumental in helping members maintain and celebrate their cultural ties and cultivate a sense of Polish post-war community. Over the next few decades other Polish organizations were established in both the North and South islands.

Today, the original refugee children are elderly. Their children are now having children. On one end of the spectrum are those that assimilated into the New Zealand culture quickly, maintained little contact with Polish people and culture over the years, and have little Polish identity left. On the other end of the spectrum are those that have remained strongly attached to their Polish identity. They have engaged in the activities of various local Polish organizations (e.g., ladies circles, choirs, dance groups, and various social and sports clubs), attended Polish Catholic Mass, and are members of the Polish Association in New Zealand and other Polish organizations.

Those most closely aligned with their Polish roots, have made an effort to teach their children the Polish language and about Polish culture. In 2006, a survey of the children of the original refugee children was conducted. Findings showed that about half of them grew up speaking Polish in the home, celebrating holidays in traditional Polish ways, often consuming typical Polish foods. Weekends were most likely spent at local Polish cultural centers and they regularly attended the Polish Saturday School where they learned about Polish history and culture. These children were very aware of their parents' tragic past and felt a sense of duty to honor their parents [Manterys, 2006].

Today, many of these first generation New Zealand born Poles have children of their own; these are the second generation born in New Zealand. Anecdotal reports suggest that some of them do not understand the Polish language well, do not actively practice Polish customs, nor do they participate much in the activities of Polish ethnic organizations. Some do. However, it is thought that many are interested in learning more about Poland especially about the place their refugee grandparents came from. Anecdotal evidence also suggests that the first and second generations born in New

Zealand are much more apt than the original Pahiatua camp children to identify as New Zealanders rather than Poles. As a result, Polish organizations that flourished 50 years ago in New Zealand are now dealing with low membership and waning interest on the part of younger generations.

1.2. Determinants of Ethnic Identities

Moving to a foreign country generally necessitates some level of acculturation that inevitably alters a person's original cultural identity [Schwartz, Unger, Zamboanga, & Szapocznik, 2010]. Glinka and Brzozowska (2015) describe changes in cultural identity as "the process through which immigrants define their place and role in a host society, make sense of themselves and their actions" (p. 53-54). Ellis and Chen (2013) suggest that an immigrant's identity negotiation is influenced by their level of interaction with the new community, their age at the time of immigration, feelings of fitting in, and the difference between their native cultural values and the values of the new community [Ellis & Chen, 2013].

Parents of the first generation New Zealand born children made sure they appreciated their Polish heritage, history and culture. For many, preserving their "Polishness" allowed them to maintain their sense of self. They did assimilate into New Zealand society and become active contributing members of their communities, but many did this while maintaining a strong sense of Polish pride. This is called "acculturation" - the need for exiles and refugees to maintain their own cultural identity while adapting to the new cultural environment they have adopted [Manterys, 2004].

Rokicki's (2000) found that among Polish immigrants, the "family home is a crucial factor that shapes an individual's cultural identity. Home is a place where traditions, ceremonies, symbols, and values are assimilated through intentional or accidental learning and imitation of behaviors" [Lewandowska, 2008: 214]. Women are particularly important in this regard. "Immigrant women in general are considered the guardians of ethnicity and religion within families and the main transmitters of ethnic culture to young generations" [Jaroszynska-Kirchmann, 2011: 104].

The process of maintaining one's cultural identity is affected by a) the level of importance an immigrant assigns to preserving their native identity and b) the extent they adopt aspects of the host culture [Gone, Miller and Rappaport, 1999]. It is a blend of these two competing processes that will help create an immigrant's cultural self-image going forward. The issue today may not be preservation of one's cultural identity in a pure sense. The objective may be to find ways to help cultivate what Herbert Gans (1979) referred to as "symbolic ethnicity" reflected by "practices involving nostalgic and simplified representation of the ethnic past; selective celebration of certain rituals of passage or ethnic holidays; consumption of ethnic foods, support for ethnic politicians, and interest in support of the old country [Jaroszynska-Kirchmann, 2015: 198].

The level of importance a Polish immigrant assigns to preserving their native cultural

identity can be influenced by Polish cultural organizations in operation today. Help-ing these organizations to develop programming that successfully promotes Polish identity with their audiences is important. Understanding who their primary target audience is, what programming will best match their audience's interests, what per-suasive messages will best resonate with this audience, who might be considered the most credible sources of information with this audience, and how best to deliver information to them are key components necessary for developing an effective promo-tional strategy [Tyson, 2018].

2. RESEARCH METHODS AND LIMITATIONS

2.1. Survey

Participants were first and second-generation New Zealand born individuals of Polish descent. The survey was administered online. An email notice about the survey was sent to members/associates of the Polish Association in New Zealand, The Embassy of the Republic of Poland, Polish Heritage of Otago and Southland Charitable Trust, Polish Heritage Trust Museum, Polish Association in Christchurch, Polish Communi-ty Trust - Bay of Plenty, and Auckland Polish Association-Polonia Auckland. A notice about the survey was also posted on their websites and Facebook pages. In all in-stances, recipients were instructed to share the link to the survey with other first and second New Zealand born individuals of Polish descent living in New Zealand. Recip-ients were instructed to click on a web address that took them immediately to the survey questionnaire. The survey took approximately 15 minutes to complete. The survey was posted for two months in late 2019. Completed surveys numbered 159.

2.2. Interviews

Twenty interviews were conducted either in-person or over the telephone during Jan-uary/February, 2020. The objective of these interviews was to provide added nuance to survey findings for descendants of the Polish child refugees that came to New Zea-land in 1944. Participants consisted of a convenience sample of people identified by the Polish Association of New Zealand and the Polish Embassy in New Zealand. Each interview lasted approximately 30 minutes. Discussions were written and audio re-corded and analyzed for key themes.

2.3. Limitations

The fact that 69.3% of survey respondents are female indicates there may be bias in the sample. The specific gender breakdown of the Polish cultural organizations used to distribute the survey is unknown but it is thought to reflect a similar trend. Nevertheless, as subsequent analyses show, the target audience (those who identify with their Polish heritage at least "a lot" and put at least "a lot" of emphasis on the importance of their Polish heritage with children they have/raise), consists of 61.4% women. Not surprisingly, in terms of gender it seems that the most effective audience

to target is somewhat similar to those that responded to the survey and perhaps similar to those most apt to join Polish cultural organizations.

3. THE TARGET AUDIENCE

An effective promotional strategy nearly always begins by defining the target audience. Once the primary target audiences are identified, programming that best matches their interests, persuasive messages that best resonate with their thinking, sources of communication they consider most credible, and methods for delivering information they most prefer can be identified. The overall promotional strategy is much more apt to achieve its objectives when it is uniquely tailored to a specific audience segment. It follows that the more narrowly defined the audience segment, the more targeted a promotional strategy can be and the more likely that strategy is to achieve its objectives. Yet fewer people are reached as the focus narrows. The challenge is to seek a large enough group so there will be a significant impact, yet with a narrow enough focus so that you will realize results [Tyson, 2018].

The target audience described in the following analyses of survey data was defined a priori as a) those who identify with their Polish heritage at least "a lot" and b) put at least "a lot" of emphasis on the importance of their Polish heritage with children they have/raise. It was thought that these individuals would be more apt to respond most positively to promotional messages and importantly, that they would help diffuse the information they received to others that did not fall within the target audience; i.e., they would serve as opinion leaders mobilizing those around them. The segment that met these criteria included 44 individuals (28% of all survey respondents); 61.4% are women and their average age is 45.67. More than two thirds (70.46%) are first generation New Zealand born people of Polish descent (their parent(s) was/were born in Poland.

4. COMPARATIVE ANALYSIS BETWEEN THE TARGET AUDIENCE AND ALL SURVEY RESPONDENTS

All statistics listed below are displayed in the order Target Audience versus All Respondents (respectively). As can be seen, there are differences across a vast number of factors between these two groups.

- The target audience consists of slightly less women (61.4% vs 69.3%).
- A greater number of target audience respondents had all four grandparents born in Poland (61.1% vs 46.8%).
- Fewer target audience respondents had mothers born in Poland (40.9% vs 65.0%).
- A greater number of target audience respondents had fathers born in Poland (61.4% vs 52.2%).
- More target audience respondents are first generation New Zealand born people of Polish descent (70.6% vs 67.3%); i.e., less are second generation New Zealand born.

- Fewer target audience respondents are related to the original child refugees (68.2% vs 73.3%).
- A greater number of target audience respondents have relatives in Poland (86.4% vs 75.0%) and a greater of target audience respondents feel they are at least moderately familiar with them (75.0% vs 51.4%).
- Target audience respondents have a slightly higher socio-economic status based on occupation and education.
- A greater number of target audience respondents come from Catholic families (grandparents and parents)) (average 81.2% vs 76.4%) and are Catholic themselves (64.1% vs 56.7%).
- A greater number of target audience respondents come from conservative families (grandparents and parents) (average 41.6% vs 35.6%) and are conservative themselves (15.9% vs 12.2%).
- Target audience respondents come from families (grandparents and parents) that read/wrote/spoke slightly more Polish at home (average mean value 2.35 vs 2.53, on 1-5 scale a great deal to not at all) and read/write/speak slightly more Polish themselves at home (mean value 3.52 vs 3.86, on 1-5 scale a great deal to not at all).
- Slightly more mothers of target audience respondents were raised in Polish neighborhoods (47.7% vs 43.3%). Slightly fewer fathers of target audience respondents were raised in Polish neighborhoods (50.0% vs 54.9%).
- Target audience respondents come from families (grandparents and parents) that interacted more with people of Polish descent (average mean value 1.47 vs 1.75, on 1-5 scale a great deal to not at all) and interact more with people of Polish descent themselves (mean value 2.70 vs 3.44 on 1-5 scale a great deal to not at all).
- Target audience respondents come families (grandparents and parents) that consider themselves Polish almost with equally frequency as all respondents (average 52.9% vs 53.5%); but are slightly more apt to consider themselves Polish (6.8% vs 2.5%).
- A greater number of target audience respondents consider themselves either Polish or Polish-New Zealander and less consider themselves New Zealanders (6.8%% vs 2.5%, 81.8% vs 68.4%, 9.1% vs 23.4%, respectively.
- Target audience respondents come from families (grandparents and parents) that embrace their Polish heritage slightly more (average mean value 1.31 vs 1.46, on 1-5 scale a great deal to not at all) and do so themselves much more (mean value 1.36 vs 2.44, on 1-5 scale a great deal to not at all).
- Target audience respondents come from families (grandparents and parents) that express their ethnicity by celebrating slightly more holiday traditions (average mean value 1.63 vs 1.83, on 1-5 scale a great deal to not at all) and do so themselves much more (mean value 2.43 vs 3.30, on 1-5 scale a great deal to not at all).
- Target audience respondents come from families (grandparents and parents) that

express their ethnicity through slightly more consumption of Polish foods (average mean value 1.68 vs 1.88, on 1-5 scale a great deal to not at all) and do so themselves more often (mean value 2.41 vs 3.14, on 1-5 scale a great deal to not at all).

- Target audience respondents come from families (grandparents and parents) that express their ethnicity by attending slightly more commemorative events (average mean value 2.10 vs 2.24, on 1-5 scale a great deal to not at all) and do so themselves more often (mean value 3.11 vs 3.84, on 1-5 scale a great deal to not at all).

- Target audience respondents come from families (grandparents and parents) that express their ethnicity through slightly more membership in Polish cultural organizations (average mean value 2.36 vs 2.48, on 1-5 scale a great deal to not at all) and do so themselves much more (mean value 3.49 vs 4.14, on 1-5 scale a great deal to not at all).

- Target audience respondents know more about Pre-WWII Polish history, WWII Polish history, Post-WWII Polish history, and Contemporary Polish history (mean values 2.48 vs 2.96, 1.93 vs 2.29, 2.41 vs 2.83, 3.00 vs 3.55, respectively, on 1-5 scale a great deal to not at all).

- As can be seen from the table below, target audience respondents are more interested in learning about Polish language, history and culture (mean values that are reported were assessed on 1-5 scale, a great deal to not at all).

Table 1. Interest in Program Topics

Interested in establishing...	Target audience	All respondents
...scholarly contact with people in New Zealand about Polish language, history, culture	2.72	3.11
...scholarly contact with people in Poland about Polish language, history, culture	2.95	3.37
...contact with organizations in New Zealand that offer workshops or publications about Polish language, history, culture	2.53	2.96
...contact with organizations in Poland that offer workshops or publications about Polish language, history, culture	2.98	3.43
...contact with business/industry organizations in Poland that might have similar interests	3.53	3.85
...contact with organizations in New Zealand that can assist you with genealogy research about you Polish ancestors	2.28	2.66
...contact with organizations in Poland that can assist you with genealogy research about you Polish ancestors	2.26	2.44

5. INTERVIEWS WITH IMMIGRANTS RELATED TO THE PAHIATUA CHILDREN

Twenty interviews were conducted with descendants of the Pahiatua camp children. A summary of the findings is presented below. Thirteen were with first generation individuals born in New Zealand and seven were with second generation individuals (their parent(s) were born in New Zealand). Both parents (mother and father) of eleven of the first generation respondents were children who came to the Pahiatua camp in 1944. Two had only one parent at the camp. For the second generation respondents, six had one complete set of grandparents (either maternal or paternal) who were at the camp. The seventh only had one paternal grandfather at the camp.

5.1. First Generation Respondents

First generation respondents were thoroughly immersed in Polish traditions and culture growing up. "We spoke, we ate, we breathed all things Polish" said one respondent. Polish language was spoken in all households. Christmas Eve and Easter were celebrated in typical Polish ways. All attended Mass in a Polish Catholic church. And the vast majority went to Polish House for various celebrations (e.g., Independence Day, Constitution Day, dance performances, or after Mass). Name days were regularly celebrated by approximately 10 of the 13 families when children were younger. Polish books and films were not used much because access was limited in New Zealand. Nearly all (11 of the 13) of the first generation respondents attended Polish language school where they made friends with other Polish children. Six of the 13 also participated in Polish school summer camps. Today, they speak English at home and only speak Polish occasionally with their parents. "I wish I spoke more Polish, but I was away for six years and forgot a lot of what I learned at home and in Polish school" said one respondent.

Of the 11, most of the girls and some boys were also members of dance groups when they were younger and performed at Polish language school and Polish House events. Two of the 13 were much less engaged in these types of activities. All thirteen respondents are familiar with Polish national events and remember engaging in May 3rd Constitution Day and November 11 Independence Day celebrations. All respondents have good knowledge of Polish food and how it is prepared.

Today, half of the first generation respondents have Kiwi partners and have thus had to modify their traditional Polish celebrations. However, all said that their partners are supportive of keeping Polish traditions alive. "My partner is 6th generation Kiwi but she is supportive of Polish traditions and even helps in Polish school" stated one respondent.

Nine of the first generation respondents have sent their children to Polish language school and have made serious effort to keep aspects of Polish traditions alive. They have exposed them to Polish traditions and culture, participated in Pahiatua children reunions, and have taken them on trips to Poland. One respondent said, "my daughter was named Sofia but when she turned 18 she made a decision to change

her name to Zofia." Another added, "my son's name is Casimir and after we went to Poland he only wanted to be called Kazimierz."

Four first generation respondents are interested in Polish genealogy and Polish history and further investigating their family history. These individuals have been to Poland and came back with heightened interest in learning more about their family history. One responded said, "I have started a journey to discovery of my family history."

When asked who in their family is most responsible for keeping the Polish traditions alive, half of the first generation respondents said it was the responsibility of both parents, the other half said it was their mothers.

All first generation respondents stated that they would like to keep the Polish traditions alive in the future. Those who have children seem to have a stronger attachment to their Polish heritage. Close proximity to Polish organizations, schools, dance groups, and churches seems to positively impact their desire to keep their Polish heritage alive. It is clear that traveling to Poland, learning about Polish history, and meeting family members in Poland all contribute to increased interest in Polish heritage.

There is a sense of time passing and changing because the Pahiatua camp generation is dying off and new generations, which do embrace some aspects of their Polish heritage, also orient strongly to their Kiwi heritage. There is little doubt that Polish foods and some anniversary celebrations related to Pahiatua children will be maintained by future generations. One respondent said, "I suspect that Polish Christmas Eve and Easter celebrations will persist into the future... the foods will also carry on... but many other activities/traditions have already started to wane in my life time."

When asked what factors positively or negatively affect a person's efforts to keep their Polish traditions alive, first generation respondents thought positive elements would include: a) close connections with family, b) close proximity of Polish community and organizations, c) good memories of childhood, d) being able to communicate with and visit family members in Poland, and e) having Kiwi partners and friends interested in Polish culture and traditions. They thought the following worked against maintaining Polish traditions: a) not being able to speak Polish, b) negative experiences associated with being forced to learn Polish language in childhood, c) dominance of the Kiwi culture, and d) geographic distance between family members and/or Polish community.

When asked to what degree they thought being related to the Pahiatua children has affected their family's narrative, first generation respondents all felt that this had a tremendous influence. They are well aware of the suffering their parents endured as children before they came to New Zealand. A common comment of first generation respondents was about the tremendous pride they had in being Polish and their interest in Polish history and traditions. They believe that holding to these traditions gives them the strength to survive hardships, gives them a sense of identity, and gives the

next generation a reason to be proud of their ethnicity.

For some of the original children, memories of the war and loss of parents and/or siblings was something terrible that they just wanted to forget. Some rarely mentioned their stories and avoided contact with the Polish community. With time, and a more stable family life, some of the memories were shared. The story of the Pahiatua children in New Zealand is now considered a very positive event in New Zealand history. Children born to parent(s) who were at the Pahiatua camp use their stories for school projects and participate with their parents in various anniversary events. They have learned a lot about the events that shaped the lives of their parents and appreciate the importance of their family history.

5.2. Second Generation Respondents

Second generation respondents are all aware of their Polish heritage. They were exposed to Polish language when they were children to varying degrees mainly through their grandparents and, to a more minor degree, their parents. Four of the seven respondents do not speak the language, they only know certain phrases. Two are somewhat fluent. Yet, the Polish language is not spoken at home for any of the respondents, just a few words. Though the majority say they would like to learn Polish and wish they were taught Polish language as kids, all of the respondents indicated that the language is hard for them to learn.

All but one respondent celebrated Polish holidays in their home growing up. Five of the seven joined their parents and/or grandparents for the anniversary reunion celebrations in Pahiatua. Three respondents remember celebrating Name Days and singing traditional "Sto Lat" (may you live a hundred years). One respondent said, "mine was a Polish home with modifications." All respondents stated that they want to keep some aspect of Polish traditions alive especially having to do with Christmas and Easter, preparation of some foods, and at least some aspect of the Polish language.

Attendance at events conducted by Polish organizations was important to their parents, so some of the second generation respondents went with them as children. Going now is a problem because of the language barrier. Members of the older generation speak Polish primarily and for second generation English speaking respondents, it is hard to mix in. One respondent said, "I went to the Polish Home and I felt out of place."

For the majority of second generation respondents, visits to Poland have had a fundamental influence and have allowed them to get to know their extended family. This has increased their interest in Polish history. The majority of respondents participated in the 70th and/or 75th anniversary of the Pahiatua children reunion and went because of their grandparent's historical tie. "I participated in the 75th reunion and my aunt was very involved in organizing committee. I was asked to speak as a representative of the second generation of New Zealand born decedents and what it means to have grandparents from Pahiatua. I identify with Polish culture a lot."

When asked who in their family is most responsible for keeping the Polish traditions alive, second generation respondents agreed that it is the grandparents and/or the mothers. All respondents mentioned that after their grandparents' passing, the traditions were primarily kept going by the mothers or aunts and uncles. They also said that these traditions have not been kept as strongly as when their grandparents were alive.

Four of the second generation respondents said that they want to instill in their children a sense of Polish identity and continue to use some Polish phrases and cook Polish dishes in the household. Most respondents said they want to keep some Polish traditions alive because they value the story of their grandparents and want to honor them. One respondent said, "when I have children I want to take them to Poland where they can learn about their heritage." Involving their children in dance groups and other Polish focused social activities is a way that they help them stay in touch with the Polish traditions. Being in close physical proximity to Polish groups and organizations makes it easier to maintain interest in Polish traditions.

Yet, respondents are well aware that time will no doubt erode the practicing of many of traditions. Most of second generation respondents have at least one parent who is Kiwi and a partner who is Kiwi. Hence, though respondents say their Kiwi partners are interested in helping them maintain Polish traditions, Kiwi traditions compete strongly. In addition, one respondent cautioned, "the hardest part is that there is not enough people to keep traditions alive. Current immigrants are not eager to maintain our heritage, they are modern and look to the future."

When asked what factors positively or negatively affect a person's efforts to keep their Polish traditions alive, second generation respondents thought positive elements would include: a) positive influence/encouragement of family and friends, b) special events that bring folks together, c) discovering Poland and Polish relatives, and d) the work of Polish organizations in bringing folks together. They thought the following worked against maintaining Polish traditions: a) the passing of the older generation (grandparents), b) geographic distance between Polish communities, c) busy contemporary lifestyles, d) lack of knowledge of Polish language, and e) dominance of the Kiwi culture.

When asked to what degree do you think being related to the Pahiatua children has affected your family's narrative, second generation respondents stated that it has had a very deep impact on them and their families. All respondents are aware of their family history as relates to the Pahiatua children. The depth of this awareness depends on how close they are/were with their grandparents, parents, other family members, and their engagement with other people related to the Pahiatua children. Respondents and their families have learned about their grandparents' journey through family stories, school projects when they had to interview them, and through participating in Pahiatua children's reunions. All respondents said they are interested in learning more about their heritage in the context of their grandparents' story

and New Zealand history. They consider themselves New Zealanders, but their Polish heritage is very important to them.

6. A STRATEGY FOR PROMOTING POLISH IDENTITY IN NEW ZEALAND

Based on the review of literature and the survey and interview findings that are presented in this report, the following recommendations are offered for promoting Polish identity in New Zealand. These recommendations may help Polish cultural organizations in New Zealand (and perhaps elsewhere in the world) better develop and disseminate programs that successfully promote Polish identity. Noted is the fact that many Polish immigrants have mixed smoothly into New Zealand society, but they also tend to maintain strong social and political attachments to Poland. This bodes well for cultivating at least a sustained sense of "symbolic ethnicity" involving basic and nostalgic views of their ethnic heritage, celebration of certain holiday and religious rituals, consumption of ethnic foods, and interest in the history and culture in support of Poland.

An effective promotional strategy nearly always begins by defining the target audience. Once the primary target audience is identified, programming that best matches their interests, persuasive messages that best resonate with their thinking, sources of communication they consider most credible, and methods for delivering information they most prefer can be identified.

6.1. The Target Audience

The primary target audience includes influential individuals that are most apt to respond positively to promotional messages delivered by Polish cultural organizations; i.e., those most apt to appreciate and retain aspects of their native Polish culture and share the importance of this with future generations. The assumptions are a) that this group will benefit from interactions with Polish cultural organizations by cultivating a greater appreciation for their Polish heritage and b) influence their family members, friends and colleagues of Polish descent to benefit from the same appreciation of Polish culture. Prioritizing this group as the target audience does not mean that the strategy is "singing to the choir." It more likely means that you are trying to influence those most apt to be sympathetic to your messages. This allows you to use limited resources most wisely by targeting the "low hanging fruit" -- that most easily secured. The objective is to get members of the target audience to follow through with their inclinations, help them cultivate a stronger appreciation of their Polish heritage, and to help them share this with others.

Based on survey findings, the target audience group comprised 28% of all respondents to the survey. They are defined by a) the fact that they identify with their Polish heritage "a lot" and b) put at least "a lot" of emphasis on the importance of their Polish heritage when raising children. Approximately 70% are first generation New Zealand born people of Polish descent (their parents were born Poland); approximately 30%

are second generation New Zealand born. It should be noted that, when compared with all respondents to the survey, members of the target audience are slightly more likely to be the first generation born in New Zealand.

As might be expected based on the literature, survey findings show that they come from families that read/wrote/spoke the Polish language at home between a lot and a moderate amount; yet they themselves use the Polish language between a moderate and a little amount (albeit more than non-target audience members). And not surprising, based on both the literature and interview findings, survey findings show that the group tends to be female and middle age. The majority (61.4%) of them are women and their average age is 45.67.

As supported by the literature and interview findings, survey findings show that they are also more apt to have relatives in Poland that they are at least moderately familiar with. The literature suggests that the widespread use of internet-based communication and ease of travel facilitates this. And again, not surprising based on the literature and interview findings, survey findings show that the target audience is more apt to come from families that interacted a lot with fellow Poles. They themselves tend to interact more often with people of Polish descent too. As might be expected, they are more apt to consider themselves Polish and especially, Polish-New Zealanders. In addition, as stated in the literature and interview findings, survey findings show that they tend to celebrate holidays in the Polish tradition, consume Polish foods, attend Polish commemorative events, and join Polish cultural organizations more often. In essence, they are more closely connected to their Polish heritage than respondents who are not in the target audience.

In terms of demographics, as supported by the literature and interview findings, survey findings show that the vast majority of the target audience come from Catholic families and consider themselves Catholic. When compared with all respondents to the survey, they are more apt to come from "conservative" families (albeit only 41.6% stated their families were conservative) and are slightly more apt to consider themselves conservative (albeit only 15.9% stated they were conservative – the rest being moderate to liberal).

In terms of occupation and formal education, survey findings show that the target audience tends to include slightly more "professionals" possessing slightly more graduate-level degrees. They also tend to be better educated concerning Pre-WWII Polish history, WWII Polish history, and Post-WWII Polish; but not concerning Contemporary Polish history.

In addition to the target audience strategy described above based on survey findings, when interview respondents were asked to suggest who the target audience might be, they stated that all age groups needed to be represented including those with minimal Polish heritage, but that special efforts needed to be exerted to recruit members of younger generations, families (especially mothers with young children), and newer Polish immigrants.

6.2. Suggested Program Themes

In order of most to least interest, assessed on 1-5 scale, a great deal of interest to not at all interested, survey findings show that the primary target audience consider the following topics of greatest interest.

Table 2: Priority Program Topics

Interest in establishing...	Target audience
...contact with organizations in Poland that can assist you with genealogy research about you Polish ancestors	2.26
...contact with organizations in New Zealand. that can assist you with genealogy research about you Polish ancestors	2.28
...contact with organizations in New Zealand that offer workshops or publications about Polish language, history, culture	2.53
...scholarly contact with people in New Zealand about Polish language, history, culture	2.72
...scholarly contact with people in Poland about Polish language, history, culture	2.95
...contact with organizations in Poland that offer workshops or publications about Polish language, history, culture	2.98

Polish cultural organizations may want to prioritize their programming based on these findings. Especially popular in this age of inexpensive DNA-based ethnicity testing is genealogical research which these organizations could help facilitate. It should be noted that the target audience gave "contact with business/industry organizations in Poland that might have similar interests" an average rating of only 3.53 meaning it is of less than moderate interest.

In addition to these survey findings, interview participants suggested the following programs should be of interest: Polish market days, Polish language classes, programs about Polish foods, Polish dancing classes, presentations by people from Poland about Polish history, programs addressing Polish family heritage and genealogical research, and Polish cultural events (e.g., inviting performing artists (both cultural and modern), screening current films, and introducing new authors perhaps to do readings). Interview participants cautioned that money will need to be invested in the meeting venues to make the places modern and appealing to younger generations and to new immigrants.

6.3. Messages to be Communicated

Promotional messages to the target audience need to be designed in a way that appeals to a middle age, female, first generation New Zealand born audience who tend to be moderate to liberal politically. About two-thirds are members of the Catholic

church. Based on survey findings, messages that address family history, the celebration of holidays in the Polish tradition, and the preparation and consumption of favorite Polish foods should resonate effectively with this audience. Messages about Polish commemorative events and interactions with Polish cultural organizations will be met with only moderate enthusiasm. Messages should recognize that the audience identifies strongly with their Polish heritage. Survey findings show that over 80% consider themselves Polish-New Zealanders and three quarter have relatives in Poland that they are at least moderately familiar with. Because the target audience tends to have better than moderate knowledge and interest in Pre-WWII Polish history, WWII Polish history, and Post-WWII Polish history, messages that address these issues should peak their interest. Their knowledge of Contemporary Polish history is rated only moderate which may indicate that there may be a thirst for more information in this regard.

Once the audience's attention and interest has been secured, the objective changes to helping them perform the role of opinion leaders in the community; i.e., the role of influencing others to have greater appreciation for their Polish identity. Closely associated with this is helping them form positive attitudes about the organization. Messages describing the history of the organization, its present mission, its structure, and opportunities for involvement need to be communicated clearly. Messages that promote the benefits of involvement and alleviate any concerns about involvement will help the audience form intentions to become involved. Once intentions to becoming involved have been formed, it will be the organization's responsibility to minimize any potential barriers that might block a person from following through with their intentions (e.g., minimize membership fees, structure meetings and activities at convenient times in convenient locations, design programs at a comfortable level of sophistication, provide opinion leader training, coordinate and facilitate their activities in the community).

In addition to the message strategies described above based on survey findings, when interview respondents were asked to suggest promotional messages that might resonate well with the target audience, respondents cautioned that messages would need to focus on fun first followed by education if they expected to attract younger generations. Some older respondents thought that "socializing" should be a key message; i.e., sharing a drink and stories

with like-minded people. Others thought that another important message would promote travel to Poland and how interesting it is to discover stories about your family's past. Several respondents indicated that messages should not only address past traditions and celebrations, but also the strengths and contributions of contemporary

6.5. Preferred Communication Channels

In order of preference, based on survey findings, the target audience considers the following communication channels to be the most effective (all five were considered

better than moderately effective)

1. Social media posts by Polish cultural organizations
2. Polish culture social events/fairs/parades
3. General social media networking
4. Websites of Polish cultural organizations
5. Blogs about Polish history/culture

These communication channels should be considered priority choices for transmitting messages to the target audience. It needs to be noted that Polish language television, Polish language radio, Polish language newspapers, were considered to be the least effective. Use of these channels as a means of communicating with the target audience should be employed with some skepticism.

In addition to the channel strategies described above based on survey findings, when interview respondents were asked to suggest effective channels of communication, respondents indicated that_some form of electronic communication would be best. Social media driven communication was suggested much more often than traditional email or mailings, especially for younger generations. Facebook, specifically, was mentioned by several respondents. Yet, "snail-mail" is still thought to be necessary for older folks.

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HIGH-SKILLED MIGRATION - A CHALLENGE FOR POLAND'S POLICY ON THE DIASPORA

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Abstract

In the knowledge-based economy, a high level of human capital is often perceived as one of the important factors conditioning economic development and social well-being. Poland, however, is one of the countries that experience a huge problem both in retaining highly qualified people in the country and obtaining them from abroad. In such a situation, the possible solution may lie in the involvement of the Polish diaspora and its inclusion in the socio-economic life of Poland. The paper demonstrates that in shaping Polish policy towards the diaspora in the field of human capital transfer, priority should be given to solutions functioning under the diaspora option model, not the return option model. In activities directed at diaspora members well-equipped with human capital, the Polish state should focus on their networking within industry and professional groups as well as building infrastructure fostering the establishment and development of relations. This is confirmed by the results of the project "E-migration - Polish Technological Diaspora", implemented by the Emigration Museum in Gdynia and the PLUGin Foundation in 2018-2019.

Key words: *Diaspora Policy, Diaspora Option, High-skilled Migration, Transfer of Human Capital*

INTRODUCTION

In the knowledge-based economy, a high level of human capital[1] is often perceived as one of the important factors conditioning economic development and social well-being. This capital can significantly affect the level of innovation, efficiency and competitiveness of national economies. At the same time, people with economically desirable competencies and skills also have great potential for mobility. As the American writer and economic journalist, writing for the American edition of "Forbes" magazine, Rich Karlgaard [2003] noted, "The most valuable natural resource in the twenty-first century is brains. Smart people tend to be mobile. Watch where they go! Because where they go, robust economic activity will follow."

We are, therefore, currently witnessing a global competition for the recruitment of high-skilled employees. Naturally, rich and developed countries that can offer employees not only higher wages and better career prospects but also a positive atmosphere for conducting research and development work, raising qualifications, gaining professional experience or achieving life aspirations, are in a privileged situation. According to the "Global Talent Competitiveness Index", an annual comparative report that measures the ability of countries to compete for talents, in 2019 the countries with the greatest potential in this respect were respectively: Switzerland, Singapore, the USA, Norway, Denmark, Finland, Sweden, the Netherlands, the United Kingdom and Luxembourg [Lanvin and Monteiro 2019: 11]. Developing countries, even those belonging to the group of countries with an upper-middle income, are not as attractive. They usually "export" qualified labour and experience the negative consequences of the brain drain phenomenon.

Poland, despite being included in the group of developed high-income countries, does not display a high ability to compete for talent and ranked forty-second place in the above-mentioned index. Poland ranked particularly low in the category "brain gain"[2] - position 103, and "brain retention"[3] - position 84 [Lanvin and Monteiro 2019: 182].

As it is often pointed out, today the neutralisation (at least to some extent) of the negative effects of emigration of high-skilled people is achievable through the development of contacts and co-operation with the diaspora. The involvement of diaspora members in the economic affairs of the country of origin may be an important factor in supporting economic development and technological progress.

Issues relating to the possibility of using the human capital of the so-called Polish technological diaspora for the economic development of Poland was one of the research areas of the project "E-Migration - Polish Technological Diaspora" implemented by the Emigration Museum in Gdynia and the PLUGin Foundation in 2018-2019. One of the research hypotheses formulated in this study was that when shaping

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1 Human capital is defined by the OECD as "the knowledge, skills, competencies and attributes embodied in individuals that facilitate the creation of personal, social and economic well-being." [Kelley 2007: 29].

2 Answering the question: "To what extent does your country attract talented people from abroad?".

3 Answering the question: "To what extent does your country retain talented people?".

Polish policy on diaspora in the field of human capital transfer, priority should be given to solutions functioning under the diaspora option model, not the return option model. It should be noted that Polish state policy on its own diaspora has so far been based largely on symbolic and identity activities. This policy, however, lacks pragmatic solutions aimed at including diaspora members in socio-economic life in Poland. In this area, the diaspora remains untapped potential for Poland. It is worth noting that in Poland this study is unique and carries great cognitive value, especially for policymakers.

This paper has the following structure: The second section is a synthetic presentation of the growing importance of diasporas and two general types of policies through which countries try to access the human capital of diaspora communities, i.e., return-oriented policies and co-operation with the diaspora. The third section includes a general description of the project and its methodology, as well as key results related to the hypothesis. The final section presents conclusions regarding the actions of the Polish state towards members of the Polish diaspora with human capital.

1. THE RETURN OPTION VERSUS/AND THE DIASPORA OPTION

In recent years, diasporas have been perceived as a resource with significant economic, socio-cultural or political capital. In a broader sense, the initial focus was on the economic potential of diasporas, seeing them as an important pro-development factor, especially in relation to economically lagging countries. Lively discussions about the role of emigrants in the economic development of countries of origin have taken place since the middle of the twentieth century, but since the turn of the millennium the relationship between migration and development has become one of the most important issues of development policy [Sinatti and Horst 2015: 134-135], which has been reflected in the strategies and programmes of many countries, as well as international organisations and institutions such as the World Bank, the European Commission, the International Organisation for Migration (IOM) and the African Union [Raczyński 2016].

However, not only developing countries are seeking support in the diaspora. Rich and developed countries, such as Australia, New Zealand, Ireland, Israel and South Korea, are increasingly reaching for the potential of diaspora communities.

In the frequently cited passage from the introduction to the textbook "Global Diaspora. Strategies Toolkit", Kingsley Aikins and Nicola White [2011: 1] ask rhetorically: "What made China the world's factory? What made India the world's technology hub? What made Israel a leading innovation centre? Connecting with their diasporas in the United States." Although this statement should be treated as too optimistic simplification, it well reflects the belief in the business and technological potential of diasporas formed in recent years, as well as their possibilities for influencing the economies of their countries of origin.

Literature on the subject most often indicates six main areas of diasporas' involvement

having a positive impact on the economy of countries of origin. These are financial transfers, direct investment, capital investment, philanthropy, tourism and human capital transfers [Agunias and Newland 2012]. The latter are becoming increasingly important because they enable – at least to some extent – the transformation of the brain drain phenomenon into the phenomenon of brain gain.

According to the approach popularised since the late 1990s the emigration of high-skilled people should not be seen solely in view of negative consequences (i.e., as a "loss" for countries of origin). Specialists going abroad may contribute to the multiplication of their broadly understood human capital, which, if supported by appropriate policies, can be channelled and transferred to the country of origin in the future. This approach is variously described in literature as "knowledge transfer", "knowledge exchange", "knowledge circulation" or "brain circulation." The transfer of professional knowledge, skills, competences and experiences can take various forms and use various channels. Such activities include, but are not limited to, meetings, training, internships and apprenticeships, networking, mentoring, information exchange, advice, consultations, joint projects and undertakings, content-related support, study visits, partnerships, etc. Rodríguez, Dahlman and Salmi [2008: 6] distinguished three approaches to the creation and transfer of knowledge and innovation involving diasporas, which can be used separately or in combination. These are:

1. creation and commercialisation of new knowledge and technology (using a diaspora),
2. acquisition of knowledge and technology from abroad for local use and adaptation (for example, by networking local companies with a diaspora),
3. the dissemination and effective application of knowledge and technology (whether locally created or acquired from abroad) already available in the country though not broadly utilised.

In general, there are two main policy models that countries of origin can use to gain access to the human capital of the diaspora. The first model is return-oriented (or repatriation-oriented) policies of high-skilled people from abroad (the return option). The second model includes policies focused on developing co-operation with the diaspora (the diaspora option) [Meyer et al. 1997; Meyer and Brown 1999; Gamlen 2005; Siar 2014].

1.1. Return-oriented policies

Their goal is to encourage people knowledge, skills and competences, which are particularly important from the economic point of view, to return permanently or temporarily (for a longer stay) to their country of origin. Such policies have already been implemented in the early 1970s, but their intensive development took place in the 1980s and 1990s. [Meyer et al. 1997: 287; Meyer and Brown 1999: 11].

Johnson and Sedaca [2004: 58-59] indicate three particular advantages related to the direct return of qualified emigrants:

- the transfer of knowledge can occur at a higher speed since it requires less adjustment time,
- due to emigrants' connection and interest in their homeland, networks and other co-operation mechanisms are created faster,
- the voluntary return of specialists from abroad frees up considerable resources that can go towards other development objectives.

Effective implementation of the return option or repatriation of specialists is, however, difficult and for objective reasons is not always successful. In literature, it is often indicated that, in addition to appropriate incentives from the state, the success of this type of policy is largely dependent on the level of socio-economic development achieved in the country of origin. The idea is to guarantee returning members of diasporas not only adequate living comfort but also jobs compatible with their education and preferences, which would guarantee the use and development of their potential. Therefore, policies oriented towards re-emigration or repatriation have proved to be relatively effective in the case of the so-called newly industrialised countries such as Singapore, Taiwan or South Korea, or large developing countries such as China and India [Meyer and Brown 1999: 11]. It should be noted, however, that re-emigration or repatriation processes usually do not run smoothly, posing serious challenges in terms of social, economic and cultural integration or reintegration. Therefore, they require specific actions from the state and local authorities.

The transfer of knowledge and know-how based on the return option can be achieved by encouraging immigrants or their descendants to return permanently to their country of origin, but it can also be achieved through temporary returns for a longer time. The latter solution may be particularly attractive for developing countries, which do not have a large "power of attraction" and have considerable difficulties in encouraging diaspora members to permanently settle in their territory. An example of such an approach is the initiative of the United Nations Development Program (UNDP) called Transfer of Knowledge Through Expatriate Nationals (TOKTEN) [Kingsley and White 2011; Terrazas 2010; Kuschminder 2011; UNV.org 2016]. It should be noted, however, that developed countries or those with greater "attraction power" also use the mechanism of temporary returns to transfer diaspora community members' human capital (for example, in the form of study visits or classes conducted by diaspora experts at home universities).

1.2. Diaspora-oriented policies

This model is based on the assumption that the transfer of human capital does not require the physical or permanent return of diaspora members to their country of origin. In other words, highly qualified emigrants can contribute to the development of the home country without needing to physically relocate. Proponents of this approach emphasise that regardless of the efforts the countries of origin make, a significant proportion of emigrants will never decide to return. What's more, in the case of

high-skilled people, such a return does not always have to be beneficial, because it can mean "cutting oneself off" from technologies or knowledge which is rapidly evolving nowadays, which are developed primarily in global science, technology and business centres. Nowadays, despite their physical remoteness, members of diasporas not only show interest in the development of their country of origin (for example, due to cultural, family or business ties) but can also take an active part in it. However, for this to happen, it is necessary to create links through which the diaspora's potential could be effectively transferred to the country of origin and effectively used there.

Therefore, network structures have key importance to the diaspora-oriented approach. In this model, it is emphasised that both high-skilled emigrants and countries of origin can create professional networks enabling the transfer of scientific, technological or business knowledge with the use of advanced information and communication technologies. This model has been called scientific diasporas [Barré et al. 2003], technological and scientific diasporas [Turner et al. 2003], scientific, technological and economic diasporas [Connan 2004], but it is also sometimes referred to as intellectual diaspora networks [Brown 2002], knowledge networks abroad [Kuznetsov 2005], expatriate knowledge networks [Brown 2000] or finally – and what is probably the most popular name – diaspora knowledge networks [Turner 2005]. Sam Turner [2009] defines this last term as: "social structures that are capable of identifying, capturing and mobilising skills and knowledge produced in one context for application and use in another context."

The development of co-operation based on networks connecting people and entities in the country of origin with diaspora members has undoubtedly influenced the perception of high-skilled migration. The perception of this phenomenon in terms of a one-way flow of human capital has been substituted by showing it as a dynamic process enabling the multidirectional transfer of information and know-how that can be used for various purposes. Robert Lucas [2004] described transnational social networks as probably the most powerful mechanism of diasporas' activity, which largely determines their ability to generate knowledge transfer and business opportunities.

The development of networks involving diasporas, as well as the emergence of scientific interest in this topic dates back to the 1990s. In 1997, Jean Baptiste Meyer and his colleagues published the first text entirely devoted to this issue, which analysed the case of the Colombian network called the Colombian Network of Scientists and Engineers Abroad [Meyer et al. 1997]. In 1999, the same author together with Mercy Brown identified over forty structures of this type that had links to thirty countries [Meyer and Brown 1999].[4] Today, however, networking is in many cases the most im-

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4 Initially, Meyer and Brown identified four basic categories of networks engaging diasporas and contributing to the knowledge transfer. These were: student/scholarly networks, local associations of skilled expatriates, expert pool assistance through the Transfer of Knowledge Through Expatriate Nationals (TOKTEN) programme of the UNDP and intellectual/scientific diaspora networks [Meyer and Brown 1999: 12-13]. In many cases, however, an unambiguous qualification of a network to one category can be very problematic, because today many of these structures simultaneously perform several functions and serve various purposes.

portant element of strategies focused on co-operation with the diaspora [Aikins and White 2011: 47].

The development of information and telecommunication technologies was of key importance for the spread of the network approach. However, appropriate policy action is also needed for the proper functioning of the network. Technology allows quick access to entities operating within the network and transfer of information between them. However, for these activities to bring positive results, network participants must be aware of the existing possibilities, properly motivated, mobilised and interested in developing co-operation. This entails the necessity to involve various entities, especially from the country of origin, whose activity will contribute to the multiplication of potential interactions with diaspora members [Meyer 2007: 15]. Above all, however, network participants must derive some benefit from participating in these structures.

Literature on the subject often emphasises the advantage of diaspora-oriented policies compared to return-oriented policies, namely that their implementation does not require previous, huge infrastructure investments or massive financial outlays. They rely heavily on the use of existing resources. However, while creating a network is a relatively simple task, ensuring its effective operation, especially maintaining the involvement of diaspora members in the long term, can pose a number of problems. The use of network structures also has certain limitations [Lowell and Gerova 2004]. Some researchers, such as Sami Mahroum, Cynthia Eldridge and Abdallah S. Daar [2006: 29], note that "digital networks might serve as a useful complementary rather than a substitute tool for local knowledge development." Indeed, some of these types of structures did not live up to their expectations. However, examples such as The Indus Entrepreneurs (TiE), GlobalScot, Advance (Australia) or Kea (New Zealand) demonstrate that networks can play a very important role in the transfer of human capital from the diaspora.

2. PROJECT DESCRIPTION, METHODOLOGY AND KEY RESULTS

2.1. Project objective

The aim of the "E-migration – Polish Technological Diaspora" project was to obtain information on Poles and people with Polish roots employed abroad in broadly understood modern sectors of the economy. The idea was to collect basic data about their life and professional situation in order to formulate some general characteristics of this group. The study included detailed research regarding the prospect of high-skilled emigrants returning to Poland and their attitude towards co-operation with individuals, institutions and organisations from Poland.

2.2. Target group and methodology

The study was directed to high-skilled employees, members of the Polish diaspora, employed in modern sectors of the economy. A high-skilled person is usually de-

fined in literature in terms of education or occupational status. The Organisation for Economic Co-operation and Development (OECD) definition, in which high-skilled employees are defined as "those who have successfully completed education at the tertiary level (…) and/or those not formally qualified in this way but employed in an (…) occupation where such qualifications are normally required" [OECD 2002: 13] is an example of such an approach.

Referring to this approach, the study included representatives of a group that, for this study's purposes, was identified as the Polish technological diaspora. This term requires further clarification and specification.

For the purposes of this study, the term technology diaspora in terms of respondents included:

- Polish emigrants,
- people with Polish roots and
- Polish transmigrants, expats or modern nomads working abroad in modern sectors of the economy.

The subject scope of the concept of technological diaspora, i.e., the requirement for employment in positions involving qualifications in modern sectors of the economy, is also relatively broad. In this case, it concerns modern technology and innovation sectors and creative industries, i.e., those areas of the economy in which human capital understood as knowledge, skills and competences play a key role. Therefore, we invited people who use specialised knowledge and technological skills (e.g. programmers, UX designers, engineers, scientists), as well as people who work within the technological environment, performing managerial, consultancy or creative work (start-up owners, businesspeople, project managers, lobbyists or influencers) to participate in the study. This resulted from the belief that modern sectors of the economy should not be identified only with what Sheila Siar [2014] calls "hard knowledge" (scientific, technological or economic), but also with "soft knowledge" (involving business, commercial, managerial, and even cultural or creative skills).

This way of defining the technological diaspora was to ensure the inclusive nature of the study. The final decision about belonging to the target group of the project in the quantitative stage was left to the respondents themselves, relying on their sense of self-identification with the group described above. The analysis of the answers given by those who decided to complete the survey, carried out through the prism of education and profession, confirms that this was the right decision.

The project was implemented in two stages. The first stage consisted of a quantitative study in the form of an online survey available on the dedicated project website at www.e-migracja.eu. The official presentation of the project and the beginning of data collection took place on 20 June 2018, during the Polish Tech Day 2018 conference in London. The completion of the survey data collection took place at the end of November 2018.

The empirical material collected in the database included 243 completed database

records, which corresponded to a sample of 243 respondents. In quantitative data analysis, statistical methods were used, which in addition to basic frequency analyses allowed us to determine the significance of relationships between variables and determine the strength of correlation relationships. The analysis focused on qualitative and quantitative variables (nominal and ordinal). Statistical inference was conducted (depending on the type of analysed variables) using X^2, F-tests, Spearman's correlation coefficient and Cronbach's alpha. The selection of the above coefficients resulted from the nature of the analysed variables, i.e., from the adopted measurement level. Statistical calculations were carried out in the statistical programming language R [Brosz 2019: 9].

In 2019, in order to deepen and verify the data obtained in the quantitative study, the second stage of the project was carried out, i.e., a qualitative study in the form of 30 in-depth interviews, in which 14 women and 16 men participated.

The composition of the examined group not only corresponded to the assumptions of the project but also reflected the nature of the research sample in surveys). The majority of respondents lived in Europe (22 people). Significant groups also included respondents from North America (three people), Asia (three people), as well as Australia and Oceania: Australia and New Zealand (two people).

Regarding the age of the respondents, the largest group were young people up to 35 years old. In terms of the duration of emigration, 17 people had a fairly long emigration experience of over five years, while 13 respondents had lived abroad for less than five years.

The professional cross-section of people participating in the study was quite wide. Most respondents (21 people) were directly related to technology industries - working as programmers, UX designers, IT team project managers or data management engineers. This group also included technology start-up founders. The remaining nine people participating in the study are: scientists, an architect and emigrants associated with creative industries – a Youtuber and stage designer. One respondent works in the medical industry. One respondent heads the Polish office of the government's agenda. One respondent works as a Research Innovation Funding Manager.

2.3. Key results

The study research topics have been relatively broadly covered and included such areas as: socio-demographic, professional and family situation; migration experiences; social and professional relations in exile; the sense of identity and bond with the country of origin; the prospect of returning to Poland and co-operation with individuals, institutions and organisations from Poland. Only the results related to the last two categories were within the scope of this article and they are presented below.

2.4. Return to the country

As part of our project, we asked respondents about their plans to return to Poland. The results are shown in Figure 1.

Figure 1. Do you consider returning or moving to Poland?
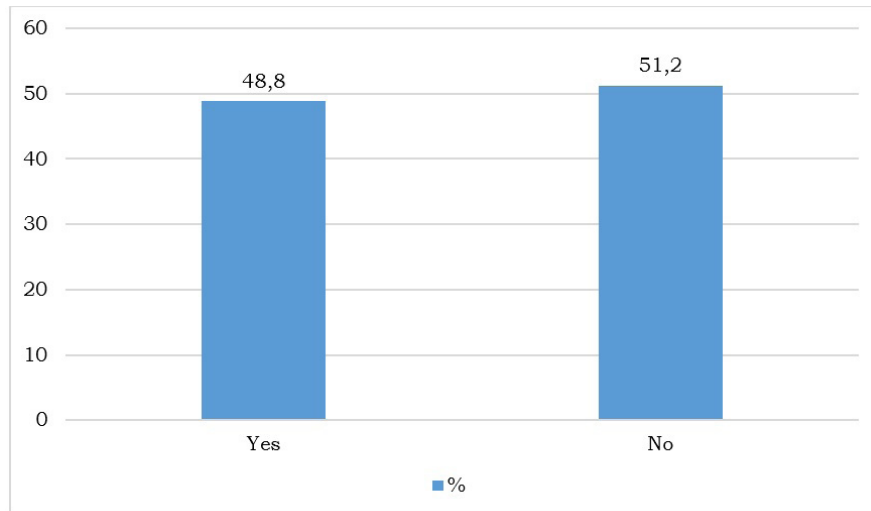
Source: Brosz 2018: 35.

These results seemed promising. However, we asked the follow-up question about how specific these plans were (see Figure 2).

Figure 2. How real are your plans for relocation?
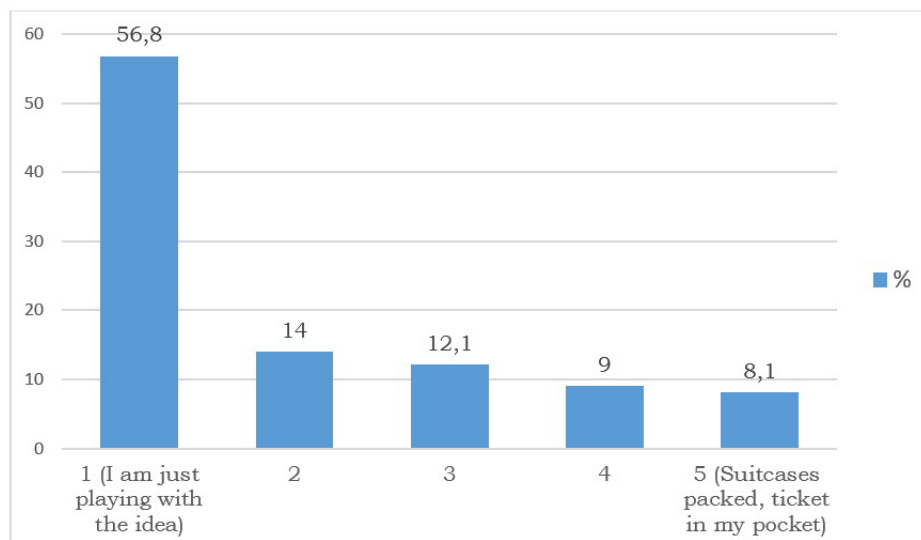
Source: Brosz 2018: 36.

In this case, the results are clear. They show that the vast majority of respondents only declaratively considered returning to Poland and did not have specific plans in this regard.

The information obtained during the interviews was consistent with the results of the survey. Only a small proportion of qualitative research participants were determined to return to Poland. Additionally, few people seriously considered returning to the country in the near future. This attitude was well reflected in the words of one of the respondents:

> It may turn out in a few years that one day we will decide to return or move to another place. It all depends on the possibilities. I still receive many different offers of work and return, but for now, I feel good here, I am not considering it yet, but I would like to return to Poland someday. (Male, 34 years old, Norway)

In general, most respondents did not want to return or hadn't even considered this option. In their case, the most likely scenario would be further emigration, while the most important factor influencing the decision on a possible change of country of residence would be a proposal for a better-paying, more interesting job. As emphasised by a young Polish immigrant living in Denmark:

> Working for the digital industry, I have become resistant to macroeconomics. I will be in demand until I die as long as I update my skills. My plan is to live where I like. I don't like Poland very much. I like Copenhagen because it is clean and quiet. I am also a materialist. A good job offer will attract me anywhere. (Male, 25 years old, Denmark)

During the study, we also wanted to find out whether the introduction of return programmes by the Polish state could be an important factor encouraging members of the Polish technological diaspora to return. We asked the participants of the survey the question: Would the introduction of specific solutions and mechanisms facilitating return[5] prompt you to return to Poland? (see Figure 3).

Figure 3. Would the introduction of specific solutions and mechanisms facilitating return prompt you to return to Poland
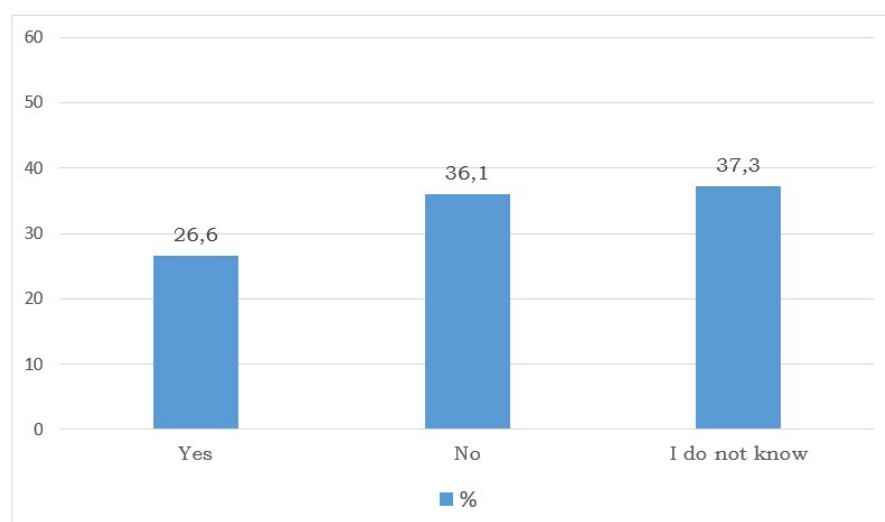
Source: Brosz 2018: 39.

5 Such as facilitation in obtaining accommodation, tax benefits, assistance in finding work for family members, specialised vocational training, language education offer, facilities for people running a business, appropriate educational offer for children, help in adaptation.

In the case of interviews, the vast majority of representatives of technological emigrants, when considering the question of return, did not attach much importance to any return programmes – either at the state or company level. Few pointed out that it would be a good idea to introduce certain financial concessions for returnees who would like to open a company in Poland.

2.5. Co-Operation with the country

As part of our project, we also asked respondents about their attitude towards co-operation with people, institutions or organisations from Poland. The results show that a significant proportion of the study participants are open to co-operation with people or entities from Poland. Figure 4, 5, 6 and 7 present how the survey participants responded to individual questions about areas and forms of co-operation.

Figure 4. To what extent are you interested in (%)
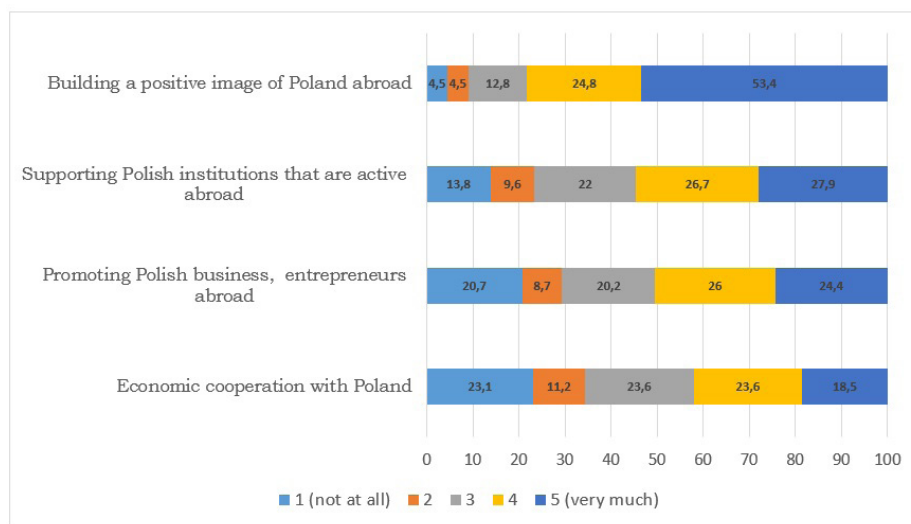
Source: Brosz 2018: 42.

Figure 5. Assuming that such cooperation is possible, what would be the entities with polish affiliations that you would like to work with? (%)
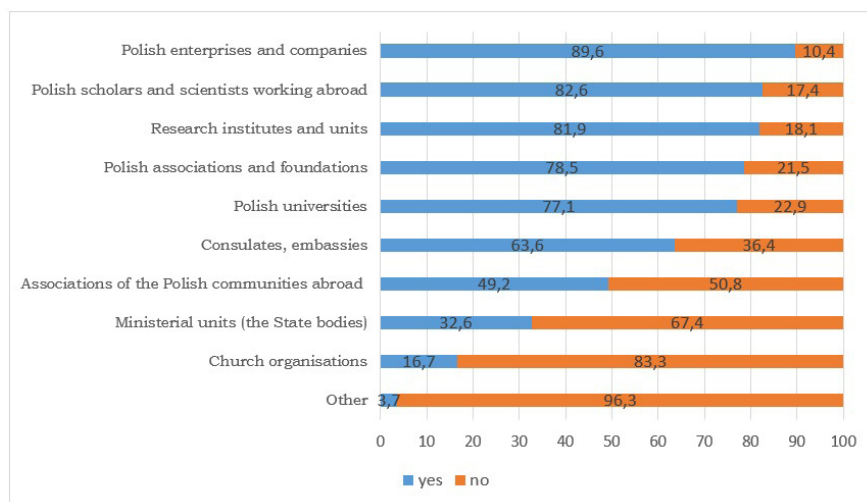
Source: Brosz 2018: 43.

Figure 6. Assuming that such cooperation is possible, what form of cooperation would you be interested in? (%, multiple answers that do not add up to 100)
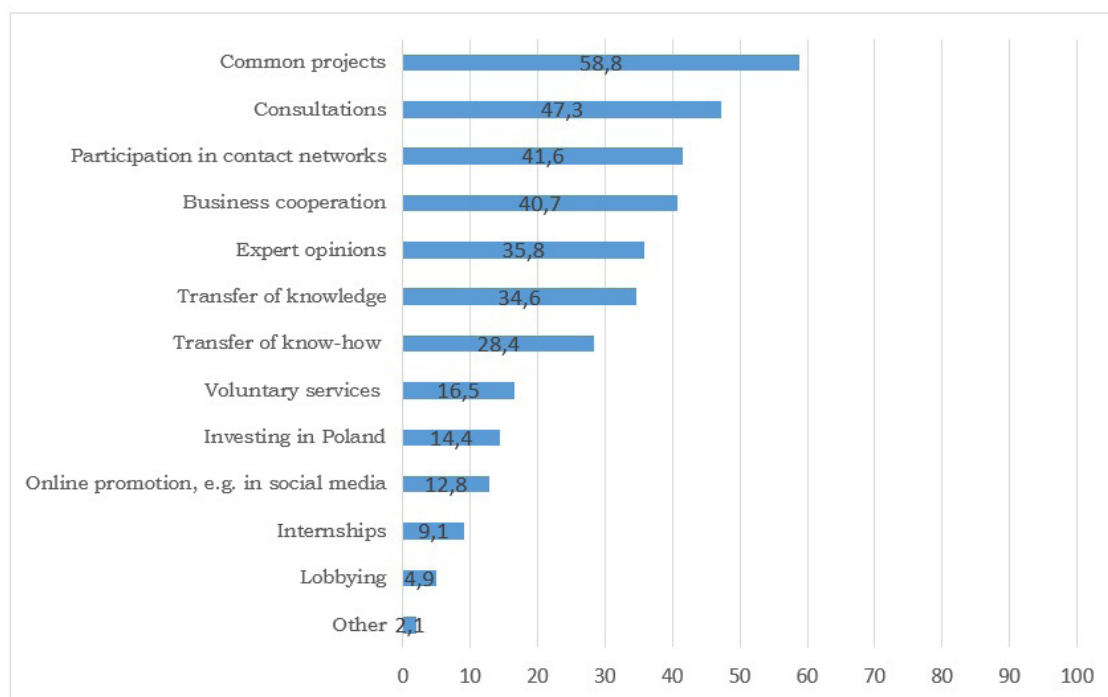
Source: Brosz 2018: 44.

Figure 7. From the perspective of a person who is a member of the polish diaspora of professionals in the new technologies and innovation sector, in which areas could this diaspora play an important role for Poland? (%, multiple answers that do not add up to 100)
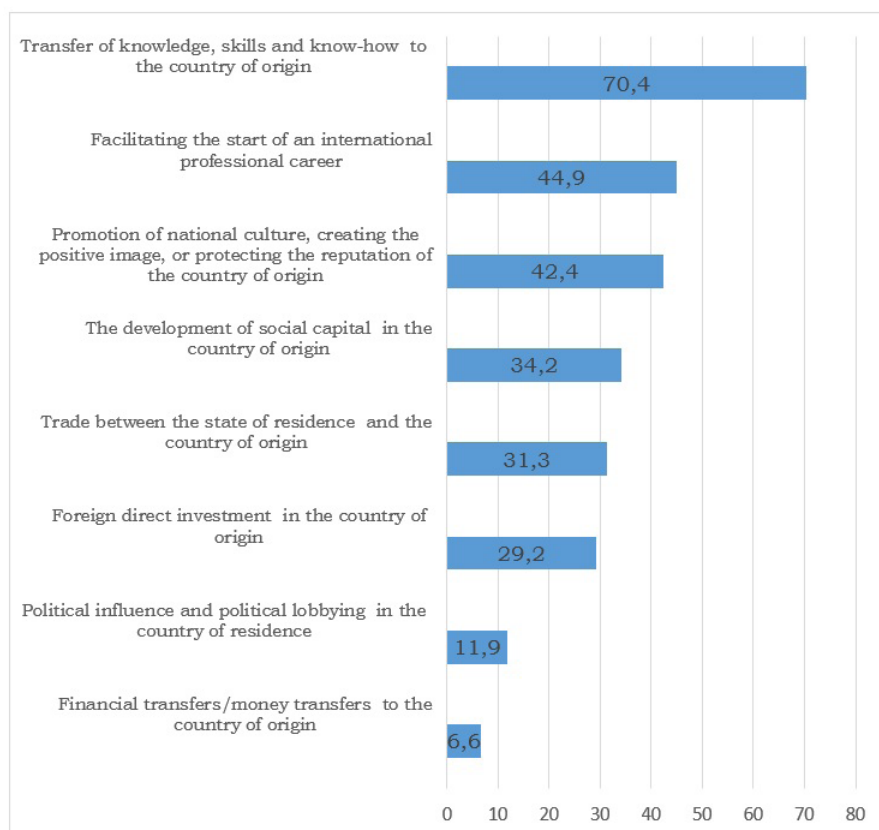
Source: Brosz 2018: 45.

In addition, the vast majority of respondents emphasised that co-operation between the diaspora and Poland is possible, relevant and necessary. Firstly, due to the construction of technological and economic value added in the country, as well as the opportunity to build and strengthen Poland's image (brand) as a country of high-class specialists in innovative, technological industries. The following statements illustrate this attitude:

> Polish programmers are some of the best in the world, they are definitely better than those in France. But we don't have such a reputation and this is something that needs to be worked on. And I think that people who are here and the Polish government could shake hands on this. (Female, 32 years old, France)

> They could, definitely. First of all, if someone is a liaison and builds bridges between countries, then there is a flow of knowledge and inspiration. This can end in a business partnership between companies or between academia. These information flows are important. Some do not know that Poland lies by the sea. The perspective of looking at Poland from Singapore is close to none. They associate Poland with apples. If people inside these technologies talk about these technologies, they have the knowledge, they write on forums. Poland is increasingly associated as a technological brand because it is starting to change. The fact that the programmers are great is somehow getting through. (Female, 34 years old, Singapore)

It is worth emphasising that there is a certain group of technological emigrants who, along with their involvement in initiatives networking Poles abroad, also co-operate with Poland. Based on the conducted interviews, two groups of respondents can be distinguished here. The first group includes people who co-operate with Poland at the institutional level. They participate in initiatives of Polish government agencies (School of Pioneers of the Polish Development Fund), co-organise international events as part of the Economic Forum and the London School of Economics or the Polonium Foundation (the Science: Polish Perspective conference) or co-operate in scientific (grant) projects with Polish universities. The second group consists of representatives of the technological diaspora who co-operate with individuals in Poland. Usually, it takes the form of a joint business venture (company, investment), project implementation, co-operation with Polish companies-subcontractors under ICT projects, and support in research projects of Polish scientists.

CONCLUSIONS

Today, an important role in the mobility of Poles is attributed to the emigration of people equipped with high-quality human capital [Okólski and Kaczmarczyk 2005; Kaczmarczyk and Okólski 2008; Grabowska-Lusińska and Okólski 2009; Kaczmarczyk 2011; Kaczmarczyk and Tyrowicz 2015; Praszałowicz 2018]. At the same time, as shown by the results of the "Global Talent Competitiveness Index" report cited in the introduction to this paper, Poland has considerable problems attracting foreign tal-

ent. In this situation, an opportunity to mitigate the possible negative consequences associated with high-skilled Poles leaving the country, as well as a factor supporting economic development, could be the development of co-operation with the diaspora, especially in the area of human capital transfer.

The emigrant nature of Poland and Polish lands, which has persisted for decades, resulted in the current number of Polish diaspora in the world, in the absence of precise data, estimated at even 20 million. This group includes many people who have a high level of knowledge, competence, skills and experience, as well as contacts that have enabled them to achieve significant professional success abroad. This group includes scientists, doctors, artists, engineers, innovators, entrepreneurs, etc.[6] In recent years, ambitious and professionally prepared Polish emigrants have gained a particularly good reputation by taking employment abroad in modern sectors of the economy (in such areas as programming, e-commerce, big data, FinTech, digital marketing, venture capital, web development, machine learning, project management, etc.) Despite the sometimes great geographical distance, a significant number of these people show interest in Polish affairs, see the possibilities of developing various types of co-operation, and declare their openness to sharing knowledge and experience.

The question arises as to how to use this potential? How to involve the diaspora in the development of the Polish economy? The results of our pilot project suggest some general solutions.

First, our research confirms that getting highly qualified emigrants to return to Poland will be a difficult task. Almost half of the respondents in quantitative research think about returning or moving to Poland, but only every twelfth[7] respondent has very specific plans in this respect. This is also confirmed by the results of qualitative research. Generally, the majority of participants rather didn't want to come back and did not even consider returning to the country. Even the possible introduction by the Polish state of various types of programmes targeted at this group of emigrants and encouraging them to return would have quite a limited impact. This does not mean, however, that Poland should not apply a system of incentives and facilitations for the return of emigrants (especially high-skilled). However, one should be aware that in Poland the introduction of such solutions, with a high degree of probability, will not cause a significant increase in re-emigration. Therefore, return-oriented activities should not be a priority for Polish professionals working abroad.

Secondly, the transfer of human capital from the Polish diaspora should be implemented primarily through the development of networks enabling co-operation, both within the diaspora and between the diaspora and people, institutions and organisations in Poland. Most of the respondents feel strong ties with Poland, although they are largely of a private/family nature. Importantly, the majority of respondents

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6 The number of Poles in Silicon Valley is estimated at 30 to 100 thousand (Gacyk 2019).

7 If we take into consideration an optimistic version and sum up answers four and five on the scale, this amounts to every sixth person.

believe that content-oriented and professional co-operation between Poland and the diaspora is important, possible and necessary. It may concern both shaping a positive image of Poland abroad and building economic and technological added value. It should be noted that the participants of quantitative research most often indicated the transfer of knowledge, skills and know-how as an area in which the Polish technology diaspora could play an important role for Poland. This answer was chosen by over 70 per cent of respondents, while subsequent indications were much less popular (see Figure 7). Regarding the entities with which representatives of the Polish technological diaspora participating in the survey would like to co-operate, the most frequently chosen answers were: Polish companies (89.6 per cent), Polish scientists working abroad (82.6 per cent) as well as institutes and research units (81.9 per cent) (see Figure 5), while the most preferred forms of co-operation included: joint projects (58.8 per cent), consultations (47.3 per cent), participation in networks (41.6 per cent) and business co-operation (40.7 per cent) (see Figure 6). Considering the subjective and objective scopes of co-operation between Poland and the Polish technological diaspora identified in the research, it should be noted that in the development of this co-operation network, structures operating on the basis of virtual space and regular meetings are the optimal solution that can be widely used in shaping Polish policy towards the whole diaspora (not only the technological one). Thus, the priority in the activities of the Polish state towards members of the Polish diaspora well-equipped with human capital should be networking within industry and professional groups as well as building infrastructure that enables establishing and developing contacts and relationships. An important element of this type of activity should be constant support for Polish professional groups and organisations operating abroad.

As has been said before, since the beginning of the twenty-first century, the development of networks for establishing contacts and relationships constitutes an important direction in shaping the policies of many countries towards their diasporas. It should be noted, however, that the development and implementation of a comprehensive policy towards the diaspora involves the need to overcome certain barriers. Firstly, to be effective, this policy requires significant financial resources. Secondly, it must be varied, i.e., adapted to the needs and expectations of different groups (for example, some actions should be taken in relation to emigrants and other in relation to diaspora members in the second or third generation).

As was already mentioned, the qualitative research demonstrated that some high-skilled Polish emigrants co-operate with Poland at the institutional or personnel level. There are also various bottom-up initiatives that aim at networking Polish professionals working in the country and abroad, as well as promoting co-operation and human capital transfer between them. In this context, initiatives such as the PLUGin Foundation [2019] (as they describe themselves: focusing on attracting Polish migrants, transmigrants, expats, digital nomads or generally global minds operating mainly in the sector of modern technologies), the Polonium Foundation [2019] (associating

Polish scientists and researchers working abroad) or the recently established Group for the Co-operation of Polish Diaspora Doctors [Kongres Polonii Medycznej, 2019] (seeking to develop a model of scientific and educational co-operation of Polish and Polish diaspora doctors). Events such as the "60 million Congress – Global Polonia Congress"[8], or "Polonia Economic Forums" that have been taking place in Tarnów since 2016, also create an opportunity to establish contacts and develop scientific, cultural or business relations. In Poland, however, there is still a lack of coordinated and comprehensive policy aimed at engaging and networking the diaspora, especially in the area of technological, scientific or business co-operation.

In recent years, the development and dissemination of new digital technologies have enabled the intensification of the state-diaspora relationship. The contemporary digitisation of the functioning of states opens up new possibilities in this respect. Estonia provides a good example, but it should be noted that the solutions introduced in this country are not strictly focused on the diaspora, although they can be used in this context (for example by people with Estonian roots who do not have Estonian citizenship).

Estonia is currently considered a global leader in the use of modern technologies in the management and administration of the state. Estonians themselves define themselves as "the most digitally advanced society in the world." Already in 2000, an electronic tax settlement system was launched there; in 2002, modern identity cards (enabling access to a wide range of e-services) were introduced; in the same year an electronic signature also began to operate, and already in 2005 e-voting (i-Voting) was introduced. According to official data, currently in Estonia 98 per cent of companies are set up electronically (the average time to complete the related formalities has been reduced from five days to 18 minutes), 99 per cent of banking transactions are carried out online, 95 per cent of tax returns are submitted electronically, over 30 per cent of Estonian citizens participating in the elections (residing in 116 countries) cast their vote electronically, while 99 per cent of public services, thanks to digital solutions, are available 24 hours a day, seven days a week [e-Estonia guide 2019].

At the end of 2014, Estonia was the first country in the world to launch an e-residency system [e-Residency 2019], offering people from abroad not living in Estonia or having Estonian citizenship a transnational digital identity, i.e., a virtual e-residence residence. It is a strictly economic initiative. Obtaining the status of an e-resident[9] does not entitle you to enter or stay on the territory of Estonia, but allows you to

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8 In 2018, three editions of the Congress took place (the first on 9-10 February in Miami Beach, the second on 21 July in Buffalo, and the third on August 30-31 in Jasionka, near Rzeszów). In 2019, six more meetings are planned, in six different cities, in four countries and on two continents (7-10 February - Miami, 30 May-1 June - London, 13-15 June - Berlin, 18-21 July - Buffalo, 28-30 August - Rzeszów, 3-6 October - New York).

9 In official documents, e-residents are defined as "persons residing in the e-state", a "permanent virtual inhabitant of the e-state." E-residents receive smart ID cards which provide them with: a) digital identification and authentication for secure services; b) digital signing of documents; c) digital verification of document authenticity; and d) document encryption. [Poleshchuk 2016: 1, 4].

establish a business there and conduct business via the Internet. The criteria for e-residences are formulated in an inclusive way: a digi-ID may be issued to any person who "has a relationship with the Estonian state or legitimate interest in the use of the e-services of the Estonian state" [Poleshchuk 2016: 5]. This system allows the promotion and support of the Estonian economy, science, education and culture at a distance. The e-residence can be seen as a significant step forward in the realisation of the concept of the e-society not bounded by national borders [Poleshchuk 2016; Sullivan and Burger 2017; Kotka et al. 2015].

The implementation of this type of programme combined with co-operation and networking oriented policies will raise the state's relationship with the diaspora to a whole new level in the future.

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TRANSFORMATION OF EDUCATION AND TRAINING SYSTEM IN THE CONTEXT OF DIGITAL INFORMATION AND COMMUNICATION TECHNOLOGY IN SOCIOCULTURAL PERSPECTIVE AND ITS AXIOLOGICAL AND ETHICAL DIMENSION

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Abstract

This article focuses on transformation of education and training system in the context of digital information and communication technology in sociocultural perspective. Its goal is first to analyse the reinterpretation of the concept of education and training system and its sociocultural aspect within this transformation and identify specificities of digital (global) education and training system. Secondly, we want to identify the sociocultural risks and moral problems in axiological and ethical perspective and find the moral-value requirements. The author states that throughout digital transformation of education and training system (which is a collaborative and participative process), we need to regulate also its axiological and ethical aspect of the form and content. The author believes that the associated risk that endanger the desired outcome introduce the need to raise ethical questions that regard digital information and communications in the process of education. Further, she points out that they include also sociocultural requirements of moral human creativity and its introduction into the education and training system by responsible and approved entities. Lastly, she also points out that today we are speaking about sociocultural requirement to incorporate moral-value aspects into education and training process within the whole society and use these aspects in a proper and safe manner. This specifically includes shaping and development of personality thought media education that is based on moral values, with the intention to improve digital literacy as conditio sine qua non in our personal and social life.

Key words: *Transformation of Education and Training System, Digital Information and Communications Technology, Digital Education and Training System, Global Aspect, Human Development, Civic Life, Values, Moral Standards, Sociocultural Risks, Moral-value Problems, Sociocultural Requirement*

INTRODUCTION

We live in a digital era, or world [Negroponte 2001] that requires us to use digital information and communication technology. We can state that it penetrates more and more parts of our life, introducing thus new and unique components and situations. One of the fields that is influenced by digital era is education and training system. Implementation of digital information and communication technology and developing of virtual space for the process of education is understood to be the key requirement for development of training projects, forms of education and training systems, or creation of e-learning products. We may note that psychological, pedagogical, teaching and teaching-related technological aspects in preparation of training courses and assessment of various virtual training environments are quite frequently scrutinised. We have conferences, seminars and competitions that are all about e-learning, distance learning, e-community and similar projects. [Semrádová 2010: 325]. Sadly, even though there is much interest in digital information and communication technology, it seems that D. Lewin and D. Lundie are correct when they state that its transformational power may perhaps not be reflected adequately in pedagogical and philosophical practice. As D. Lewin and D. Lundie mention, the promise that digital education and training system would revolutionise teaching and learning process, as it would mean widely available resources or radically restructured virtual learning experience, is often transferred, without any comments, to problematic social, ethical and epistemic requirements that are vital for these revolutionary changes [Lewin, Lundie 2016: 235, 236].

In the following chapters we will speak about global transformation of education and training system in the context of digital information and communication technology, seen in the sociocultural perspective. Our objective is firstly to analyse reconstruction, or reinterpretation of the very concept of education and training system, its sociocultural importance in the concept of this transformation and identify the very relevant specifications of digital (global) education and training system. Further, we want to identify the sociocultural risks and moral problems in the axiological and ethical perspective along with derived moral and value requirements.

1. ON TRANSFORMATION OF EDUCATION AND TRAINING AND RECONSTRUCTION OF ITS SOCIOCULTURAL IMPORTANCE IN THE CONCEPT OF IMPLEMENTATION OF DIGITAL INFORMATION AND COMMUNICATION TECHNOLOGY

In principle, the concept of digital technology includes information and communication technology, together with interactive technology. Digital technology can thus be a synonym for information and communication technology[1], gradually replacing

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1 They include computer, the Internet, mobile phones and other means of communication. They are typical now for using the computer and the Internet as well as integration of various forms of media (multimedia, hypermedia). More on this for example [Kostrub, Severini, Rehúš 2012: 7-8; Tináková 2007: 1; Ratheeswari 2018: S45 and others].

the term IKT in pedagogic literature in numerous countries. Generally speaking, this term describes technology needed to maintain information and communication processes that include collecting, handling, processing and exchanging of information. In the context of education and training, information technology means tools, environment and methodology that applies for collecting, storage and processing, as well as assessment, selection, distribution and providing of desired data in a desired form and quality in order to support the process of education and training, or teaching and learning and complementary activities within the concept of education and training [Kostrub, Severini, Rehúš 2012: 8; Tináková 2007: 1].

Today, global implementation of information and communication technology is apparent. Throughout the globe, multimedia, hypertext and hypermedia technology and aids are used in education and training process [Goyal, Puroit, Bhagat 2010: 39; Bhakta, Dutta 2016]. By implementation of these tools of digital technology and usage of network applications, together with changing characteristics and needs of students, the teaching and learning environment of the 21st century is being transformed too [McLoughlin 2010: 28]. New qualities and improvements that we see in the Internet technology, mobile phones, database systems and multimedia is becoming important technology and tools for improvement of the process of education and training, especially in universities and colleges [Hameed 2016: 378]. However, this technology may be efficient only if it meets criteria important for education and training concept [Goyal, Puroit, Bhagat 2010: 39; Bhakta, Dutta 2016]. In information and communication-based societies these criteria do not simply emerge out of the thin air, but come with the context of new social projects and changes that reflect human development within the system of education and training process.

As stated, the processes that apply in education and training system of the global 21st century should favour personal goals and needs. It is necessary to prepare individuals for the world as we see it today. Modern world is characterised by social mobility and diversity of life routes; people are expected to follow multiple professional routes and take several requalification courses throughout their life [McLoghlin, Lee 2010: 31]. New teaching environment, or school version 2.0, may serve also as a platform for better understanding of public sphere that concerns us all at global social level. Such a school can use the knowledge of general social reality, increase sensitivity and use experience seen from a different perspective. With the help of network, this school may really help improve the situation in public sphere, in areas that are important for our common interest, and promote also broader – cosmopolitan citizenship[2] [Gozálves 2011: 135].

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2 Communication is now understood to be linked to the ideal of democratic society that wants to exercise human rights, dialogue and transparency, and society that applies the principles of equality and progress [Nanni 2014: 83]. In the past, education and training system was understood to be the key to well-functioning democracy and this is still true today. Citizens are expected to be adequately educated and able to make decisions that are beneficial not only for them, but also for the shole society [Olcott 2015: 61]. Communication, education and training system are now influenced by a rather radical phenomenon of digital technology that revolutionizes and transforms their nature.

Digital culture offers conditions for new expertise and reinterpretation or revision of the concept of education [Gozálves 2011: 135], which inevitably results in change in some of these concepts. For example, we can mention the concept of teaching and learning. Gozáles points out that there is a prerequisite need for change in understanding of knowledge and our approach to knowledge, which is rather horizontal, interactive and reciprocal. The new perspective talks about abolishing mechanical teaching in both the new and old encyclopaedia-like approach to knowledge. The most important task is to teach the learning minds – or critical and creative thinking in individuals. We can state that the teaching and learning environment of the 21st century, or school version 2.0, is understood to be the answer for the commitment to nourish learning minds [Gozálves 2011: 135].

In the new perspective that we are talking about, students, or learners, are taken as active participants and co-owners of the sources of information rather than passive consumers of the pre-defined content. It acknowledges the fact that that the generated content holds the central position in curricula, which also promotes a self-regulation process in education. This requires students to actively participate also in setting the needed objectives and strategy, as well as choosing tools in information and communication technology [McLoghlin, Lee 2010: 31, 38]. Education and training should be combined with a permanent imaginary call for action, this will motivate students to become responsible for developing knowledge and personal skills, which will in reward help them take control of the vital assimilation of knowledge [Gozálves, 2011: 135].

It is important to trigger student's cooperation and interaction in the new perspective of education and training system. This, in fact, means boosting cooperative education and training programmes that take a fresh approach to models relying on student experience and activity [Gozálves 2011: 135]. As was already mentioned, we are talking about social participative processes [McLoghlin, Lee 2010: 31, 28]. In this respect, D. Pimienta mentions a need for true and organised participative partnership in education and training system, a partnership where all participants are active. This should constitute a multilateral process in which participants mutually interact [Pimienta 2009: 20]. Similarly, V. Gozálves notes that all parties, not just teachers and students, but also parents need to be employed in the process of education and training [Gozálves 2011: 135].

We may state here that in the education and training system, digital information and communication technology is the fundamental element for communication, collaboration, presentation and work (or complex development of personality of students/pupils/children) in the new perspective of education and training system [Kostrub, Severini, Rehúš 2012: 8]. Regarding its attributes (capacity, structure, processes), this technology generally very well fulfils the requirements for education and training system established by the modern era [Bhakta, Dutta 2016: 137; Goyal, Puroit, Bhagat 2010]. Most importantly, it is the Internet, a great form of media, that has

the power to supress territories and start massive interaction that can help develop intensive contacts, dialogue, discussion and exchange of information,[3] when every corner of the globe in connected to the world wide web [Nanni 2014: 87].

Efficiency in teaching and learning with the help of new digital aids, means, material and methods, is greatly improved and more attractive for both teachers and students in the modern era [Kostrub, Severini, Rehúš 2012: 7]. It is clearly visible that the new digital information and communication technology is more productive in the process of teaching. When used, the influence on increasing quality of products and processes in education and training systems is obvious [Bhakta, Dutta 2016: 137; Goyal, Puroit, Bhagat 2010]. In this perspective we could and should mention also digital media literacy and competence[4], as important determinants of efficiency of digital education and training, but also active civil life and human progress. As for example J. M. Pérez Tornero and T. Varis note, nowadays this literacy becomes the key condition for digital citizenship, or development of free democratic societies [Pérez Tornero, Varis 2010: 57]. Yet we must also say that, in reality, this human and social development does not automatically have to be successful even if it is traceable and indeed used in education and training system. We face various socio-cultural risks and problems that endanger not only efficiency in teaching and learning, but also education and training system as such, including its goals,[5] of which many have a moral, or moral and value-driven dimension. Of this we will be speaking in the following chapter.

2. SOCIOCULTURAL PROBLEMS AND RISKS IN DIGITAL EDUCATION AND TRAINING SYSTEM IN AXIOLOGICAL AN ETHICAL PERSPECTIVE

As already stated, education and training system that uses new digital information and communication technology, or in other words the so-called digital education and

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3 As S. Gálik and A. Modrzejewski point out, the Internet, or usage of the Internet, influences organisation within the society, where individual "cells" communicate certain values and ideas [Gálik, Modrzejewski 2014: 25], which is a condition for global exchange of social and cultural values, especially in digital education and training system.

4 Folloving Kačinová, general digital media literacy may be understood as (gathered) elementary level of knowledge, abilities and competence needed for an individual to handle digital media and their products in various fields. Digital media competence specifically in digital media and media technology can theoretically be understood as competence (or qualification) of an individual that influences their performance in this context [Kačinová 2015: 260]. However, we are presently faced with the need for a more holistic approach to media education, which exceeds this performance [Kačinová 2019].

5 We need to say that digital information and communication technology, or digital communication, does not automatically promote global democracy and civilised development. Many authors are critical in their view of the impact that may, in fact, be harmful. Žanony, for example, points out that the influence on public debate, its quality and on the very democracy is, sadly, rather disastrous and endangers society and democracy. The new world of information that was meant to improve level of awareness, understanding and human emancipation, brought information chaos, anarchy, increasing polarisation and division. We try to escape from this unwanted effect of information ambiguity by settling down within the cage of our prejudice. Žanony believes that this is a logical result of the information and technology state of our society, influenced by commerce and advance in technology that offers post-truth, information bubbles, data altering, increased aggression in public debates or weakening confidence. With this come effects such as addiction or manipulation of the thoughts. These negative effects did just come suddenly, but gradually with disintegration of communicative society [Žanony 2018].

training system, is not problem-free in terms of human development in the global context of countries, communities and individuals. It is accompanied by various risk and problems. In the sociocultural aspects, we face moral or moral and value risks and problems that rise form the actual existence (or non-existence) of this digital technology, its content and finally the impact it brings in education and training system. This includes consequences that are the result of the very nature of this technology, but also consequences that are results of our own routines that we develop when we use it. It is necessary to say that these consequences influence content, but also the formal aspects of digital education and training system.

Fist, we can mention a specific sociocultural and especially ethical problem of global influence – the so-called digital division, or digital divide. This means division between individuals, communities or societies, so we have those who gain from digital technology and those who do not get equal chance since they do not have access to it. As N. Dabbagh and coll. notice, acceptance of network models of Web 2.0 in education and training system requires certain infrastructure, hardware for the end users and applications or teaching material. If any of these three requirements is not met, then this technology cannot be widely accepted. Countries and communities that have access to this kind of education and training system may take advantage of it, whilst those that do not have this chance, cannot benefit from it. N. Dabbagh and coll. also comment that even though inexpensive devices, for example smartphones, may improve the situation a little, they cannot be the solution to this problem [Dabbagh et al. 2016: 37].

It seems that though on the one hand we potentially have digital technology that offers the poorest ones the same access to the cultural heritage as those who are luckier, on the other there is a real danger of technological dominance and even greater difference between those who can access modern technology and those who cannot [Nanni 2014: 87]. As Pimienta points out, this difference copies the present social division or digital divide in the (virtual) world of societies, a division that describes possibilities for various people and groups for personal development through digital technology [Pimienta 2009: 1, 2],[6] also in the context of education.

We can state here that digital divide is the key factor for global acceptance and usage of Web 2.0 network model in education and training system [Dabbagh et al. 2016: 37]. Basing on its features, it can be regarded as one of the fundamental global sociocultural problems that determinates personal development and society development in the new perspective of education and training system. This obstacle constitutes a topical issue and challenge, mainly in personal and ethical dimension. Pimienta also notes that mere provision of access to digital information technology does not mean that people who use it are automatically granted access to opportunities for their per-

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6 The opposing view of this perspective then tells us that usage of digital information and communication technology offers indisputable opportunities to reduce social division between humans and societies [Pimienta 2009].

sonal development. It appears that non-existence of infrastructure for getting online is not the only obstacle, apart from digital divide; there are some other challenges that we have to fight in order to provide individuals and groups of people with real opportunities for personal development through digital technology [Pimienta 2009: 1]. For example V. Olcott et al. talk about various ethical problems that influence both individuals and collectives, and since these problems stand in the way of personal but also social development, they become sociocultural challenges for education and training system inside, but also outside of schools. These challenges include digital identity and reputation, online privacy and safety, but also online bullying – a new phenomenon that is not restricted to only exist in the world of school, but also outside of school, so it may cause permanent invasion of privacy. Then there is misuse and abuse of information and communication technology. Even though this does not have to result in addiction to technology, it is characterised by unusual and excessive or unregulated, or in other words, immoderate usage. We can also mention plagiarism, reproducing ideas, words and works of other people and pretending they are original and so on. We also face the issue of intellectual property in digital environment, which indicates tension between commercial and social opinion on the Internet usage. Finally, we should mention also problematic spreading of information of questionable quality and accuracy and related uncritical consuming of information [Olcott et al. 2015: 64, 65].

In the context of the previously said, it seems that when we consider correlation between morality and digital technology, especially in respect to education and training system, many ethical questions and challenges start to arise. They chiefly concern the influence on education, independency, and freedom of individuals. We are talking about the current ethical questions and challenges that come with this technology and its usage. These questions cover a wide range of legal topics, or issues, including privacy, neutrality, computer crime, transparency and similar [Olcott et al. 2015: 61]. However, we should also acknowledge that along this ethical and legal questions, education and training system that uses digital information and communication technology meets also another ethically significant problems that are influenced by factors such as social and political influence, cultural and geographical diversity, prejudice, students diversity and other similar factors [Goyal, Purohit, Bhagat 2010: 40]. It is therefore visible that these issues are big enough to endanger the objectives of digital education and training system through harmful character of factors, or data, and introduced information influence that reflects these factors.

It is obvious that currently it is the Internet that greatly influences students, researchers, academics, but also non-academic personnel and the whole process of education and training in general [Hameed 2016: 372, 378]. In the context of data and information it brings, we are speaking about social and moral values that it offers, this has a great influence both on people and education and training system in the society. Sh. A. Hameed states that research shows that the most problematic and

harmful effects are the results of sexual, anti-religious and antisocial content, as well as advertisement, because this all introduces various religious, ethical, cultural and social influence [Hameed 2016: 372, 379]. In the context of education, this brings a great impact on sociocultural aspects of users, especially within the frame of moral and value system.

The global character of network opens really exciting opportunities to produce and spread knowledge, but through promotion of customs, values and norms of foreign culture that clashes with values and norms of various national cultures, it also brings certain cultural risk. We agree with J. Weckert who points out that this sometimes leads to wiping away of national or original values or cultures [in Voronkov 2004: 13]. It seems that this happens despite the fact that digital culture is by nature disorganised and decentralised, which may in fact be exactly what makes it to certain degree resistant to the prevailing cultural domination [Nanni 2014: 87]. Given this, many users, or in fact most users of the Internet, generally accept the concept, or strategy that filters this harmful data and content that has anticultural potential [Hameed 2016: 379].

As Hameed points out, it is possible and necessary to develop efficient tools for filtering data and information[7] and this way increase its usefulness in schools [Hameed 2016: 372, 379], or generally in education and training system. However, it is necessary to say that even these technological tools carry a set of values, just like any other means of information and communication technology. Therefore, also they are inevitably involved in the system that enforces certain social and cultural, political and moral values in education and training system. This we may understand to be risky in the view of its primary goals or in the perspective of real development of individuals and societies. Sometimes this seems to be forgotten.

When designing education and training system, it is necessary to keep in mind value and moral aspects that are linked to its content brought by digital information and communication technology, or the very virtual or technological dimension. As also I. Semrádová points out, this form and content can (or better said – should) take into account value, emotional, moral and aesthetic coherence and thus contribute to securing of personal development in education and training system [Semrádová 2010: 327]. Therefore, we believe that if we take into account all of the previously mentioned risky factors that endanger educational objectives in the perspective of human development or efficiency of digital information and communication technology in teaching and learning, it is necessary to establish certain axiological and ethical requirements for any activities that are meant to bring positive effects in here. A mere pragmatic vision of now practical and functional technology that could be used in education and training system is not strong enough a base for ensuring of real human development

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7 For example, Smart Data Filtration tool (SDF) should be able to filter multimedia content using defined rules and standards that cover religion, ethical, cultural and social interests for a given environment or group of users. We can understand this tool to be a complement to the present functions of firewall [Hameed 2016: 378, 379].

and society development, or even worse for deducing it.[8] About this we will be speaking in the following chapter.

3. SOCIOCULTURAL REQUIREMENTS IMPOSED ON DIGITAL EDUCATION AND TRAINING SYSTEM IN AXIOLOGICAL AND ETHICAL PERSPECTIVE

In our pursuit of education and training we have, since always, been making products that come with cognitive value and that, together with emotional, moral or aesthetical values, aim towards certain objective (either originally intended or contextual). These are not only textbooks or teaching material, but presently also e-learning courses [Semrádová 2010: 323], as well as information and communication technology and virtual space for students and teachers. Everything of this is a valuable result of human creativity that reflects social and cultural needs, as also B. Kosová [Kosová 2014: 80] states. When we speak about these products, we should also say that their form and content should reflect also ethical requirements and withstand ethical questioning.

Let us notice first the sociocultural requirement, which states that global digital education needs quality digital material that fulfils cultural requirements and that is available for both teachers and students. Such material needs to be properly prepared. This means that the process of preparation includes ethical aspects raising from both social and cultural circumstances that cover the content and values - for example adequate intercultural aspect of the content that reflects social interaction in digital education. We believe that special care should be taken in the case of the Internet as media technology for education material and communication.

It is also important not to be interested only in practical and functional potential in education when we analyse digital information and communication technology in education and training [Nelson 2015: 374, 387]. This in fact means to consider also other aspects and not just the technological vision once we assess quality [Pimienta 2009]. It is necessary to broaden criteria and make sure they also cover moral adequacy in education and training. It is important then to include ethical aspects and thus make it possible to deal with moral values. We need to keep in mind what technology is capable of and what it brings to life of modern people, we also must be aware of its personal and social role in pedagogy as emphasizes also M. E. Nelson [Nelson 2015: 374]. This we need to accept as early as in beginning of the process of designing information and communication technology in education and training, which needs to have its axiological and ethical dimension clearly defined.

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8 Semrádová states that there are some calls that protest against modern technology in education and training. These voices express scepticism, concern about rapid spread of technology, depersonalisation, algorithmization, excessive rationalisation and economisation and, perhaps, also possible simplification of approach to the world and people... This negative standpoint roots also in general neophobic attitude. This author also points out that the question raised by philosophers, teachers, psychologists and some e-learning course creators and students, is a question that concerns scope of education in practical world that is influenced by reduction of elementary education needed for human, limited to education required for our technocratic and bureaucratic civilisation, or for roles that we play and need to play in order to succeed [Semrádová 2010: 326-327].

In this respect, we need methodology for construction of digital information and communication technology, the so-called value-sensitive design[9]. This design is based on the fact that this technology functions as media for various values (social, cultural, political, moral) because these have unique characteristics. It is therefore important to implement them into the designing process. As J. v. d. Hoven points out, ethical aspects and moral values in technology are understood to define its design requirements. We may state that these requirements should enable pragmatic methods and frames that support moral and ethical values in users of this technology, so that digital systems, products and services could indicate a high standard of moral quality and become reference index for moral appropriacy [Hoven 2017: 66, 75].

Decision-makers should try to predict future development and social functionality of digital innovations in education and training system. However, they should also be prepared to implement practical measures that would prevent any malicious usage of what was meant to be positive [Kosová 2014: 80]. We believe that digital information and communication technology should be incorporated in education and training system with respect to axiology and ethics. As also Pimienta points out, if decision-makers that influence public policy or projects in information and communication technology that aims at human development only regard the technological vision, we have a problem [Pimienta 2009: 1]. Local and global decisions and actions that influence incorporation of digital technology in education and training should favour convergence of values, people and technology, therefore the decision-making process should definitely be a subject of ethical assessment [Olcott et al. 2015: 61].

Olcott and others point out that the decisions and actions of subjects that have the power to decide should agree with certain ethical presumptions or rules that should be taken into account and that, in our view, directly become sociocultural requirements. For example, they should follow the idea that technology should be used wisely, thoughtfully and with respect, rather than just "used." Appropriate usage of technology should be in agreement with moral criteria of long-term sustainability, regulated dosage, respecting other people and their rights, as well as satisfy basic needs of people (including the need of education, communication and social inclusion), as well as personal and collective wellbeing (good life). It is obvious that excessive, inappropriate of harmful decision, design or management of technology that has a negative influence on people either now, or will have it in the future, should immediately be dismissed in the process of decision-taking. Any decision-maker should keep in mind that individual and collective practice that sets rules for responsible and exemplary usage of technology is a commitment that is bound to values and duties. This requires awareness in terms of impact of rules concerning technology - rules that individuals or groups of people issue and systematically use and, finally, also usage

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9 Value-sensitive design is a multidisciplinary field of theory and methodology that describes values and moral insight in the process of construction of technology. It introduces human values (such as privacy, respect, confidence, and other values) into the whole process by the means of principle and structure [Friedman, Kahn, Borning 2006; Hoven 2017].

of this technology respecting relevant considerations. These considerations include for example how I can improve my status using this technology and also how my performance will be improved; whether using this technology may be beneficial for me, but also how it helps or harms the others and what benefits it offers for the society [Olcott et al. 2015: 67], all these considerations should regard the obvious axiological and ethical perspective.

As already stated in several places, we are speaking about current education and training system with relevant usage of the Internet where, as also C. Nanni points out, it is usage of the Internet that may most promote plurality and homologation of variety of unique cultures [Nanni 2014: 87] through its own media capacity and media potential, e.g. its content (data, information, knowledge) and formal dimension (technology dimension and process), but also through social practices that we change with regard to them in the context of digital culture. This is the reason why we believe that there are important questions to ask when taking decisions about the Internet. These questions are: To what extent does the Internet influence local culture and traditional way of life? What is the possible future effect of such changes for culture and society in the global and local scale? To what extent are traditional cultures and values in such cultures changed by the digital infosphere of the Internet?" These question, which cover the intent of intercultural information ethics [Cappuro 2006: 183],[10] should be followed by another ones that are relevant in terms of axiology and ethics and that explicitly aim at a broader sense of good of the information and communication dimension of human existence in the 21st century, or moral context of information and communication technology itself (as already stated).

Finally, we can agree with Olcott et. al that the power and potential of digital information and communication technology for human development is only exceeded by power and potential of human. As these authors note, decisions that now influence humans, for example decisions regarding education and training system, are, when we speak about potential ethical, or axiological and ethical problems, designed by people – technicians, politicians, teachers, educators or private agents, communities, universities, various organisations, societies, governments... It is especially dialogue and engagement that is important in the case of local teachers, businesspersons, community specialists, parents and members of government. As active decision-makers they should ensure that their decisions about using digital information and communication technology in education and social environments respects axiological and ethical line. However, we must not forget that we all are responsible for making sure that advantages introduced by these innovations are balanced and precaution measures that eliminate misconduct are implemented. Still, it is necessary to say in this respect that politicians and educators must play the fundamental role to teach the whole population about the proper, or appropriate use of these innovations [Olcott et

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10 Intercultural information ethics is a macroeconomic field of ethical research that takes into account various cultures. Moral questions found in infosphere are studied using a comparative method that considers various cultural traditions [Cappuro 2006].

al. 2015: 68], as it is necessary especially in axiological and ethical perspective. We will be talking on this later.

4. THE NEED OF VALUE AND MORAL ASPECT IN THE CONTEXT OF SOCIOCULTURAL CLAIMS FOR EDUCATION IN DIGITAL WORLD

Basing on what was previously said, it is obvious that within the framework of digital education, which uses potential for human development, it is the human potential that is vitally important. This potential is determined chiefly by responsibility and honour [Olcott et al. 2015: 68]. In this respect, moral values are the pillar of the process of establishing shared knowledge-based societies. This requires educating people in ethics, ethical behaviour in participative processes and active approach in ethical discourse [Pimienta 2009: 1, 21].

To insure general human development in the context of global digital education and training, we feel that it is important to support knowledge and reflective practice not only in practical handling of digital technology, but also its moral aspect. Olcott et col suppose this is why we should not only teach people how to use digital information and communication technology, but also train them how to use it safely and responsibly. However, there is an important presumption – it is necessary to do so throughout the whole society, so that each and every individual receives quality training, reflecting their needs, interests, abilities and skills.11 Another condition is that this shall be based on universal moral values that are explicitly incorporated in any educational activity [Olcott et al. 2015: 66, 67].

Also Gozálves identifies a more extensive sociocultural need for education not only in the field of technical and practical application of communication technology, but also responsible use of this technology in everyday life. He talks about integral education that combines ethical aspects and techno-communication, this may support digital citizenship with usage of communication technology, as well as participative and advisory processes. This ethical dimension follows the concepts of reversible and universal dignity, global or cosmopolitan justice and sustainable human development, it is associated with moral values and standards such as freedom, equality, solidarity, dialogue and respect [Gozálves 2011: 136, 137]. This allows opening a dialogue about how new technology influences our privacy, independence and freedom [Olcott et al. 2015: 66].

We now need to mention digital and media literacy, which J. Suorant and T. Vadén understand as using digital information and communication technology for the common good [Suoranta, Vadén 2008: 7].12 The idea of improvement of this literacy and

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11 Therefore, all individuals, but especially the less privileged people (who would otherwise feel digitally excluded) need to be approached [Olcott et al. 2015: 67].

12 Theoretical critical approaches define social benefits of media, or digital media literacy [Gutiérrez Tyner 2012: 7] and lead to relevant understanding of ideology and power, or – how power and information are linked one to each other. These approaches analyse the policy of participation, the key dimensions such as gender, race, class and similar, because these are relevant for both students in their process of transformation to socially active citizens and whole society that transforms itself to less

competence that reinforces excellence and stimulates personal autonomy of citizens and their social and cultural commitment [Kačinová 2019: 23] expects moral and value-conscious shaping and development of critical thinking, improvement in ability to choose and process information, but also better expressive, communication and interactive skills – this all is influenced by media education.

The ideal that we want to achieve in media education that aims at digital media literacy and competent individual is exactly this competent, flexible, intelligent and critical individual that exercises introspective thinking. It is also an individual that is able not only to discuss media content, but also be creative and productive and use tools that this modern technology offers to interact readily and meaningfully with other people [Pérez Tornero, Varis 2010: 93]. However, we are speaking not only about conscious and critical, but also responsible use of these tools in professional and personal life or anywhere where one is confronted with digital media. The ability to succeed in this is a sing of quality and fully developed digital media competence in an individual [Kačinová 2015: 260].

Also in the context of what was previously said, it is obvious that media education must include correct approach to the new language of technical media, but shall not be restricted to mere construction of technical and instrumental attitude to digital media [Goméz Galán 2015: 31].13 This should insure reflective and critical standpoint in individuals and serve as a platform for two modes of critical approach – one that regards the content (digitally spread information); as noted by Pérez, Torner and Varis, this should also offer means for critical assessment and selection, and one that regards the technological context [Pérez Tornero, Varis 2010: 55]. Also, as already pointed out, these two modes of critical approach should definitely employ morally relevant reflection that regards also axiological and ethical aspects.

As noted also by Olcott et al, education in safe and morally responsible use of digital technology should be based on values [Olcott et al. 2015: 67] that define a mature democracy. In this view we may note that especially in the context of axiological teaching and learning that involves media, education that concentrates on values is an important component of media education [Kačinová 2015: 69-71]. We praise for example informing about primary semiotic links, personal and social values, ethical and aesthetical consequences and possibilities for creative work that come with experience that is presented electronically, or digitally, as noted also by Nelson [Nelson 2015: 374]. However, media education should not concentrate solely on this, in

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repressive and more egalitarian democracy [Kellner, Shale 2007].

13 Solely technical approach to assure digital media literacy is not sufficient. We need to note in this context that there is a risk of inappropriate approach or strategies in media education, resulting in degradation of digital media literacy. As A. Gutiérrez, K. Tyner and also J. Goméz Galán point out, these risky strategies occur when teaching digital competence is taken solely as promoting a narrow skillset that only covers handling of technical dimension of digital information and communication technology. They concentrate on technical expertise, so this approach sees the operational training as the goal. In real life, such training makes the situation in digital media literacy even worse [Gutiérrez Tyner 2012: 6, 7; Goméz Galán 2015: 2]. See also an article on media education and media competencies by A. Fedorov and A. Levitskaya. [Fedorov, Levitskaya 2020].

addition to this, it is necessary to invoke also reflexive and interpretative teaching, learning and evaluating in the field of digital media. Here, V. Kačinová notes it is not only building a decent sense of values that is important, but also, and especially, shaping one's own opinion that is based on critical thinking. This, according to V. Kačinová, means critical assessment, taking account of certain standards and criteria on which media education must concentrate [Kačinová 2015: 69-71]. A. Kiryak et al suppose that a truly competent person is capable of well-developed argumentation assessment and therefore media education should concentrate particularly on improving personal readiness for argumentation assessment to open space for critical attitude14 [Kiryak et al. 2015: 148].

Having spoken of axiological and ethical dimension of media education, it is now possible and in fact necessary to emphasize sociocultural importance, role, or benefit that this education brings to people and without which it would basically be useless. We agree with C. Nanni that media education should influence and encourage students to become free self-confident individuals who are able to think critically, be reflective and creative, but also solidary and responsible members of society in their pursuit of adequate usage of digital information and communication media and technology [Nanni 2014: 88]. As stated also by P. Aroldi, the main challenge for media education is to contribute to creation of "homo civicus," a citizen of Mediapolis, capable of plunging in to the "serious game" of freedom and responsibility in social activities. This author explains that media education and any education agency, whether it is family or school, must promote forming a responsible person in the context of the new digital age [Aroldi 2007: 27], which is the essential condition - conditio sine qua non – for our social existence.

CONCLUSION

In the context of global implementation of digital information and communication technology, education that pursues personal development as well as global-scale social development is transformed to cooperative and participative education. It is visible that this technology offers features that increase efficiency of teaching and learning, but its implantation might not automatically mean success. In fact, we are confronted with various risks and problems that influence both effectiveness and goals of education. Many of these risks are linked to value and moral context. This constitutes a need for certain axiological and ethical requirements applicable to every human action and product that is meant to bring a positive effect in education. It is obvious here that mere pragmatic approach to the technical aspect, or practical and functional dimension of digital technology is simply not adequate for assessing its quality and contribution to the process of education.

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14 Kiryak emphasises axiological approach in media literacy. She understands media criticism as an axiological phenomenon [Kiryak et al. 2015: 148]. A specific axiological perspective in relation to digital technology is noticed also by Nelson [Nelson 2015: 387]. Kačinová et al. [2014] too speak about importance of media education that keeps in mind axiology.

The current sociocultural requirements are inevitably applicable for the content and form of any input in the newly transforming education that respects personal and social development. This input should represent a valuable result of human actions; it needs to be in harmony with the required ethical, or moral aspect of human creativity. It is therefore important in the primary perspective to consider ethical aspects when designing the content and form. We believe that these aspects must be sensitive not only to social and cultural context in digital education and values it presents, but also to ethical context. These aspects are taken into consideration when assessing quality and usefulness of digital information and communication technology – we want to determine the value and moral quality, or acceptability, as this technology also communicates values in its own technology-dominated dimension. Finally, we must not forget the sociocultural requirement of axiologically and ethically relevant implementation of digital information and communication technology into education and training system. This means that the decision-making subjects must, after relevant ethical investigation, make decisions and take measures that do not violate ethical standards and norms

Further, we think it is possible to identify a general sociocultural need for training in technical handling of digital technology, but also in personal development, as this influences its appropriacy, safety and moral relevancy, as well as performance in the process of education. This means that techno(communication) education also needs to be based on value and moral dimension, which basically means it needs to follow especially moral values. Here we can mention for example human and pedagogic aspect of media education, which means that this education's objective is "good use of media" [Nanni 2014: 88]. We can say here it is the critical, value and moral aspect-aware and responsible acceptance and use of digital information and communication media, as the objective of media education with axiological dimension, that is fundamental for the much-needed media, or digital media literacy and competence that seems to be a determinant (sine qua non) of our human, personal and also social development.

In conclusion, we agree with a more general view, or idea, that the pillars of new information-based societies, where real human development is the key, are represented by education, ethics and participation; these should interreact as a system process [Pimienta 2009]. In the light of this, we believe that it is our present challenge and duty to nourish, support and secure this interaction. This is a challenge for us all, we all are responsible for this development, into which digital information and communication bring a unique opportunity.

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THE RECAST CIVIL PROCEDURE AND LEGACY OF FRANZ KLEIN IN THE SLOVAK REPUBLIC

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Abstract

The year 2016 witnessed the completion of a next chapter in the history of civil procedure in the Slovak Republic. As of 1 July 2016, three new procedural codes entered into force, replacing the previously applicable Civil Procedure Code of 1963. The ambition of the legislator was primarily to (re-)build the civil judicial procedure on solid theoretical principles and mainly on the basis of so-called social conception of procedural law, as advocated in Central European tradition in particular by Franz Klein, author of the Austrian Civil Procedure Code of the late 19th century. Major events such as recasting of procedural codes certainly represent an opportunity to look back and to assess the overall continuity or discontinuity of the legal regulation being (re-)codified. This is also the case with the recast civil procedure in the Slovak Republic.

Key words: *Civil Procedure, Franz Klein, Slovak Republic*

INTRODUCTION

The year 2016 witnessed the completion of a next chapter in the history of civil procedure in the Slovak Republic. As of 1 July 2016, three new procedural codes entered into force, replacing the previously applicable Civil Procedure Code of 1963 [Ficová 2016]. The ambition of the legislator was primarily to (re-)build the civil judicial procedure on solid theoretical principles and mainly on the basis of so-called social conception of procedural law, as advocated in Central European tradition in particular by Franz Klein, author of the Austrian Civil Procedure Code of the late 19th century. Major events such as recasting of procedural codes certainly represent an opportunity to look back and to assess the overall continuity or discontinuity of the legal regulation being (re-)codified. This is also the case with the recast civil procedure in the Slovak Republic.

Already during the works on the draft of the three new procedural codes (on contentious, non-contentious and administrative justice), historical archetypes of the individual procedural institutes have been taken into account – however, not as an end in itself or due to any kind of nostalgy. The creators of the new legislation were not afraid to admit their historical inspiration on one hand, but on the other have not stuck unnecessarily to the institutes and terminology that have been overcome in the meantime. In order to offer a more detailed overview of continuity or discontinuity in the development of civil procedure in Slovakia, two members of the Drafting Commission for Recast Civil Procedure submit this paper focused on setting the new procedural codes into their proper (historical) context.

Legal historians in Europe often highlight the case of procedural law, and especially of the civil procedure, as an example of long-term continuity of law – from the Middle Ages up to the present days [van Rhee 2000]. Indeed, while substantive law experienced a number of discontinuous ruptures associated with socio-economic changes throughout the European history, in contrast, continental procedural law shows numerous signs of traditionalism (comparable to the traditionalism of the common law system), and strong influence of the Romano-Canonical models, surviving up to the present. Classical doctrinal works of procedural law, especially starting from the 13th century onwards, treated procedural institutes and issues that are still relevant and present in a judicial trial up to these days. This was not affected negatively by any revolutionary wave of the 18th, 19th or 20th century, and even if some efforts aimed at departing from the traditional principles of procedural law were present in these watershed moments, there was always a return back to the traditional institutes. Changes that have been introduced throughout the centuries never changed the very essence, purpose and institutes of procedural law completely. The novelties introduced were rather following the goals of fulfillment of the original purposes present in the procedural scholarship since the 13th and 14th centuries – namely efforts aimed at quick and efficient solving of disputes. Historical experiments were confined primarily to whether the speed and efficiency is to be vested fully in hands of

the parties (which was historically proven inefficient), or in the hands of a judge with investigative powers – to ultimately reach a compromise in the form of the currently prevailing social conception of civil procedure, implemented in Central Europe since the late 19th century.

1. THE IMPORTANCE OF CIVIL PROCEDURE CONCEPTIONS

A (re-)codification or recasting process is considered to be a systematic arrangement of laws regulating social relations within a certain segment (legal sector) into a coherent and complex body. A successful (re-)codification should thereby represent not only a coherent collection of legal standards, but should also include an expression of underlying principles and ideas. These may thereby be based on historical traditions of the national legal system, or they may rather aim at introducing some novelties, be it from a technological point of view or in doctrinal terms. Still, even in the latter case, without any doubts, any complete system of legal rules must have an underlying conception. The need for a unifying conception defining the basic parameters of the civil procedure is in our opinion an absolute must. Otherwise, a mindless complex of rules of casuistic nature leads to opacity of the final outcome of the recasting works. Lack of an underlying value system makes it additionally virtually impossible to consistently interpret the law, whether at the doctrinal level, or at the application level. Additionally, should the 'legislative experiment' recede from the European standards, the outcome will be deprived of the positive effects of the wider international (regional) legal context, making it even more difficult to interpret the meaning and purpose of the legislation.

Lack of conceptions and consistency of the legal environment is thereby a risk and challenge not only in the Slovak Republic. This might be a common denominator of all countries of the former Eastern Bloc. Similar calling for a clear and defined conception can be heard, for example, in the neighbouring Czech Republic [Lavický, Dvořák 2015: 156]. Therefore, we believe that the rules of civil procedure (and of all other recasted branches of law) must necessarily be anchored in the complex system of values. Should a consensus be reached on the conceptual bases of the recast regulation, subsequent risk of political interference into the recast text will be mitigated, or at least the politicians will be forced to ponder upon serious interventions into the design of the recast code.

A broad social and political consensus on conceptual issues thus in many ways determines the durability of any codes, but also their concrete form. The conception of civil procedure can hence be compared to construction pillars underpinning the civil trial. Ill-advised invasions into structural elements of the system of the civil procedure could subsequently lead to disintegration of the whole construction. In contrast, leaving, figuratively speaking, the pillars that support the structure intact, any partial amendment by any political party can not compromise the construction of the civil procedure as a whole. The answer to the question of whether we need a

conception of civil procedure must therefore be seen in the need of stability and pre-dictability of law, as a basic prerequisite of the rule of law principle.

2. TWO MAJOR CONCEPTIONS OF CIVIL PROCEDURE

Under the conception of civil procedure one ususally understands at the doctrinal level a summary of the characteristics of procedural institutes comprised in a code of civil procedural law. It is hence perceived as a unifying link, or a sort of 'unitary idea'. A brief outline of the two major existing conceptions of civil procedure can be described here as follows:

With the first codifications of civil procedural law in the late 18th and early 19th century, civil trial in Central Europe became a subject of scholarly research. Thereby, during the 19th century, civil procedural law was dominated by a conception of lib-eral civil procedure based on an extreme negotiating principle (*Verhandlungsprinzip*). In this sense, the litigants were 'owners' of the facts of the case [Lavický 2014: 13]. The role of the judge and of the court as a decision-making body was reduced only to the 'mouth' of the law, with the interference of the court into the facts of the dispute limited to a minimum. The result was a conception of civil procedure, the purpose of which was not to aspire to a fair decision corresponding to objective reality, but only to assess the facts and substantive evidence collected and presented by the parties.

Such a conception of civil procedure showed insufficient in the long term, though. As a reaction to the extreme conception of negotiating principle, in the late 19th century a new conception was introduced as opposed to the dominant liberal conception – a social conception of civil procedure. This perspective of civil procedure was to guar-antee a more equitable resolution of the disputes. It should be emphasized, however, that even in the social conception of civil procedure parties retained a dominant role as to the claims about substance of the dispute and with respect to presenting sub-stantive evidence to support their claims. The role of the court in the social concep-tion of civil procedure got nevertheless more active – in order to identify the important facts, in cooperation with litigants. In the scholarship of civil procedural law, this is called **the principle of material guidance and the principle of procedural cooper-ation between litigants and the court** [Lavický 2014: 13].

A materialization of the outlined ideas into a comprehensive and coherent codifica-tion of civil procedure took place first in adoption of the Austrian Civil Procedure Code (ZPO) in 1895. The main author of this Code was an Austrian proceduralist Franz Klein – therefore, sometimes his surname is used to refer to this conception of civil procedure – talking thus not only of the social conception of civil procedure, but also of the 'Kleinian' conception of civil procedure.

It is to be emphasized, however, that the term 'social' has nothing to do with political sciences´ definitions or sociological connotations of that term. This label is derived only from the active role of the court and the judge in getting a realistic picture of the factual basis of the case. Nevertheless, the purpose of this conception is not

a judicial determination of the actual state of affairs and negation of any procedural obligations of the parties, as was the case in the communist type of civil procedure, adoring non-critically the principle of so-called material (actual) truth (manifested in Czechoslovakia in the codifications of civil procedure from the years 1950 and 1963). Social conception of civil procedure, building on the responsibility of litigants with an active participation of the court became a dominant conception of civil procedure in Europe in the 20th century. Under the influence of the Austrian ZPO of 1895 (which is still valid in Austria today, of course, with many amendments and additions), many Central European procedural codes were adopted to match this conception, adapted to the specific conditions of individual national legal systems.

These two conceptions of civil procedure, however, do not represent two developmental stages of civil procedure. The two conceptions coexisted and can still coexist even nowadays; stages of development of civil procedural law can only overlap with these conceptions – in a very simplified form presented as a dichotomy of 'conception with a weak judge' versus 'conception with a strong judge' (in terms of degree of interference into the trial). While the 'weak' judge may intefere to a minimal extent, 'strong' judge, on the contrary, has efficient instruments for making up for inactivities of the parties to the dispute. These procedural corrections have their fundamental legal and political objectives in the elimination of unjustified delays in the proceedings. The role of a 'strong' judge is to 'control' the procedure so that it respects the constitutional guarantees of fast and efficient proceedings. Differences between the two conceptions – and the defining elements of the two conceptions in general – thus rest primarily in the role of the parties and of the court in discovering and presenting the facts, in the process of collecting and evaluating the evidence, and in the speed and procedural economy of the trial, while honouring a fair judicial decision. Summary of the above given characteristics defines the respective conception of civil procedure. However, as it is the case with all theoretical constructs, it is quite impossible to detect 'pure' manifestations of one or the other approach to civil procedure. Law is always subject to cultural, sociological, and especially political influences to such an extent that almost every legal system can be considered as including a procedural regulation that is 'non-conceptional' – meaning that the features of some legal institutes wholly or partly exceed from the conceptual doctrinal principles of the prevailing national conception of civil procedure. Objective law (i.e. the national legal system) is namely often politically determined to a greater extent than one can possibly desire, and certainly sometimes gives up on the 'clean' legal solutions to the benefit of the practicality of legislative solutions, historical traditions, or the current social situation, and so on. This does not mean, however, that deviations in specific institutes do necessarily mean deflection of the core conceptual bases of the legislation.

Despite various possible common elements and variations, on the following pages we will try to briefly explain the two basic conceptions of civil procedure in greater detail, to compare their functionality and importance, and through the prism of our

theoretical conclusions to find an answer to the question of whether the recast Slovak civil procedure withstands the relatively strict criteria of a social conception of civil procedure.

2.1. The Liberal Conception of Civil Procedure

Procedural law originally developed as a single set of rules for both criminal and civil disputes resolution. There was no differentiation between criminal, administrative, civil or other types of procedure. Emancipation of civil procedure took place mostly at the end of the 18th century and was fully finished in the 19th century, which was characterized by extensive industrialization, hitherto unprecedented acceleration of social development, and in particular by a legislative boom. It was also a period of major codification efforts, based on the ideas of various philosophical schools [Störig 1993: 250]. An unshakable faith in human reason, along with the growing liberal individualism influenced the civil procedure as well. A very important role was played also by a response to enlightened absolutism and to judiciary being subordinated to the absolute monarch. An opposite was born as a reaction – the conception of a 'weak' judge. In other words, the liberal conception of civil procedure was born.

From an institutional point of view, the litigants became the dominant elements in the trial. The judge was to play an extremely passive role of recipient of acts performed by the litigants, and had no, or very minimal tools to interfere in the process. One can literally speak of 'ownership' by the parties of the facts of the dispute [Lavický 2014: 27]. Whatever and however litigants laid before the judge, the court had to accept without reservation. The agreement between litigants was sacred and unsurpassable, the court could not intervene even if the litigants agreed on an obvious lie. The question of 'truth' in the trial was thus allocated to the litigants. This in turn led quite predictably to unreasonable length of proceedings, and, of course, the rising costs of the trial.

This conception dominated the civil procedure throughout the 19th century, especially in the two major codifications of the 19th century. The first was the French *Code of Civil Procedure* of 1806, which holds quite a special place in the history of procedural legislation – it was a certain continuation of so-called *Ordonnance civile* of 1667, but on the other hand it is also referred to as the first modern codification of civil procedure [Lavický 2014: 25]. It laid down the principles of orality, directness, free evaluation of evidence, and the disposition principle, which were all a contemporary expression of the belief in individual freedom [van Caenegem 2006: 88]. Despite these undoubtedly modern elements, the Napoleonic Code of 1806 also contained some regressive elements, notably a consistent representation by an advocate, and the trial being based on an extreme conception of the principle of formal truth. The consequences were found reflected not only in the area of identification of facts of the case, but also in disposition by the parties with the trial and its object – no corrections by the court were permitted. Even obstacles such as *lis pendens* and *res iudi-*

cata could have been objected only by the party and the court might not have taken these into account based on its own motion [van Caenegem 2006: 18].

The second key legislative work based on the liberal conception of civil procedure was the German Civil Procedure Code of 1877. All of the above, *mutatis mutandis*, applies to this Code as well. At the doctrinal level, the liberal conception of civil procedure was in Germany also sometimes called a **conception of procedural burdens.** In fact it namely did not recognize the existence of legal procedural obligations (neither on the side of court nor on the side of the parties) – according to Goldschmidt, obligations which occur within the proceedings, are obligations of **constitutional nature** solely. This means particularly the obligation of the court to provide protection against breach or compromise of subjective rights. There is also no obligation of the defendant to adequately defend his case, Goldschmidt claimed. Certain objective burdens for the parties – in case of failure leading to unfavorable consequences in the trial – were called by Goldschmidt only as **procedural burdens,** which he understood as being no **obligations** in themselves, but rather only an expression of **the burden of pleading and burden of proof,** in order to succeed in the dispute. Even the 'obligation' to attend the trial and testify was not a proper obligation under Goldschmidt´s conception of procedural obligations, but merely a procedural burden imposed on litigants. There was therefore no procedural legal relationship between the court and the parties (or between the parties themselves), the content of which would comprise any procedural rights and obligations. Party had no 'duty' to tell the truth – as already indicated, the party 'owned' its claims and could dispose with them freely *(ad absurdum* even to lie), while the procedural game was played within the limits of procedural burdens rather than sanctionable procedural obligations [Stavinohová 1998: 18; Macur 1991: 17].

The liberal conception of civil procedure played a major role in the development of civil procedural law, but today it is considered rather abandoned. No legislation is known to us today that would openly declare being based on a liberal conception of civil procedure.

Some representatives of German jurisprudence additionally considered a so-called conception of subjective procedural rights and obligations to be an independent conception of civil procedure. It was to responds to Goldschmidt´s conception of procedural burdens. Representatives of this stream of scholarship, particularly F. von Hippel, criticized the conception developed by Goldschmidt [Stavinohová 1998: 27]. They recognized the existence of subjective procedural obligations (and rights), breach of which can be adequately sanctioned. From this perspective, the European procedural scholarship currently recognizes a compromise solution of so-called dualistic conception of procedural obligations and burdens. This conception recognizes the existence of both subjective procedural obligations and rights, as well as the existence of procedural burdens. It forms in fact a part of the currently prevailing social conception of civil procedure [van Rhee 2007a].

2.2. The Social Conception of Civil Procedure

During the 19th century, the pace of social development became faster. With the increasing industrialization, gradual emergence of private business undertakings, and related establishment of commercial law, number of lawsuits was also growing. This has led to an increasing pressure on the system of procedural law, which gradually ceased to be effective. This was also due to the liberal conception of civil procedure, especially as regards the excessive duration of litigations. The growing social and doctrinal criticism have together led to reform efforts in the field of civil procedure.[1] These efforts were particularly linked with contemporary Austrian school of civil procedure. The historical figures worth mentioning in this context are two – Anton Menger and Franz Klein.[2]

Klein´s famous article *Pro futuro* has become a kind of 'manifesto' of the social conception of civil procedure, followed by a series of journal articles published later in the form of a book under the same title *Pro futuro*. Klein's reforms and progressive views had been very much appreciated by the professional public and Klein has been invited to join the *Justizministerium,* where he has become a section director. A result of his activities within the Ministry was a monumental legislative work in the area of civil procedural law, which affects particularly the Central European legal area up to these days.

Klein's *Zivilprozessordnung* – Act No. 113 of 1895 (effective from 1st January 1898) and his *Exekutionsordnung* – Act No. 79 of 1896, are the legislative products of 'his' (social) conception of civil procedure (in the literature also known as 'Kleinian' conception). The impact of these codes was really enormous – under the pressure from incontestable progressive elements contained in the *Zivilprozessordnung*, even the liberal German Civil Procedure Code has been substantially redrafted in order to better reflect the Kleinian paradigm. Social conception has subsequently become a major trend in European civil procedural legislation [van Rhee, Verkerk 2006: 123] and represented an inspirational source for most modern codifications [Rechberger 2008: 101].

What was so new about Franz Klein's ideas? [Fasching 1988: 101] In particular, he was leaving the liberal conception of civil procedure, where the main function of the trial was to protect the individual interests of the parties. The essence of the trial was, however, according to Klein to be seen in something else – he claimed there is a broader, society-wide, public interest in resolving the disputes. Trial serves not just to protect the private interests of the parties, but it also fulfills an important **social function** at the same time – any dispute presented before the court is seen by Klein as a social evil that disrupts the *homeostasis* of the society. It interferes with the natural *status quo*, and therefore this social evil needs to be removed. Civil procedure

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1 This does not mean that liberal conception of civil procedure was completely abandoned from one day to another. Legislative and doctrinal models coexist until present days.

2 Proponents of social conception of civil procedure included e.g. the famous lawyer Gustav Radbruch.

thus acts as a means of ensuring the 'general welfare' (i.e. *Wohlfartsfunktion* [Fasching 1984: 22]).

This thesis leads in Klein's theory to two basic postulates about how the lawsuit as a social evil can be removed:

It should be removed as quickly as possible. Austrian ZPO contains an instrumentarium of procedural options to accelerate court proceedings, which necessarily implies a shift towards the so-called strong judge. The judge in the social conception has some possibilities to interfere into a dispute so as to eliminate the negative traits of the liberal trial. The court (judge) represents the interest of the society in resolving the conflict, and therefore it is the responsibility of the State, acting through the court, to achieve the decision as quickly as possible.

1. The result is to be as fair as possible. Social conception resigns on the 'ownership by litigants' in relation to the facts of the dispute. 'Strong' judge can not be left in a position of a passive recipient of parties' claims. Still, the basic initiative is up to the parties, which are obliged to provide truthful and complete insight into the facts of the case – however, the court has certain competences with respect to some corrections and interferences. The judge is e.g. not bound by the substance presented by the parties, but has also power to further inquire about the facts by asking for additional explanations, and can also freely evaluate the gained evidence, taking into account everything that came to light within the proceedings. The administration of justice thus takes the form of so-called modified negotiating principle, where the area of facts and evidence is entrusted to the responsibility of litigants, but the court may not give up on the opportunity (and obligation) to base its decision on what may be the fairest basis, trying to come as close to the actual substantive aspects of the case as possible.

2. The mentioned features can be summarized generally as "strengthening the role of the judge and the restricting the parties´ role" [Lavický 2014: 29]. This basic postulate is, however, just the starting point for all that the Austrian Civil Procedure Code brought to the European legal culture, and also to the legal history of Czechoslovakia and modern Slovakia. Klein's Code was namely applied in Czechoslovakia until 1950 in the Czech part of the Republic directly, and it had also influenced to a large extent the Hungarian Civil Procedure Code of 1911, applicable in the territory of Slovakia up to 1950 [Kengyel 2005: 239].

3. THE SOCIAL CONCEPTION OF FRANZ KLEIN IN SLOVAK CIVIL PROCEDURE?

The new Slovakian recast civil procedure is claimed to be cast Czechoslovak0úhe Code of Civil Contentious based on the ideas of Franz Klein, and to quite consistently implement the social conception of civil procedure. The following lines will try to demonstrate this fact on some particular rules of the civil contentious litigation (under the Code of Civil Contentious Litigation no. 160/2015 Coll.). It should nonetheless be acknowledged that some of the institutes and paradigms of the original

Kleinian conception were already included intuitively in the communist (in the proper terminology of the period we should be strictly speaking of socialist instead of communist) codification of the Czechoslovak civil procedure of the years 1950 and 1963. Examples include the obligation to truthfully and fully describe the facts, the duty of the court to advise the parties, the concept of free evaluation of evidence, etc. However, many of these institutes were too formalized, truncated, and deprived of their original meaning and context. Their restoration and clarification was attempted for in the recast civil procedure of 2016.

The new regulations of civil procedure were prepared fully in the spirit of the above-mentioned social (Kleinian) paradigm consisting in the restriction of the litigants´ domination. This objective is achieved in the social conception primarily by laying down the **duty to truthfully and completely present the facts of the case** (i.e. substantiation of factual claims). The Civil Contentious Litigation Code of 2016 imposes this obligation on the parties in several of its provisions:

- Sec. 132(1) contains a standard rule that the filed court action is to contain besides the general requirements also the true and complete exposition of the relevant facts.
- Sec. 150(1) formulates a general obligation of parties to truthfully and completely present the essential and decisive factual allegations concerning the dispute.
- Under Sec. 186(2), the court relies on the facts where both parties concur, if there is no reasonable doubt about their veracity.

In particular, the rule *sub* iii) may be considered as one of the emanations of the idea of a strong judge, as well as a limitation of the parties´ domination with respect to the facts of the case. This rule as well as the rules mentioned *sub* i) and ii) are to be interpreted as a **legal obligation, non-observation of which leads to procedural sanctions.** The procedural sanction in this case takes *ipso facto* the form of a threat laid down in Sec. 191: *Court takes due account of everything that came to light during the proceedings.* The actual sanction is here *largo sensu* the loss of the dispute – namely the judge can (and in terms of safeguarding the social function of the procedure the judge should) take into account the breach of procedural obligations by the parties.

A fundamental key for understanding the role of a strong judge in the social conception of civil procedure is the so-called **material guidance of trial.** The judge does not rely on the activity of the party – albeit parties have an obligation to substantiate their factual arguments, and they also carry the burden to provide truthful and complete factual arguments. To achieve the social purpose of the procedure, being a fair judgment approaching as much as possible the 'real' state of affairs, the judge is equipped with relatively strong tools – those are mostly the **powers to request explanations and the power to query.** Still, this is only a modification of the classical negotiating principle in an adversarial trial, where the parties to the dispute are to 'persuade' the judge of 'their' truth – based on the weight of their statements and arguments. The

outcome is a judgment based on the **facts of the case, not on the actual state of affairs**.[3]

The Civil Contentious Litigation Code regulates the competence of the court to request explanations and the competence to query in Sec. 150(2), under which a *court may request further factual allegations from the parties in order to detect the essential and decisive facts.* The concept of a strong judge is absolutely clear in this provision – the court may not 'rely' or 'be satisfied' with claims of the parties – should the party not provide the judge with a convincing and satisfactory response, the court may apply – in assessing the evidence – the relevant procedural sanction, consisting usually in the loss of the dispute, or in restriction or other limitations of the rights sought by the plaintiff (or the defendant). This competence is of course combined with strict requirements as to the court providing **appropriate grounds for the judgment.** In this issue, the new Code has brought about major innovations as well (cf. Sec. 220), consisting in the obligation of the court to deal with the established case law in the respective matter.

The concept of a relatively strong judge and of litigants in an adversarial position necessarily brought about significant changes to the overall nature of litigation. Foremost, as already explained, the Code of Civil Contentious Litigation turns the judge into an actively participating entity that – on the other hand – leaves the initiative over to the parties under the negotiation principle. In this sense, the judge significantly interferes with the litigation at two levels:[4]

- in terms of **procedural economy** [Klerman 2015; Zuckerman 1994] – the court is the guardian of the smooth and due process. The role of a judge is thus primarily to guarantee the rules of 'the game' (dispute), which immanently include the requirement of a timely and effective justice. To ensure this function, the court disposes of effective tools to 'accelerate the proceedings' – within the constitutional limits of due process. The most important tool in this context is the newly introduced institute of **judicial concentration**. This may apply both forward (forward-looking, prospective judicial concentration) or backwards (as a kind of retrospective judicial concentration). Prospective judicial concentration means a limitation of the possible, future claims of factual arguments and evidence – in the Civil Contentious Litigation Code this is laid down in provisions of Sec. 181(4), reading that should the party be unable to substantiate essential and decisive facts, or to meet its obligation of presenting evidence to the court, the court may specify a time period for additional fulfillment of this obligation and after expiry of that period the court may refuse to take into account later arguments or evidence proposed by the party. A sufficient justification for do-

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3 The real state of affairs under the principle of material truth is to be determined rather in the non-contentious procedure – in terminology of the recast codes, the notion of extra-contentious procedure is employed, being regulated in a separate Code on Civil Extra-Contentious Litigation.

4 Some trends have already found their way into procedural legislation in the recent decades (e.g. the concentration of legal proceedings, the elements of adversarial proceedings, etc.).

ing so is to be offered in the grounds for decision within the written judgment. A retrospective judicial concentration is the possibility for the court to disregard the evidence or facts previously presented or alleged, unless submitted in a timely manner – that is, if the party acting with due diligence (*nota bene* with professional care, when speaking of an attorney) could have presented these earlier and the court evaluates such late submition as purposeful, infringing the constitutional guarantees of effective and rapid protection of rights (cf. Sec. 153). It goes without saying that the evaluation of these circumstances is in the hands of a strong judge; nobody can thereby assume any biased approach by the judge.[5] Possible concerns of a potential abuse of this institute are not relevant, since in case of an excess on the side of the court of first instance, this is to be remedied in the second instance (but one can not of course exclude even constitutional or international legal remedies).

- in terms of **distributive social justice**. This element includes an interference into finding of reliable substantive facts to the dispute, as a part of material guidance of trial, explained above.

This rearranging of procedural roles is denoted in the contemporary European scholarship of procedural law by different names, but it has also been rightly pointed out, that essential is the content, not the name for this situation [Lavický, Dvořák 2015: 155]. However, we are inclined to a denotation known in the German language as '*Kooperationsgrundsatz*' [Roth et al. 2012: 12]. This means a sort of procedural cooperation of the court and litigants in fulfilling the basic purpose of the trial – i.e. fair and effective protection of individual (subjective) rights (cf. Article 2(1) of the Code of Civil Contentious Litigation) [Bratković 2014].

Some other manifestations of social conception of civil procedure are reflected in the new Code of Civil Contentious Litigation as follows:

1. first of all, it is the consistent application of the disposition principle – under the Code, only little can be done by court without the parties' proposal, by which the court is fundamentally bound. For example, in the appelate proceedings, this principle implies the prohibition of so-called *reformatio in peius*, which has previously been known only in criminal procedural law (in the new Code it is to be found among the basic principles, in Article 16(3) of the Code),

2. a more consistent legislative implementation of the principle of equality of arms is manifested in the newly introduced judgment due to the plaintiff´s default,

3. and finally, an important manifestation of the cooperation principle is to be seen in the newly introduced obligation of the court to provide its legal opinion on the matter at dispute (which is to significantly increase the predictability of judicial decisions).

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5 However, accepting the latest research results proposing a strong role of unconscious intuitions in decision-making.

In the preceding lines we have tried to demonstrate that the new Slovak civil procedure represents a quite rigorous implementation of social conception of civil procedure. This is literally a paradigm shift, a change in the perception of civil procedure in Slovakia. Foremost, to a reasonable extent (and within its proper meaning) the new regulation introduces elements of judicial activism (i.e. of an active, strong judge), being a manifestation of *judicial case management and efficiency* [van Rhee 2008; van Rhee 2007b; Cadiet 2012]. The new Slovak civil procedure thus contains a number of tools of 'effective management of litigation,' which must be seen in the conceptual context of the development of civil procedural law in Central Europe in the 19th and 20th centuries. Still, their (re-)introduction or explicit manifestation in the Code requires significant changes in the 'procedural' thinking of laywers and judges in Slovakia; each major change namely requires some time for its proper application. The road may thereby be full of blind alleys and errors, but eventually should lead to the desired result. The desired result is thereby undoubtedly a modern civil procedure, with fast and efficient management of the dispute by a 'strong' judge, in the interest of procedural economy and the fairest possible judgment.

4. SOME SPECIFICITIES OF THE RECAST CIVIL PROCEDURE IN THE SLOVAK REPUBLIC

The recast rules of civil procedure in the Slovak Republic, effective from 1st July 2016, clearly endorse the conception of the social, Kleinian process. At the same time, however, they necessarily had to take into account the specificities of Slovak experience arising from the previous development of civil procedure in Slovakia.

The Slovak civil procedural law from before its recast of 2016 resembled in many ways a disintegrated construction without any unifying concept. The recast civil procedure thus had an ambition to become a **new beginning of civil procedure in Slovakia and to influence also its possible future legislative changes**. Even the greatest optimist can namely not hope that in today's world any legislation remains untouched by future amendments – all the more in case of a Code of Civil Procedure. The legislation must always be able to respond to the demands of the times, be it in the form of a legislative response to any imaginable societal demands (virtual or real), or through interpretation, which allows for adapting the legislative text to the new social requirements. The modern trends in continental Europe are thereby rather inclined towards (re-)interpretation via case law of supreme judicial authorities, with quasi-precedential effects.

This also corresponds with the terminological approach taken in the recast procedure – the linguistic expressions used in the text are attributed a so-called median semantic meaning, as recommended already by Emanuel Tilsch, one of the greatest and most respected Czech (and Austrian) Professors of Civil Law of the turn of the 19th and 20th centuries [Tilsch 1916: 27]. The median value of the semantic concept namely enables a judge in each particular situation to find **enough space for**

interpretation of legal standards in a particular legal case. The space for interpretation thus represents a prevention tool for legislative amendments to the text of law. In this line of thought, even the explanatory memorandum to the new Code was conceived as relatively brief. An explanatory memorandum to an Act (or Code) should namely primarily justify the new legislation and convince the entities as addressees of legal norms of the necessity and effectiveness of the new rules, while, however, not following any goal of petrification of the legislator´s views. The law must 'live' its own life and become justified and legitimized in daily practice, with interpretation adapted by the judiciary taking into account the specific requirements and demands of the time; and let us add that possibly without any amendments to the legal text.

An important part of the new conception of recast civil procedure in Slovakia was also the idea of **building on traditions dating from before 1948**. After 1948, and especially since 1950, traditional approaches to civil procedure were namely abandoned abruptly by the communist Czechoslovakia and various deformations were introduced instead. Conceptual changes were introduced, being peculiar to the communist (socialist) social system and totalitarian political regime.

It was mainly the idea of building upon the older historical traditions of Central European civil procedure, of course while accepting the modern trends and current needs, that was behind the final decision of replacing the original Code of Civil Procedure of 1963 by three codes instead of a single code – a code of civil contentious litigation, code of civil extra-contentious litigation, and a code of administrative judiciary. The idea of allocation of administrative justice in a separate code was an axiom that has not been challenged and was considered as a modern and appropriate solution taking into account the specificities of administrative judicial trial.

The issue of a separate regulation of extra-contentious (non-contentious) litigation was a bit more difficult. Each country has a different legislative culture and traditions in this respect. The internal differentiation of civil procedure into contentious and extra-contentious was thereby historically related to the strengthening of the role and functions of the state. While initially the courts dealt solely with contentious disputes (including 'criminal disputes', originally considered a part of private law), from the late 18th century onwards, and especially in the 19th century, the courts acquired jurisdiction also in cases other than traditional dispute resolution, e.g. concerning judicial custody (deposit), or deciding in matters of guardianship where one could hardly speak of disputes between adversarial parties. Albeit there was also a possibility to entrust the administration of these tasks to administrative authorities instead of the courts – e.g. to notaries or specialized guardianship and orphanage authorities, proponents of the opposite view, however, advocated for entrusting these issues to courts and judges representing authorities that best ensure legality and objectivity (impartiality) in performance of the related duties, emphasizing also the public interest in these issues. Courts were thus entrusted with certain tasks that can also be seen as administrative tasks – being a relic of unclear relationship between the ju-

diciary and administration throughout the 19th and 20th centuries [Hora 2010: 10]. Within the EU, currently, separation of extra-contentious (non-contentious) litigation into separate codes (acts of the parliament) is present in approximately half of the Member States. The Czechoslovak tradition in this regard (of course if not taking into account the tradition emerging from 1948 onwards) was a fundamentally separate treatment of contentious and non-contentious litigations (at latest since enactment of the Act No. 100/1931 Coll. on non-contentious litigation), and this division was acknowledged in procedural theory even in the 1948-1989 period. Both types of proceedings namely exhibit significant differences, which the post-1950 'tradition' of a unitary Civil Procedure Code of 1950 turned a blind eye to, leading to an unacceptable blurring of the differences between the two types of litigation,[6] especially at the level of blurring contradictory basic principles applicable in the two types of proceedings (manifested, for example, in the principles of formal and material truth). Legislative solution merging contentious and non-contentious litigation finally led to efforts by judges to conduct even contentious litigations under the principles of non-contentious litigation, in the sense of judges being tempted to uncovering material truth, i.e. 'how it really was'. This principle is, however, to be applied only to non-contentious proceedings and was introduced into the contentious litigation only after 1948 because of the contemporary Marxist-Leninist ideology and the Soviet procedural legal models. A quotation from the general part of the explanatory memorandum to the Act No. 142/1950 Coll. (Civil Procedure Code) can be very instructive in this regard:

> The so-called capitalist liberalism, which is nothing more than an ideological expression of capitalist free competition and the free exploitation, has coined in civil procedure the so-called principle of disposition and negotation, and condemned courts to a passive role within civil litigation. Courts should have been – as emphasized by bourgeois jurisprudence – above the parties, not stir up with the disputes and had to decide only on the basis of the facts presented or submitted by the parties.

> Bourgeois procedure therefore remained a guardian of formal truth, it did not attempt to uncover actual relationships between citizens, and was rather satisfied with the so-called formal certainty. ... Against the principle of formal truth stood up the Soviet GPK[7] introducing the principle of material truth. The role of civil proceeding in this respect is to examine the actual relationship existing between the parties, and to decide based on these facts.

> ***The draft Code ... does not differentiate between contentious and non-contentious litigation ... The basic principle underpinning the draft of the new procedural law is the rigorously implemented principle of material truth.***

Theoretical non-differentiation (i.e. leaving aside the differentiation) of civil proceed-

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6 Rather than the previously used designation of 'non-contentious' the recast codes are inclined to the German legal terminology of 'ausserstreitlich', i.e. 'extra-contentious', which much more precisely denotes the particularities of 'other than contentious' proceedings.

7 Soviet Code of Civil Procedure.

ings into two subspecies – contentious and non-contentious (extra-contentious) – was related also to the abandonment (or at least weakening) of the concept of adversarial proceedings. The communist (socialist) law was namely to leave behind the idea of legal proceedings being conflicts, and instead both parties (and the court) were to pursue a common objective – the clarification of material truth. Parties (participants) therefore did not act in a contradictory manner, even in former 'contentious' matters. In this respect, all judicial proceedings were to be considered as equally important for the public, and the public interest was to outweigh the interests of individuals even in contentious matters.

In addition, the post-1950 legislation even ceased to talk about 'parties' to the dispute, and instead introduced the notion of participants, while the principle was still preserved that some proceedings were initiated by petition, and others on the own motion of the court. This division was, however, somewhat relativized by the fact that the petition might have been made by the public prosecutor as well, even in civil matters. Additionally, since 1963, the National Committee as a local administration authority was also entitled to file a petition to start judicial proceedings, unless it was in a matter of purely personal rights of citizens.

The breakdown of civil procedural legislation into three separate codes as of 1 July 2016 can in this historical context be seen as a targeted steering away from the unitary concept of civil procedure, back to the differentiation between contentious and extra-contentious (and also administrative) judicial litigation.

The idea of splitting civil proceedings regulation into several laws may thereby be perceived by critics as a departure from the prevailing efforts to reach a comprehensive codification of all branches of law in one code, and thus as a kind of step-back from codification, leading in fact to a **de-codification**. This view and claims longing for only one civil procedural code may, however, be seen just as extreme as voices proclaiming the efforts in the early 20th century to create a uniform procedural discipline and code that would merge civil and criminal procedure into a single 'procedure'. This concept of a uniform procedural law was tested in the USSR under the headline of 'judicial law' – aiming at combination of organizational issues of justice with general procedural law. Civil and criminal procedural law was to be integrated, which was reflected for example in transplanting the rules on evidence from the criminal procedural law into civil procedure. It was namely argued that both the criminal and civil procedure are in fact forms of public regulation of justice and common purpose of both civil and criminal procedural law is to settle 'the dispute on law', or to deal with social conflicts as a means to protect subjective rights of citizens [Macur 1988: 10-14]. This trend of integration of procedural law into a single scientific discipline (and potentially one code) was, however, ultimately not successful, which is in line with the historical split of procedural rules into criminal, civil and administrative procedure, and with the differentiation of civil procedure into contentious, extra-contentious, and administrative judicial procedure.

An opposite extreme (in contrast to a single procedure) would be an excessive **disintegration** of civil procedure, though. As early as in the interwar Czechoslovakia, the contemporary Professor of Civil Procedure, Václav Hora, an author of the draft of the Civil Procedure Code of 1937, claimed that the Czechoslovak legislation partially derogated from the idea of general civil procedure. First, he criticized the expansion of non-contentious litigation at the expense of contentious litigation (adversarial process). Contentious litigation, moreover, was further divided into general and causal (commercial, marine, mining) – being manifested in specific regulation of jurisdiction and in a special composition of the courts [Hora 2010: 32-33]. It was against this excessive disintegration that the idea of integration of civil procedure was proposed in 1950. Still, even the very Code of Civil Procedure of 1950 in its part two acknowledged certain differences and deviations from the general rules in eleven different cases (being in theory considered non-contentious), and there were also separate legal regulations that governed proceedings in matters of land registration, business registry and voluntary auctions [Rubeš 1958: 54]. Since 1963, the segmentation and formal disintegration of civil procedure continued further on again – entrusting through special legislation some types of disputes to state arbitration and to arbitration bodies of cooperative farms. These disruptive trends questioned the formal concept of a single integrated civil procedure, and made space for its theoretical disintegration, for example towards pondering upon existence of a specific procedural labour law [Filo 1981: 551] and similar. Therefore, in theory, a so-called broader concept [Macur 1988: 63-64; Češka 1989: 12] of civil procedure was introduced, fully in the spirit of a theoretically integrated, unified, complex civil procedure, but actually being internally differentiated and treated in separate laws. However, it is interesting that in the USSR itself, in the same period of time the draft of a new Civil Procedure Code of 1963/64 openly distinguished between three types of civil procedure: contentious litigation, reviewing of administrative decisions (e.g. administrative judiciary) and special proceedings, being in fact non-contentious [Zoulík 1969: 28]. This was a classical differentiation of civil procedure into its three basic types, which existed in Czechoslovakia prior to 1950; this differentiation was thus theoretically recognized even by the communist scholarship [Štajgr 1969; Stavinohová 1984].

To sum up, we can conclude that *in fact* the differences between the three types of civil proceedings (contentious, non-contentious, and administrative justice) existed in all countries and regimes, albeit historically the non-contentious litigation was considered in certain periods and countries as only peripheral, while conversely in other countries and time periods it was considered equivalent to contentious litigation, and expanding [Zoulík 1969: 5-6]. According to Zoulík, one can thereby distinguish three phases of a formal separation of non-contentious procedure from the general civil procedure:

- derogations from the general regulation of civil procedure,
- particular rules within the general civil procedure code (in its special parts), and

- separation into special rules of procedure (special laws) [Zoulík 1969: 148].

Zoulík noted in this regard that before 1989, in Czechoslovakia the time was still not ripe to introduce a separate type of non-contentious procedure. In 1950, Czechoslovakia namely in fact returned one developmental step back – from the phase of formally separated 'non-contentious' proceedings (in the Act No. 100/1931 Coll.), to a phase of particular rules in general civil procedure codes of 1950 and 1963.

At present, however, a new social situation fully justified the final reaching of the third phase in Zoulík´s scheme, allowing for a separate legal treatment of extra-contentious procedure. This view influenced the new conception of the recast civil procedure in the Slovak Republic, splitting the civil procedure into three separate codes in 2016.

5. SELECTED 'OLD' AND 'NEW' CIVIL PROCEDURE INSTITUTES IN SLOVAKIA

In the preceding sub-chapters, we have explained that the re-codified civil procedure in the Slovak Republic represents a social (Kleinian) conception adapted to the specificities of Slovakia and to the Slovakian procedural tradition. In the following, we shall move from the general to more specific aspects of the new conceptual approach to civil procedure in Slovakia. First, we shall offer examples of selected institutes where the new civil procedure (especially the new Civil Contentious Litigation Code) takes into account the **historical tradition.** Subsequently, we shall highlight some selected 'unhistorical', new procedural institutes within the novel regulation.

Party versus participant

A classical example of a return to 'traditions' from the deviations of the communist (socialist) civil procedure is the return to the denotation of 'parties to the dispute'. The concept of the 'participant' was a 'tradition' only since 1950, when the Act No. 142/1950 Coll. (Code of Civil Procedure), introduced this term in its Sec. 5. The explanatory memorandum to this provision had thereby only six lines; legislator was thus not too bothered with justification of this change. A more detailed explanation can be found in a renowned contemporary commentary by Josef Rubeš, as follows: 'correct definition (of the participant) is one of the preconditions of uniform procedural law, one of the preconditions for doing away with differences between the former so-called contentious and non-contentious litigation.' [Rubeš 1958: 86] Additionally, it is not without interest that the term 'participant' has been imported also into the substantive civil law – into the Civil Code of 1964, where the denotation 'party to civil relations' remains preserved in Slovakia up to these days. Historically, the term 'participant' was used in the civil procedure in a completely different context, namely to distinguish the parties and those other actors who were somehow 'involved' in the proceeding. These 'stakeholders' were mainly the intervening persons, entities of *litis* denunciation, or cases of so-called *auctoris nominatio* [Ott 1897: 182]. After 1950, in contrast, based on the principle of material truth, each subject was only a

'participant' in the process, where the court played the major role in public interest, providing 'instruction and assistance' to those who were participants in the process. One of the ambitions of the new Code of Civil Contentious Litigation was thereby to re-construct the adversarial process, with two 'parties' standing in the opposite – **litigants,** who are disputing, and who are the 'masters' of the dispute. Just these two parties, the plaintiff and the defendant, dispute over rights, and have contradictory interests in the result of the trial.

Finally, even where there is still some inertia of the residual term of participant, such as in the Czech Republic, commentators are quite clear about the fact that where the law speaks of participants, this should actually mean 'parties' [Drápal, Bureš 2009: 584].

Intervention

The institute of intervention in the Code of Civil Contentious Litigation is a return to historical tradition again, leaving aside the institute of 'side participant' from the wording of Sec. 93 of the Code of Civil Procedure of 1963. Due to the changes in the concept of parties it was quite obvious that the position of an intervening person has to change as well.

Until 1950, each vintage textbook or other legal text operated with a self-evident concept of an 'intervener' [Ott 1897: 182; Ratica 1948: 111]. An original intervener, however, has never been and is not considered a 'side participant' in any way; intervener is a completely different entity,[8] associated with the concept of so-called *litis* denunciation and *exceptiones mali processu*, being the cases of a classical intervention in the proceedings. In any case, such interveners can not be called 'side participants' nor by any other linguistic inventions.

Procedural attack and defense

If two opposing parties have a dispute on any issue of law, one in fact procedurally 'attacks' the other and the latter is supposed to actively defend itself (otherwise it faces the risk of losing the dispute). Both legal German and German doctrine use here the terms of 'procedural attack' and 'defense' routinely.

'The means of procedural defense' were thereby recognized also in Slovakian doctrine already before 2016 – e.g. resistance to the payment order, objections to bills of exchange payment order, or the general 'impugnation' objections to execution, these were all considered means of procedural defense. And where there is a defense, there must also be an attack.

In addition to the re-discovered historical institutes, there are of course institutes in the new Code of Civil Contentious Litigation that are **newly** introduced, mostly taking into account the specific situation and doctrinal scholarship in the Slovak Republic. These include, in particular:

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8 For example, the provisions of Sec. 11 et seq. of the Act No. 113/1895 on judicial procedure in civil legal disputes (Civil Procedure Code).

Causal jurisdiction

This concept is not entirely new either; it is actually just a reflection and adaptation of an older concept of causal competence [Števček 2009]. The meaning of this expression points to the specialization of each court (not necessarily of each judge) within the judicial system, to decide a specific type of agenda.

Prejudiciality

Again, prejudiciality was a well-known concept to each practitioner even before 2016. However, the legal text of the Code of Civil Contentious Litigation contains this notion for the very first time. It is to express the correlation of two decisions of a public authority, understood more broadly than just a question of 'binding effect' of the first decision.

Legal terms and definitions

The new procedural rules were sometimes reproached with the argument that they contain definitions which have their place in textbooks rather than in legally binding texts. However, it should be noted that not everything perceived as a definition, is in fact a definition. One should namely distinguish between mere theoretical definitions on one hand, and references to legal concepts, such as legal certainty, on the other. The notion of legal certainty **is namely not defined** in the new Code, **it is only referred to its existence.** Thus, if the text asserts that legal certainty is a condition in which anyone can legitimately expect that the dispute will be resolved in line with the constant practice of the supreme judicial authorities, it is rather an instructive message, a program subscribing to the notion of legal certainty **as to the principle of legislation.** This notion is of course impossible to be exhaustively defined, and the Code is not even trying to define it.

Another example is the 'constant practice of the supreme judicial authorities.' The supreme judicial authority in a country is the Supreme Court. Accepting the current setting of the judiciary, the supreme authorities in addition undoubtedly include also the Constitutional Court, and based on the membership in various supranational and international organizations they certainly include also the Court of Justice of the European Union and the European Court of Human Rights. 'Constant' practice should then be perceived under the new Code through the prism of the decisions of Grand Senate of the Supreme Court, or through references to decisions in similar cases, where the Supreme Court may even choose a simple form of providing grounds for decision by reference to similar previous decisions.

Finally, if some terms that were not defined in the previous Code of Civil Procedure are now defined in the new Code(s), this was just in an attempt to emphasize the conceptual change in the civil procedural law as such. The Codes namely employed also norms that are otherwise only rarely used at the national level – **final or teleological standards.** This is the kind of norms which usually determine the intended purpose

of the rules and do not provide for the classical rules of behaviour. Typical examples here are the norms on validity and enforceability. Such standards namely have the potential to provide greater stability to the legal system [David 2012: 27].

Principles

In order to make any recast consistent, the recast must necessarily be a scientific work of its own kind [Knapp 1995: 113] – in the sense that the result must follow certain internal logic and should not consist of just random clusters of norms, orders or bans without any unifying structure. A guarantee of consistency is usually provided by a set of legal principles that can be considered (in the spirit of theories of Alexy and Dworkin) as a sort of 'commands to optimalization' [Melzer 2008: 36]. There has been much discussion on the 'place' of the principles in the text of the Code(s), until finally they were placed outside the Code (before the first paragraphs), being the solution most fitting the nature of principles (except for the Administrative Judicial Procedure Code, where they are a part of the articulated text).

The list of principles contains the traditional procedural principles, starting from the basic rights level (such as the principle of public, independent and fair trial, etc.) to 'traditional' principles such as the negotiating principle, the principle of free evaluation of evidence, etc., up to the modern concepts introduced only recently, such as the principle of protection of a weaker party. 'New' principles are the principles of legal certainty, and the principle of **objective teleological interpretation**, meaning that interpretation of law should accomodate to the time when interpreted [Radbruch 2003: 107] – unlike the subjective teleological interpretation seeking for the original 'intention of the legislator'. This only confirms a long-term trend in the case-law of numerous national Constitutional Courts, including the Czech and Slovak ones. This does not mean any 'discretion of the judges', though, because the principle stated in Article 3 of the Code of Civil Contentious Litigation provides quite clearly for guarantees of not going beyond unequivocal and clear words of the Code: where there are several possible interpretations, the meaning of the text should be given priority.

The new legislation is also built on the principle of judicial supplementing of law where the legal regulation is lacking (especially at the level of substantive law). The judge, however, can supplement the law only where there is a gap in law (while it is irrelevant whether it is a true gap, technical gap, false gap, and so on). In other words, where there is a clear text of law, this can only be applied or interpreted by the judge (taking into account the principle of objective teleological interpretation); only in the absence of rules and in case of inability to remedy this shortcoming by interpretation based on the principles of binding law, the judge may decide according to a standard that he or she would have chosen if being a legislator. This will in fact happen in very rare instances; hence, one can certainly not speak of any judicial law-making at all. Still, this possibility reflects the traditional Central European interference of case-law into social reality – as it was comprehensively, deeply and by naturally persuasive ar-

guments shown by the Czechoslovak legal scholar of the 20th century, Viktor Knapp, in his famous article '*Contribution of the Central European Justice to European Legal Culture*' [Knapp 1993: 725]. The indicated 'novelties' therefore do not depart in any way from the Central European procedural traditions. The new Slovakian Codes only reasonably return to the concept of classical Central European procedural law and procedural legal scholarship, while taking into account the latest developments of the global and domestic procedural doctrine and practice.

6. SELECTED 'PRACTICAL PROBLEMS' WITH THE RECAST

To point at this place to some practical problems with the new recast civil procedure in Slovakia would certainly come handy. However, since the new codes are in effect only for a year, there is still not much case law of the higher judicial authorities available. Instead of providing the relevant case law we must hence limit our account of the practical problems with the new civil procedure to a summary of discussions and polemics voiced mostly in the form of journal articles or blogs on the legal web-portals. Thereby, the largest part of discussions revolves around the new regulation of court injunctions. Hence, we shall start with this legal institute and with debates surrounding its new shape and contents.

Injunctions

Expert legal public has raised some doubts recently with respect to the new codes, namely as to whether a fundamental terminological change had to be made replacing the previous notion of interim measure by a concept of an urgent measure and a precautionary measure, especially since the regulation is claimed by the public to be essentially similar (if not identical). However, it is to be pointed out that these assertions by legal public can not be considered correct and seem to be based on a misunderstanding of the whole concept and purpose of injunctions in the Code of Civil Contentious Litigation, since the new regulation shows a diametric difference compared to the interim (preliminary) measures of the original Code of Civil Procedure of 1963.

The reasons for the significant change in these institutes have arisen, among others, from previous application practice. The first shortfall of the previous regulation and practice was thereby a limited duration of the measure due to which the interim measure was not capable of providing the guarantees up to the moment of enforcement proceedings.

The second deficiency was a relative severity of assessing the assumptions for an interim measure, primarily in proceedings where payment of an amount of money was sought for (suing for a monetary claim). Courts in such proceedings very often rejected proposals for interim measures with reference to the principle of proportionality, whereby, according to their own conclusions, it was not appropriate to impose on the party a restriction in the form of a ban on using specific property assets, should only

a pecuniary claim be filed.

And in addition, the original interim measure restricted the owners (the holders) in their right to dispose with their property, automatically resulting in a limitation of the right to property guaranteed under Art. 20 of the Constitution. If the court ordered interim measures restricting property rights, particularly in the case of lengthy disputes, the defendant was threatened with a long-term limitation in the exercise of his (her) ownership disproportionately.

The key goal of the recodification (recast) was to do away with these deficiencies, and mainly to remove the link between injunction and the main proceedings. The reason for this link was previously the nature of interim measures as an institute of civil procedure, which was to temporarily adjust the situation prior to main proceedings.[9] Thereby, while the adjustment itself was often considered sufficient by the plaintiff, he (she) was nevertheless forced under the previous regulation to initiate litigation (main proceedings), because the law required this (Section 76 (3) of the Code of Civil Procedure). This was particularly striking in cases where the operative part of the interim measure was the same as the petition in the main proceedings (for example, deferment within an unfair competition, etc.). In contrast, from the new regulation, introducing systematic incorporation of injunctions into the third part of the Code of Civil Contentious Litigation, one can now infer that a proposal for urgent measures, or precautionary (security) measures is to be perceived as a separate part of the civil procedure, where the decision itself may be meritorious (and hence *ipso facto* of a nature of final decision) without any need for initiating main proceedings in the issue itself.

It is hence quite clear even from the briefly sketched outline that in terms of new regulation of injunctions, these are no longer to be considered provisional or temporary. Therefore, the new regulation can not be considered identical with the previous one and also the change in the name of injunctions (into urgent and precautionary measures) is not to be considered inappropriate.

Furthermore, a relationship between urgent measures and precautionary measures was considered problematic by the expert public recently. The relationship between the two is thereby clearly explained in the provision of Sec. 324 (3) of the Code of Civil Contentious Litigation, according to which "the court shall impose an urgent measure only if the intended purpose can not be achieved by a precautionary measure". The reason for prioritizing the precautionary (security) measure against an urgent measure is thereby clarified also in connection with provision of Sec. 343 (1) of the Code of Civil Contentious Litigation, according to which a court may order a precautionary measure only if the claim is of a pecuniary nature. The prioritization of the precautionary measure is thus based on the assumption that the most frequent subject matter of a claim is the filing for a certain monetary claim. The second reason for statutory preference of a precautionary measure against an urgent measure stems

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9 Sec. 76 (3) Civil Procedure Code of 1963.

from the fact that while an urgent measure may result in an absolute interference with property rights (Sec. 325 (2) (d) of the Code of Civil Contentious Litigation), the establishment of a precautionary measure interferes with property rights only to the extent of establishment of a lien, by which the entity is not limited in disposing of the assets. Finally, concerning an assertion made by expert public that the precautionary measure is identical to a claim enforcement (execution) lien and is therefore superfluous, it should be noted that the enforcement lien is limited by the duration and scope of enforcement proceedings and once the enforcement procedure ends, the lien itself ceases to exist. On the other hand, however, a precautionary measure is not limited by duration of proceedings, and its effects remain preserved, as a rule, even after at the end of proceedings, until the lien is annulled by the court's decision. The precautionary measure should therefore be seen as a stand-alone form of lien. And, last but not least, one should also not forget an important attribute that is able to distinguish between the law of execution (enforcement) and a precautionary measure – namely the subject matter of lien. While in case of an enforcement lien this can only be established in respect of immovable property in accordance with Sec. 167 of the Enforcement (Execution) Code, a precautionary measure as a form of judicial lien may be established by a court decision in relation to any property, rights or property values transferable in private relations [Kotrecová, Števček 2017].

Interpreting and translations

Another issue discussed heavily by the Slovak expert public lately was linked to the question of interpreting and translations within court proceedings and their costs. The new rules of the Code of Civil Contentious Litigation thereby reflect and guarantee the constitutional right to act before a court in the language that the party understands (including the mother tongue). This is reflected in the very concept of reimbursement of cost of exercising this right:

a) in oral proceedings, in connection with Sec. 155 (1) and in accordance with Sec. 155 (3), the cost of interpretation is borne by the State;

b) in case of written acts, in accordance with Sec. 155 (2), should the filing or means of evidence not be articulated in the official (Slovak) language, the court shall invite the person who submitted these to provide for a translation in accordance with a special regulation within a specified time; otherwise the court will secure the translation on its own. Consequently, on the basis of the second sentence of Sec. 155 (3), the costs of translation shall be governed by the general provisions on costs, i.e. these are fully borne by the parties on the basis of the principle of success in the proceedings. The rules on costs of translation and their reimbursement have thereby not been modified in comparison with the previous regulation. Previously, under Sec. 141 (4) of the Code of Civil Procedure of 1963, the cost of evidence not covered by an advance payment, as well as the expenses of the appointed representative who is not a lawyer, as well as the costs associated with the participant acting in his/her mother tongue

or in a language they understand (i.e., costs of interpretation according to Sec. 18 of the Code of Civil Procedure), shall be borne by the State.

Composition (settlement of disputes)

Finally, the last, third, issue to which the expert public called attention since the Code's effectiveness, was the question of whether a composition (settlement) reached between the parties to the court dispute within the proceedings was to be approved by a resolution or by a judgment of the court. True, the Motives of the Code of Civil Contentious Litigation in the rationale for Sec. 148 read that the composition is to be approved in the form of judgment. However, since the contemporary Slovak legal science prefers an objective interpretation against a subjective, the content of the explanatory memorandum of an Act of Parliament is only a subsidiary source for interpretation, and in addition, it should also be noted that the explanatory statements never truly reflect the final wording of the text of the Act, changes being often introduced within the legislative procedure in and outside of the Parliament. Hence, interpretation can not be based only on the provisions of an explanatory memorandum.

From the wording of the Code itself, specifically Sec. 212, one can in contrast to the Memorandum read that the main issue in the proceedings is always to be pronounced (decided) in a form of a judgment, and in other cases a form of resolution is to be employed. The question that needs to be clarified here is therefore whether the composition is a decision on the matter itself (*die Hauptsache*) or not. Traditionally, under the ruling on the substance of the case itself (*die Hauptsache*), civil law means an authoritative court decision as to whether or not the right of the plaintiff' has been violated or jeopardized. The German civilian tradition thereby considers a composition between the parties to be something other than the *Hauptsache* [Rosenberg et al. 2010: 727]. The same argument applies in Austria [Mayr, Fucik 2013: 147] and Switzerland [Berti 2011: 81]. The settlement between the parties to the dispute is namely traditionally considered a primarily private-law contract, and a surrogate of the judgment, due to which the court shall not authoritatively decide on the matter itself (*Hauptsache*). The court approval of the composition should therefore clearly take the form of a court resolution instead of a judgment [Števček 2017].

CONCLUSIONS

While the Czech and Slovak procedural jurisprudence was influenced in the late 19th and early 20th centuries mainly by Austrian and Hungarian legal scholarship (and indirectly by German scholarship), particularly by the Austrian social conception and the German liberal conception of civil procedure (with prevalence of the social conception), a substantial change occured in the second half of the 20th century. Soviet influence and models, but also the pursuit of an own Czechoslovak originality brought about various changes to civil procedure causing numerous theoretical and practical controversies. Numerous traditional institutions and concepts peculiar to Central European

civil procedure were abandoned, and many others were in turn unduly simplified. Countries of the former Eastern bloc currently share efforts to recast, or at least substantially amend their regulations governing civil procedure in order to fit the needs of a modern capitalist society and democratic regime [Gilles 2014]. These efforts are, of course, not limited to the rules of civil procedure; similar recasting process is present in these countries with respect to all branches of law.

Having identified the two basic models of civil procedure dating back to the 19th century – namely liberal and social conceptions of civil procedure, the new codifications, including the new Slovak recast, do not significantly exceed this conceptual framework, being rather inclined to the social model.

A recast, which seeks to completely rebuild the civil procedure so as to make up for the previous non-conceptual approach, is thereby a very suitable opportunity for historical assessment of the history of civil procedure. We have therefore offered an overview of the historical context of the civil procedure regulation in Slovakia. We have come the the conclusion that the substantial influences shaping today´s civil procedure emerged already in the 19th century, where we have come accross two competing conceptions – liberal and social, which influenced also the development of modern Austrian and Hungarian civil procedure (in Hungary in the form of the Code of Civil Procedure of 1911). The originally Hungarian Code was valid in the territory of Slovakia until 1950, and was superseded by a socialist (communist) conception of civil procedure in the codifications of the years 1950 and 1963. Slovakia finally succeded in overcoming this evolution only in 2016, when a return to the social concept took place in the form of recast civil procedural law, subdivided since 1 July 2016 into three separate codes – Code of Civil Contentious Litigation, Code of Civil Extra-Contentious Litigation, and the Administrative Judicial Procedure Code.

The latest recast can thereby be characterized by a statement made at the turn of the 19th and 20th centuries by Max Weber – namely that codification and recasting are generally expressions of rationalization and streamlining of the law – that is their main goal, Weber claimed [Kroppenberg, Linder 2014: 75-79]. At the same time, however, the historical codification efforts from the turn of the centuries considered recasts also as being tools of national self-identification, i.e. tools to codify the 'national spirit' [Canale 2009: 136]. Nowadays, however, one can hardly speak of a 'national spirit' in the context of current eclectic syncretism, e.g. introducing collective (class) actions [Hamuľáková 2016], and taking into account the impact of European-wide models [Tulibacka 2009]. At present, it rather seems more viable that the recasts, especially in the former Eastern bloc countries, represent an attempt to 'change the spirit' of local societies – in particular aiming at laying down 'new' ideological foundations of the society and its legal system. This is thereby usually done either by a formal return to the pre-1948 legislation, as it has happened in the Czech Republic with their new Civil Code, or by new and original regulation based on a mixture of current needs and historical traditions of a country – which was the leading idea of the recasting of civil procedure in Slovakia.

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DESIGNING PUBLIC POLICY IN UKRAINE AND IN POLAND IN CONDITIONS OF POLITICAL SYSTEM TRANSFORMATION

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Abstract

The article aims to prove that the state should moderate the process of designing "top-down" public policy. The authors analyse the "top-down" state design of public policies of Poland and Ukraine, define public policy development stages in conditions of political system transformation. The authors use comparative method to analyse global indicators, which show the development level of public policy institutions. The article concludes that unlike Ukraine, the key public policy actors of Poland managed to make the necessary decisions at the initial stage of its transformation and, according to the indicators and observation, Poland boasts a more developed public policy.

Key words: *Public Policy, Poland, Ukraine, Political System Transformation*

INTRODUCTION

In the end of the 20th century, traditional model of state governance turned out to be non-responsive to the political reality of the post-industrial society, namely, to the evolution of globalization processes and global economic competitiveness, appearance of supra-national institutions and civil society development.

Institutional transformation led to moving away from the monopoly of the state in the governing process and involvement of various civil society actors in the process of forming the institutional structure. These institutional changes were conceptualized in such governing models as New Public Management (NPM), Good Governance (GG), Collaborative Governance (CG), E-government, Open Government Partnership (OGP); the sociocultural evolutionary institutional innovation is represented in the concept of "Institutional construction socialization" (Path dependence).

Such scientists as A. Dunsire, M. Goodwin, J. Painter, M. Bevir, P. Weller, M. Derthick, L. Pressman, A. Wildavsky, E. Bardach, W. Williams, R. Elmore, M. Hill, G. Bramley, P. Sabatier, D. Mazmanian, G. Majone, L. Smorhunov, M. Svirin, O. Chaltseva, V. Dziunziuk, V. Korzhenko, R. Szarfenberg, A. Zybała studied the issues of installation of new governance concepts in the public space.

In practice, the introduction of these concepts happened and is still happening according to different scenarios, depending on the ability of the state institution to adapt to external and internal determining factors. Integration of the aforementioned models into the system of state governance also requires the corresponding institutional context, which includes a complex of elements in the form of mature civil society, responsible stakeholders that, together with the state, are able to form active political networks of partnership and cooperation in the process of making governance-related decisions as well as a professional bureaucratic structure that would efficiently implement the adopted decisions. In addition to these factors, historical and cultural contexts play a special role as it takes into consideration the level of democratic tradition development within a certain society as well as the culture of political participation of this society.

Installation of new managerial models in conditions of transformation is associated with numerous difficulties, which, in turn, are caused by a varying degree of systems' readiness to reform the old ones and create new institutes, inclusion of the new model of governance into the traditional national governance model. The implementation of good governance principles in such systems happens in different ways and does not always have predictable outcomes, which makes it even more difficult for the scholars to determine the criteria of efficiency and effective governance in conditions of instability.

It should be noted that in the realm of public policy, institutionalized forms of political capital are part of both "state" as well as "non-governmental" sectors that have opposing vectors of influence ("top-down" and "bottom-up") and use the feedback tools, which determine the nature and efficiency of public policy within the national system.

Feedback effects are ensured through interactions of public actors both vertically and horizontally in various spheres of social and political life and their effectiveness will determine the quality of public capital [Chaltseva 2017].

The state, as a key political institution, creates a framework structure for all the political-governing processes within the system and determines "the rules of the game" for all the participants, primarily facilitating the formal stage of public actors' institutionalization.

According to the hypothesis of our study, on the example of Ukrainian and Polish cases, we aim to prove that the process of forming the "top-down" part of the national public policy models depends on the role the state plays in adapting the new concepts of governance. The state should moderate the process of designing "top-down" public policy and this is the main subject studied in our article.

1. STATE DESIGN OF PUBLIC POLICY IN UKRAINE

A unique national public policy model is being formed in Ukraine. It has its own characteristic features, it turns towards a generalized deliberative normative model, and as it now undergoes a complex process of adaptation to Ukrainian realia, it is still not sufficiently developed and is controversial both in form and content. Positive and negative effects of public policy institutionalization in Ukraine form the content of the public capital within the state and determine its future from the political point of view.

Developing and evolving in conditions of permanent system crises, Ukraine "got stuck" in the time of institutional uncertainty, low level of power institutions legitimation, has passed a few stages of legal and socio-political transformations, which influences the construction of the national public policy design. The first stage (1991-2004) was the establishment stage; institutionalization mainly happened on the initiative of the state and the ruling elite, presenting a vertical "monologue" model of interaction between the state and the civil society, which usually was formal and imitational in its essence. The second stage (2004-2010) dealt with the development of public policy institutions in conditions of the domineering role of the state, adoption of laws, which would broaden the rights of public actors. This resulted in the activation and institutionalization of the non-governmental sector, which had been quite inefficient. The third stage (2010-2014) was the stage of formal institutionalization of interaction practices existing between the authorities and the civil society, inclusion of Ukraine into the global public space structures, implementation of new legal foundation of public policy. At the same time, vertical power structure is being strengthened as in 2010 there was a return to the 1996 version of the Constitutions, which signified deliberate narrowing the window of opportunity for public dialogue and limiting the non-governmental sector's possibilities to influence the political process. For Ukraine, this stage was the period of public policy imitation, which was predetermined by the domination of key actor that used power institutions in their own interests. The fourth

stage (2014-2019) was the stage of fragmentary implementation of Good Governance concepts into state governance and of continuation of framing the non-governmental sector (especially, the volunteer movement) making it a full-scale participant of the public process. 2014 was a turbulent year for Ukraine, which after the Euromaidan (the Revolution of Dignity) got new opposition leadership and faced the aggression of the Russian Federation, which annexed the Crimea and started the war in Donbas. In conditions of a deep political crisis, new Ukrainian authorities once again introduced amendments to the Constitution of Ukraine, which concerned the return to the provisions of 2004, namely, the parliamentary-presidential from of governance. This stage was also associated with institutional renewal of traditional institutions and appearance of new institutions of the public space as well as of institutionalized practices of interaction between the authorities and the society. The fifth stage started in 2019 and became a new test of the Ukrainian political system, which received new populist leaders that form the new history of public-private relations.

One of the important indexes of the level of institutionalization of public policy actors is the level of legal order, which demonstrates the normative nature of relations between the participants of the political process within the public space. During the years of Ukraine's independence, its public policy legislation has been considerably updated and detailed. The implementation of international public policy norms in the national legislation made it possible for the new institutions to become legally defined subjects of the process and widened the legislative opportunities for public policy institutions in the course of reforming. The passed laws that regulate public policy in Ukraine may be united into three groups: 1) laws regulating the work of state institutions; 2) laws regulating the development of the non-governmental sector; 3) laws, regulating the information-communicative content of public policy.

The paradox of the situation lies in the fact that despite the numerous formally adopted laws and norms related to public policy, the level of the legal index remains continuously low. According to the Worldwide Governance Indicators (WGI) monitoring results, the "Rule of Law" indicator in Ukraine remains almost unchanged (24.52 in 2016; 25.00 in 2017; 24.04 in 2018), which clearly shows that the issue of legal regulation has not been solved. In comparison, the same index for Poland is much higher – 74.04, 68.27 and 68.83 respectively (See Table 1).

Thus, we may consider that the positive result of broadening the legal component of the public policy field in Ukraine is that it allowed us to become closer to the normative democratic publicity model and create legal conditions for interaction of actors at various spatial levels. However, the Ukrainian legislation did not have enough time to register neither the whole spectrum of institutionalized interaction practices nor the statuses of the new and traditional actors of the public policy field in current conditions. In addition, in reality we faced the issue of incompatibility of the new legal institutions and the public institutions that were not yet prepared to public activity and were unable to ensure partnership, dialogue-based relations among the actors

and the implementation of the adopted laws. Another problem is the low level of legal consciousness and culture in the society in general as well as among the ruling elite in particular. As a result, we may observe institutional indecisiveness, which manifests itself in the institutional structure crisis, which in turn leads to legal uncertainty, which leads to the desire of every subject to set his/her own rules of the game and to selectively comply with or even totally ignore the existing legal norms.

State public policy directly depends on the quality of the system of governance, the ability of the state to be an efficient moderator, of the elite – to timely react to socio-political and economic challenges and of the civil society – to be a true and proper partner. Formal integration of the worldwide governance concepts, such as New Public Management, Good Governance, Collaborative Governance, E-government, Open Government Partnership into the Ukrainian political space facilitated the transition from a "monologue" vertical governance model to a "dialogue" model. This process encounters noticeable difficulties and problems in the national context, which manifests itself through slow and not always effective implementation of administrative reforms. This is confirmed by such indexes of The Worldwide Governance Indicators (WGI), as Regulatory Quality and Government Effectiveness from 2016 to 2018. Judging by the first indicator, Ukraine did not demonstrate signs of significant improvement tendencies, which demonstrates the continuous stagnation in the regulatory quality. According the 'Government Effectiveness' sub-index, Ukraine demonstrates considerable index fluctuations, which signify complicated changes of the governance model during the transformation period (See Table 1).

According to international standards and norms adopted in the state, Ukraine has created new governing institutions as well as applied new managerial practices that use innovative methods. Thus, Ukraine joined the OGP Initiative (2011) and introduced the "Electronic Government", confirming that it shares the main public governance principles, i.e. ensuring the transparency of state governance, proper citizen access to public information, fighting corruption, provision of high-quality administrative services, introduction of e-governance and e-democracy elements. Since then, the Cabinet of Ministers of Ukraine has approved the Action Plan on Initiative Implementation, it was also stated on the official web-site of the President that Ukraine implements European standards of openness and transparency in the work of state power institutions.

One of the positive results of implementing the "Open Government" principles in Ukraine is that the citizens got the possibility to receive administrative services from the state. Thus, for example, in accordance with the Law of Ukraine "On Administrative Services" a national "Transparent Office" service was created [CMU Decree 2013] and it started effectively operating at the regional and local levels. The State Portal of Administrative Services https://poslugy.gov.ua/ was launched. With its help, citizens can receive state services at the national level interactively (online). The Ministry of Justice has launched a transparent automated system of service provision called

the "Online House of Justice" (2017).

Progress in the field of ICT and the spread of the Internet enabled the implementation of the concept of the service state, which uses ICT for communication and interaction with the public and business, as consumers of the services it (the state) provides. Ukraine implements the gov-2 program in practice, introducing interactive forms of communication and cooperation between the authorities and the society in practice. Gradually, effective communication platforms for public actors are being built, and the state institutions and organizations are being integrated in the space (official websites, pages on social media, participation in the blogosphere), the citizens are being involved into interactive communication with the authorities (e-petitions, online deliberation of various issues on the official government pages) etc. Thus, interactive technologies that are involved in the governing process, widen the actors' possibilities for co-governance, facilitate the development of e-democracy. However, this is not a sustainable, continuous process in Ukraine, and as such it requires more attention of the state to this process. According to the UN Global E-Government Development Index, Ukraine occupied the 87th place in 2015, 62nd position in 2016 and in 2018 it rolled back to the 82nd place (See Table 1).

In order to overcome the imitational character of public policy, the political authorities of Ukraine that came to power after the Revolution of Dignity, within the framework of correspondence to the adopted political-governing models and the requirements of international structures, passed a number of laws, created additional institutions and tools for exercising public control over the authorities and for corruption prevention (National Anti-Corruption Bureau of Ukraine), an electronic public procurement system ProZorro, a system of citizen control over the procurements Dozorro, signed a global Partnership Memorandum on the Information Disclosure on Beneficial Ownership (2017). However, the corruption levels in Ukraine remain continuously high, demonstrating only slight changes – 135 in 2016, 134 in 2017, 123 in 2018 (See Table 1).

Among the positive effects of public capital development in Ukraine, we may note the appearance of new innovative institutionalized forms of network cooperation in various fields, namely, crowdsourcing, crowdfunding, crowdcasting activities, stakeholder projects, structures that include both the civil society organizations and state institutions (Public Councils, controlling and auditing organizations, volunteer organizations, public associations, analytical centres), online network practices of communication and interaction.

At the local level, we so far see the weakness of local authority institutions as public actors, because they are usually neither ready to create conditions for full-scale inclusion of the civil society in the process of co-governance based on dialogue and subsidiarity principle, nor to launch partnership mechanisms such as public initiative, social contract, direct participation, social design etc. One of the ways of solving this problem is the reform of power decentralization at the local and regional levels,

which can become the foundation for understanding the belongingness to the new system of relations between the government and the citizens, between the people and the centre.

Thus, the "top-down" state design of the public policy in Ukraine has some controversial tendencies that determine the specifics of the national model of public policy. The undoubtedly positive aspects of vertical institutionalization of the public capital include the start of legal framing of public institutions; we observe the establishment of the new ones and reformation of the traditional institutions using innovative resources; orientation towards the governing programs adopted in democratic systems as well as a two-way (dialogue) interaction with the civil society. The administrative service provision sector is gradually developing and e-technologies are being gradually integrated into the processes of communication, management and control.

It should be noted that the negative effects of the institutionalized political capital are also gradually piling up. They include institutional duality, institutional authority clash, legal uncertainty, low legitimacy level and together they have created conditions for establishment of stable imitational forms of interaction between the actors and did not facilitate the development of the dialogue-based and subsidiary model of social relations in Ukraine. Negative effects of the institutional public capital may be called institutional "traps", which interfere with the public process and as a result put the system in the state of hysteresis. The behaviour of the system continues to be influenced by the schemes and stereotypes, which are the heritage of the past, while the external challenges are characterized by exceptional novelty. In such conditions, crisis manifestations and quality changes of a system's elements are unavoidable.

2. THE "TOP-DOWN" STATE DESIGN OF PUBLIC POLICY IN POLAND

Public policy of post-socialist Poland was based on deep comprehensive changes that took place at the end of the 1980-s beginning of the 1990-s. A deep political and economic crisis as well as an open conflict between the authorities and the overwhelming majority of the citizens led to the fall of the socialist regime and radical economic and political changes in the course of transformation. Systemic changes (transformation) aimed to achieve economic stability in the country, to introduce changes to the institutional and legal systems, to establish close cooperation with countries of western Europe. In order to implement such comprehensive changes, deregulation was introduced (limiting the ability of the state to directly interfere with the work of the market), deetatation (the state was gradually removed from economic activity), liberalization (market mechanisms of economic activity regulation based on the principles of equality of all market participants were launched), privatization and communalization (increasing the role of local self-government) as well as re-structuration (in the field of property, capital, production and investments). Introduction of such broad systemic changes was associated with high risks and required considerable socio-economic expenditures as well as adoption of non-traditional political decisions

that seemed logical due to the significance of the expected results of these decisions. This was mainly because the shift of the socio-political system from socialism to capitalism was beyond the known algorithms and there wasn't a single tested scenario of its implementation. Transformation in Poland in the 1990-s was an unprecedented phenomenon, which had radically changed the whole system of state, political and economic structure, which had been built within the country since 1945 until the end of the 1980-s.

The next stage of public policy formation started with Poland's preparation to access the European Union (EU) and it lasts until now. The Association Agreement with the EU (1991) was the start of the new stage of reforms and systemic changes. This has also influenced the process of forming the national public policy model, which was manifested in the attempts to implement the methodology of its functioning within the framework of the EU structures. Before the successful completion of the process of Poland's accession into the EU on May 1, 2004, political and legal efforts had been aimed at harmonization of Polish public policy with the public policy of the EU countries. Supra-national normative social partnership documents, which served for Poland as guidelines to the public space construction, included the White Paper on State Governance in Europe (2001), White Paper on a European Communication Policy (2006) and Article 11 of the new addition of the Treaty on the European Union (2009). These documents outlined the key principles of dialogue-based interaction (openness, co-participation, accountability, effectiveness and coordination) between the civil society on the one hand and the national and local authorities on the other. These steps resulted in a number of positive achievements in the field of public policy development in Poland. The labour market policy, social policies and educational policy can be named as some of the most successful examples. Moreover, the Ministry of Regional Development is introducing effective measures aimed at reformatting the mechanism of drafting strategic development programs that are directly linked to the public policy of the state.

Introduction of innovative governing models (New Public Management, Good Governance, e-Governance, Open Government Partnership) in Poland facilitated the transition from implementation of the vertical public policy model to a dialogue-based one, even though such programs and "e-Poland" and "Polish Gate" have not been fully implemented.

Poland may serve as an example of successful use of public control in transformation systems, as public control has evolved and now has a systemic, multi-vector character (legal protection, monitoring, charity, social sector, elections). Internet technologies are being actively used for enhancement of public participation. For instance, an Organization collects official information about the people that are elected public officials and unloads it into the database on the http://mamprawowiedziec.pl website. Another example is the www.sejsmometr.pl portal where you can easily follow the work of the Sejm as well as changes in Polish legislation. In addition, there appeared

a very brief and very specifically targeted initiative on monitoring the process of selecting people to occupy the highest positions in the state, e.g. the Prosecutor General at http://www.hfhrpol.waw.pl/prokurator/, candidates for the position of judges of the Constitutional Tribunal at http://inpris.yumistudio.pl/wazne/omx-monitoring/wybory-do-tk-omx-tk/, Personal Data Inspector General at http://www.panoptykon.org/content/zaczynamy-obywatelskimonitoring-wybor-w-giodo. Candidates' biographies, their answers to the questions asked in the course of monitoring, information on public opinion on the nature of this position, the scope of responsibilities and the necessary competence level appear on various web-sites. In order to ensure the right of access to public information, there is a Non-governmental Centre of Access to Public Information (provided by the Leaders of Local Non-Governmental Groups Association), which deals with improving the publicity levels through ICT (www.informacjapubliczna.org.pl., http://msps.su/files/2013/09/usppraktkontr.pdf).

It should be noted that the initial stage of the transformation determined the peculiarities of the "top-down" public policy formation in Poland. Polish public policy considerably differs from the way it is understood in the countries of Western Europe. Due to the transformation period heritage, public policy of Poland relies significantly more than other countries on the field of public administration and administrative law. This manifests itself at least in three different ways: general, material (key legal acts related to the field of social policy) and procedural (Administrative Crimes Code as well as other procedural aspects, included in the texts of separate laws) [Szarfenberg 2013: 40]

In the 1990s, the term "public administration" substituted the notion of "state administration", which had been used until 1989, during the period of Polish People's Republic. He believes that "Such terminological change of the name from state administration to public manifested the radical change of the governing paradigm from state to public" [Kotovcka 2018]. The term "public" is undoubtedly closer and more acceptable to the society than "state", however, it still remains an "administration" denoting the hierarchic pyramid of governing bodies, which implement vertical policy. And, all this happens in conditions of a successful administrative-territorial reform of the 1990s, after which local self-government bodies became most responsible for public policy implementation and gmina became a key administrative unit. The link to the notion of "administrative law" also indicates a strong regulatory component and a specific feature of Polish public policy.

In his research conducted for the Institute of Public Affairs, Andrzey Zybala writes that some people claim that when speaking about Poland, it is hard to speak about state policies in their western European sense [Zybała 2012]. He substantiates this idea by stating that there is neither structured, rational process of planning public policy activities and their evaluation nor a systemic and comprehensive process of general problems' analysis as the basis for implementing some activities. In Poland, we mainly see accidental, non-systemic activities, based exclusively on intuitive, un-

substantiated ideas and visions of the decision-makers. Moreover, many public activities are implemented without the reference to the conducted surveys and without any feedback (documenting how the implemented decisions function), without the application of modern methods of public governance (for instance, without the consideration of the value of efficiency indicators), without any audit, evaluation and consultations with the stakeholders regarding the planned activities [Zybała 2012]. We may at least partially agree with the stated evaluation.

A Ukrainian researcher of public policies of the European Countries O. Kotovska also gives provides rather critical remarks regarding the Polish public policy. She believes that Polish traditions are based on a one-sided public policy model. "One-sidedness" is explained dominance of state institutions (pubic administration, the political elites in general) and the vertical decision-making process, preservation of controlling instruments. Low level of actors' participation or use of expert recommendations in the decision-making process as well as no open contests for position substitution. The "actual" public policy in Poland is still vertical. The most significant controlling instruments are accumulated within the inefficient legal mechanisms, which increases the actual cost of public services that could have been provided at a higher level [Kotovska 2018].

The stated problems exist form the beginning of existence of Polish public policy and were naturally embedded in the 1990-s during the period of transformation due to the inconsistency between the existing resources and the scale of the set tasks – lack of time, experience, money etc.

In order to improve the situation, a considerable number of theoretical and practical studies are being conducted in order to determine the current situation with various public policies and, if necessary, to change it. They also aim to develop a set of analytical tools for a more efficient implementation of those policies by the state.

While looking at the key indicators of public policy development reflected in various global ratings, Poland shows much better results that Ukraine, but if we analyse the dynamic of the last years, we may observe that Poland rolled backwards by a number of indicators and now occupies lower positions in the ratings. According to Worldwide Press Freedom indicator during the period from 2016 to 2018 Poland dropped from the 54th to the 59th position in the rating. According to the e-participation index during the same period it dropped from the 14th to the 31st position. The Democracy Level Index showed the shift from the 52nd to the 54th place. And according to the Corruption Perception Index (CPI) it shifted from the 29th to the 36th place (See Table 1).

This has at least to explanations. Firstly, Poland lost the dynamics of changes that she had had during the period before the accession to the EU and right after gaining membership in the European Union. Secondly, the mono-party majority that now rules in Poland (the "Law and Justice" Party) that controls both chambers of the of Parliament since 2015 and whose representative is now the President of the Republic

of Poland, in analytics opinion, facilitates the rollback of democracy and publicity of decision-making [Neprytskyi 2017].

Thus, we may state that in the course of political transformation and shift from the "state" to "public" policy, the public policy of Poland has demonstrated a considerable breakthrough. The effect was strengthened by the political, social and economic changes, which allowed Poland to root the new tendencies in the legislation and to introduce them into the administrative policy. However, even despite the successful administrative-territorial reform and the reform of local self-government, Poland still has the vertical, "top-down" public policy design, which creates a whole myriad of controversial tendencies and, most importantly, leaves room for a potential rollback, a rollback that Poland has been accused of during the last years of mono-party rule.

CONCLUSIONS

Therefore, the state, which remains the key public actor, starts adapting to the new realia as well as integrating into a new, multi-layer system of governance by changing its structure, functions, culture and values. It is a key moderator of forming public policy models within the national systems and determines the development vector of this process.

Ukraine's and Poland's public policy models are unique combinations of global universal publicity trends with national practices, based on the sociocultural matrix, transformation process and peculiarities of state governance.

The vertical, "top-down" public policy design in Ukraine and Poland took place in conditions of reformatting the governing systems and changing the functional and normative possibilities of many political institutions, including the state itself. However, the efficiency of this process in these two countries differs greatly. Thus, according to the Beterlsmann Transformation Index, Poland was 5th (9.2) in 2016 and 10th (8.6) in 2018 while Ukraine was 52nd (6.1) and 36th (6.5) respectively. (See Table 1).

In Ukraine, we may characterize this process as multi-layered and controversial, where systemic instability and preservation of some elements of traditional governance face some difficulties when combined with new managerial tendencies and deliberative democracy principles. It should be noted that at every stage the process of public policy formation as well as the reform of the state governing system actually happened under the guidance of the "designers", i.e. the ruling elite, on a unilateral basis. This violated the principle of getting feedback from the society; impulses that were sent from the bottom, were either not taken into consideration or were deliberately ignored. The "demands" were ignored "at the entrance", that is why as a result, the system was inefficient with a clearly visible low level of public capital, a critically low level of institution legitimation and a high conflict potential.

Poland, despite the hierarchic nature of this process, has still gradually overcome many obstacles in the field of governance and socioeconomic life. Most of the changes took place during the period of its transformation and then later developed during the

adaptation of the political structure of the country to the European legal norms and institutions. The Polish public policy institutions were able to adapt to the new conditions and to new channels of interaction between the public policy actors. However, it should still be noted that Poles themselves are rather dissatisfies with the state of public policy in their country. Polish scholars and analysts characterize public policy of Poland as rather fragmentary, inconsistent and such that is rather based on intuition and not on actual study of current needs or analysis of the results.

Table 1. Comparison of Public Policy Development Indicators

Year	2016	2017	2018	2016	2017	2018
Country	Poland			Ukraine		
Index	Position in the rating (indicator)			Position in the rating (indicator)		
1.Worldwide Press Freedom Index	54 (26.47)	58 (26.59)	59 (28.89)	102 (33.19)	101 (31.16)	102 (32.46)
2. Global Innovation Index	39 (40.22)	38 (41.99)	38 (49.41)	56 (35.72)	50 (37.62)	75 (40.45)
3. The Global Competitiveness Index (GCI)	36 (4.56)	37 (68.2)	37 (68.9)	85 (4.00)	83 (57.0)	85 (57.0)
4. Civil Society Organization Sustainability Index (CSOSI)	(2.2)	(2.3)	(2.6)	(3.3)	(3.2)	(3.3)
5. Open Government Index	20 (0.67) (information available for 2015 only)	——	——	43 (0.56) (information available for 2015 only)	——	——
6. E-Participation Index	14 (0.8814)	——	31 (0.8933)	32 (0.7458)	——	75 (0.6854)
7. Networked Readiness Index)	42 (4.5)	——	——	64 (4.2)	——	——
8. Democracy Level Index	52 (6.83)	53 (6.67)	54 (6.67)	86 (5.70)	83 (5.69)	84 (5.69)
9. The UN Global E-Government Development Index (EGDI)	36 (0.7211)	——	33 (0.7926)	62 (0.6076)	——	82 (0.6165)
10. ICT Development Index	50 (6.73)	49 (6.89)	——	78 (5.31)	79 (5.62)	——
11. Human Potential Development Index	34 (0.860)	33 (0.865)	33 (0.865)	90 (0.746)	88 (0.751)	88 (0.751)

12. Freedom Index of Freedom House	93 (1.0) Free	89 (1) Free	85 (1) Free	61 (3) Partly free	61 (3) Partly free	62 (3) Partly free
13. Social Progress Index	30 (79.76)	32 (79.65)	32 (81.21)	63 (66.43)	64 (68.35)	64 (69.30)
14. The Corruption Perceptions Index (CPI)	29 (62)	36 (60)	36 (60)	135 (29)	134 (30)	123 (32)
15. Bertelsmann Transformation Index	5 (9.2)	_____	10 (8.6)	52 (6.1)	_____	36 (6.5)
16. Worldwide Governance Indicators (WGI)	1. Voice and Accountability **(74.38)** 2. Political stability and Absence of Violence/ Terrorism **(63.33)** 3. Government Effectiveness **(73.56)** 4. Regulatory Quality **(79.81)** 5. Rule of law **(74.04)** 6. Control of Corruption **(75.96)**	1. Voice and Accountability **(72.91)** 2. Political stability and Absence of Violence/ Terrorism **(64.29)** 3. Government Effectiveness **(74.04)** 4. Regulatory Quality **(78.85)** 5. Rule of law **(68.27)** 6. Control of Corruption **(75.96)**	1. Voice and Accountability **(71.92)** 2. Political stability and Absence of Violence/ Terrorism **(65.71)** 3. Government Effectiveness **(75.00)** 4. Regulatory Quality **(78.37)** 5. Rule of law **(66.83)** 6. Control of Corruption **(74.52)**	1. Voice and Accountability **(47.29)** 2. Political stability and Absence of Violence/ Terrorism **(6.67)** 3. Government Effectiveness **(32.21)** 4. Regulatory Quality **(36.06)** 5. Rule of law **(24.52)** 6. Control of Corruption **(21.15)**	1. Voice and Accountability **(47.29)** 2. Political stability and Absence of Violence/ Terrorism **(6.67)** 3. Government Effectiveness **(35.10)** 4. Regulatory Quality **(40.38)** 5. Rule of law **(25.00)** 6. Control of Corruption **(22.12)**	1. Voice and Accountability **(44.83)** 2. Political stability and Absence of Violence/ Terrorism **(6.19)** 3. Government Effectiveness **(38.46)** 4. Regulatory Quality **(44.23)** 5. Rule of law **(24.04)** 6. Control of Corruption **(18.27)**

(The table is composed from the data taken from open Internet resources, namely

1. *Worldwide Press Freedom Index was retrieved at https://freedomhouse.org/report-types/freedom-press*

2. *Global Innovation Index (GII) was retrieved at https://www.globalinnovationindex.org/analysis-indicator*

3. *The Global Competitiveness Index (GCI) was retrieved at https://www.weforum.org/reports/the-global-competitiveness-report-2016-2018*

4. *Civil Society Organization Sustainability Index (CSOSI) was retrieved at https://www.fhi360.org/projects/civil-society-organization-sustainability-index-csosi*

5. *Open Government Index was retrieved at https://worldjusticeproject.org/our-work/wjp-rule-law-index/ wjp-open-government-index-2015E-participation Index was retrieved at https://tcdata360.worldbank.org/indicators/entrp.sub.part?country=BRA&indicator=3469&viz=line_chart&years=2012,2016*

6. *Networked Readiness Index was retrieved at http://reports.weforum.org/global-information-technology-report-2016/networked-readiness-index/*

7. *Democracy Index was retrieved at https://freedomhouse.org/report/freedom-world*

8. *The UN Global E-Government Development Index (EGDI) was retrieved at https://publicadministration.un.org/ egovkb/en-us/About/Overview/-E-Government-Development-Index*

9. *ICT Development Index was retrieved at https://www.itu.int/net4/ITU-D/idi/2017/index.html*

10. *UN Human Development Potential Index was retrieved at http://hdr.undp.org/en/content/human-development-index-hdi*

11. *Freedom Index of Freedom House was retrieved at https://freedomhouse.org/report/freedom-world/freedom-world-2018*

12. *Social Progress Index was retrieved at https://www.socialprogress.org/index/global/results*

13. *The Corruption Perceptions Index (CPI) was retrieved at http://cpi.transparency.org/ The Corruption Perceptions Index*

14. *Bertelsmann Transformation Index was retrieved at https://www.bti-project.org/en/home/*

15. *Worldwide Governance Indicators (WGI) was retrieved at https://info.worldbank.org/governance/wgi/Home/Reports)*

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OVERVIEW OF PERCEPTION OF GLOBAL TOPICS BY STUDENTS OF ECONOMIC AND EDUCATION STUDY PROGRAMMES FROM SELECTED COUNTRIES

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Abstract

The aim of the survey was to find out if there is a difference in the perception of relevance of the global issues to the study fields by the students of economics and education in five countries (Ireland, Canada, the Great Britain, Kenya, and Slovakia). We used an online questionnaire developed within the project called Ethical Internationalism in Higher Education Research Project. The answers were analysed in the programme Statistica 12. We found the difference in the perception of global topics between the students of business and the students of education. The results will be used to innovate the study programmes at the individual faculties.

Key words:*Global Education, Global Problems, Skills, Business, Universities*

INDRODUCTION

Mass higher education has become an international norm at the end of the 20th century [Altbach 1999]. In 1971, 9.9% of the world school-leaving age group of people enrolled in tertiary education. In 2013, the situation was completely different: 32.9 % of people of the school-leaving age group enrolled for higher education [Marginson 2016]. The European Union set for a goal that 40% of people aged from 30 to 34 would achieve university education by the year 2020 [ET, 2020]. There are many signals to explain why knowledge in the 21st century may need to be perceived differently from the things associated with the knowledge in the past: the technological society: globalisation, twenty-first globalisation skills, digitisation, and the changing shape of libraries, i.e. "knowledge explosion", changing forms of work, orientalism, citizenship, identity and immigration, and many more. To sum up, two major lines of discussion pose big questions about "knowledge, learning and expertise" and the role of schools and universities nowadays [Yates 2017].

Stewart (1996) analysed the links between education and globalisation. Altbach (2004) defines globalisation as the broad economic, technological, and scientific trends that directly affect higher education and are largely inevitable. Globalisation is "the growing integration of economies and societies around the world" [The World Bank 2001]. Globalisation in higher education policies was analysed by Fink-Hafner & Dagen (2017). Kuzhabekova et al. (2015) mapped global research in International Higher Education. Educational institutions have been charged and challenged in order to prepare and produce globally component graduates Kaushik et al. (2017). Their research has shown that students are not necessarily formally educated or trained to understand the full impact of global interconnectedness or to make informed decisions with full knowledge and awareness of the global implication. Haigh (2010) reviews the strategies suggested by western universities to achieve internationalisation of the curriculum. Globalisation processes affect and, at the same time, are affected by business and work organisation, economics, social and cultural resources, and natural environment.

Maastricht Global Education Declaration (2002) defines global education as the *"education that opens people's eyes and minds to the realities of the world, and awakens them to bring about a world of greater justice, equity and human rights for all. Global Education is understood to encompass Development Education, Human Rights Education, Education for Sustainability, Education for Peace and Conflict Prevention and Intercultural Education; being the global dimensions of Education for Citizenship."*

Human resources in the 21st century are required to master various forms of skills, including critical thinking skills and problem solving. The teaching of the 21st century integrates literacy skills, knowledge, skills, attitudes, and mastery of ICT [Handajani et al. 2018].Today's job candidates must be able to collaborate, communicate and solve problems – skills developed mainly through social and emotional learning. Combined with traditional skills, this social and emotional proficiency will equip students to succeed in the evolving digital economy [World Economic Forum 2016].

1. DATA AND METHODS

Social roles of current university education, contributions and risks following from the internalisation of education, as well as relevance of the topics of global education, political and social problems concerning university study programmes in different countries were studied by Andreotti et al. (2016) in Ethical Internationalism in Higher Education Research Project (EIHE), http://eihe.blogspot.com/. The questionnaires were assembled in line with the suggestions from Andres (2012). In the submitted paper, the results of students´ questionnaires involved in the EIHE research from five countries of three continents were assessed: the Great Britain, Ireland, Canada, Kenya, and Slovakia. When selecting the countries, we considered a common historical context of the Great Britain, Ireland, Canada, and Kenya with a similarly oriented education system assumed. The Slovak Republic (a part of Czechoslovakia until 1992) is a country of former socialist block, where the education system was influenced by the Soviet Union and had only restricted or controlled possibilities for communication, travelling, common projects and information exchange with the countries of western block for nearly 40 years.

Although the mentioned countries have different history, as well as economic and social conditions, we assume that they are all affected by internationalisation, to which Altbach (2004) draws attention and claims that the internationalisation of the curriculum and instruction materials go into international circulation. There is an increasing use of common textbooks, course materials and syllabi worldwide, stimulated by the expanding influence of multinational publishers, the Internet, and databases, as well as the growing number of professors who return home after their studies abroad with the ideas concerning curriculum and instructional materials in their fields.

The research at universities was conducted via the Internet, using online questionnaires. The data were collected from 9 faculties (à 50 students) in 5 countries. Totally 450 questionnaires have been evaluated (Tab. 1).

Table 1: Data frames (overview of countries, study programmes and used abbreviations)

Country	IRELAND	CANADA	KENYA	SLOVAKIA	GREAT BRITAIN	
Study programme					University 4	University 9
Business	3BU		30BUS	12BU	4BU	9BU
Education		16ED	30ED		4ED	9ED

In the submitted paper, we evaluated students' answers from the part of the EIHE questionnaire focused on global education – its content, methods and forms. Students expressed the extent of their agreement/disagreement or *unsure/no opinion* with a particular statement.

In the survey, we assessed students' answers to individual statements focused on:

- Relevance of the global themes from the viewpoint of the students' study programme;

- Skills and dispositions relevant to field of study;
- Social and political issues relevant to the students' study programme;
- Teaching methods and relevance of selected skills and abilities for their study programme.

We analysed the data obtained through the online questionnaire in the programme STATISTICA 12. **We tested the differences** between the responses of:

1. **Students of business** (BUS, n = 250) and **students of education** (EDU, n = 200) using the Mann-Whitney U test.
2. **Students of education from different countries** (EDU Great Britain 4, n = 50; Great Britain 9, n = 50; Kenya, n = 50; Canada, n = 50) using Kruskal – Wallis ANOVA and median test. After finding the statistically significant difference we subjected the data to post-hoc comparisons (multiple comparisons of mean ranks for all groups) to see the differences of responses among students of different countries.
3. **Students of business from different countries** (BUS Great Britain 4, n = 50; Great Britain 9, n = 50; Kenya, n = 50; Ireland, n = 50; Slovakia, n = 50) using Kruskal – Wallis ANOVA and median test. After finding the statistically significant difference we subjected the data to post-hoc comparisons (multiple comparisons of mean ranks for all groups) to see the differences in responses among students of different countries.
4. **Students of education from two different universities in the Great Britain** (EDU Great Britain 4, n = 50; EDU Great Britain 9, n = 50) using the Mann-Whitney U test.
5. **Students of business from two different universities in the Great Britain** (BUS Great Britain 4, n = 50; BUS Great Britain 9, n = 50) using the Mann-Whitney U test.

We verified the following hypotheses:

H_{01}:   The answers of the students of business and education are not different.

The following hypothesis was considered as the alternative one:

H_{A1}:   The answers of the students of business and education are different.

H_{02}:   The answers of the students of the same study programmes are not different in different countries.

The following hypothesis was considered to be alternative:

H_{A2}:   The answers of the students of the same study programmes are different in different countries.

H_{03}:   The answers of the students of the **same study programmes** are not different **at different universities in the same country**.

This hypothesis was considered as the alternative one:

H$_{A3}$: The answers of the students of the same study programmes are different at different universities in the same country.

The aim of analyses of the questionnaire survey is not a complete characteristics of the content and methods of global education in individual countries and their generalisation to the whole country/study programme. However, they may be an impulse for discussion about the implementation of selected global topics into curriculum of individual study programmes and related teaching methods in chosen countries. Due to the limited extent of the paper, we present only verbal summary of the results.

2. RESULTS AND DISCUSSION

2.1. Answers of the students of Business and Education

Based on the results of statistical testing we can sum up that the following hypothesis was not confirmed:

H$_{01}$: The answers of the students of business and education are not different.

This hypothesis was confirmed:

H$_{A1}$: The answers of the students of business and education are different.

2.1.1 Global themes that are relevant to my field of study

In the part *Global themes that are relevant to my field of study,* the students expressed their opinions on 23 statements (Tab. 2). In case of 35 % (8 statements) of them, there is no statistically significant difference between the students of business and education. The differences were found out in 65 % (15 statements).

There were two types of statistical differences:

1. majority (over 50 %) answer was opposite in compared groups (Tab. 2)
2. majority answer in both groups was the same. However, while nearly all the students from one group answered in the same way, the range of answers was significantly bigger in the second group, e.g. economic growth (Tab. 2).

   For instance, business students agreed more with these statements:
   - Economic growth;
   - Global mobility;
   - International cooperation;
   - International solidarity;
   - Government overspending;
   - Loss of jobs;
   - Waste of resources;
   - Distribution of wealth.

   Education students agreed with the following statements to larger extent:
   - Access to education
   - Human rights;
   - Discrimination.

Described differences can be caused by the students' specialisations, but the topics like *Economic growth (and its consequences), International cooperation, International solidarity, Waste of resources*, as well as *Human rights and Discrimination* are important global issues in all study specialisations. Global problems are complex and complicated. Therefore, the cooperation among study specialisations is necessary when solving these problems and students must be well acquainted with them.

Table 2: Global themes that are relevant to my field of study

Global themes that are relevant to my field of study	U-value	Z-value	BU %	EDU %
economic growth	15,360.0	7.03 ***	90/Y	52/Y
trade barriers	11,608.0	9.77 ***	82/Y	63/N
global mobility	16,417.0	6.26 ***	78/Y	47/Y
technological advancements	24,270.0	0.53	85/Y	82/Y
access to education	20,822.5	-3.05 **	77/Y	94/Y
international cooperation	18,625.0	4.65 ***	85/Y	60/Y
international solidarity	19,956.0	3.68 ***	71/Y	53/Y
poverty	22,745.5	-1.64	54/Y	66/Y
climate change	24,837.0	-0.12	49/Y	51/Y
human rights	20,697.0	-3.14 **	64/Y	81/Y
discrimination	18,844.5	-4.49 ***	58/Y	83/Y
government overspending	21,492.0	2.56 *	74/Y	62/Y
loss of jobs	21,118.0	2.83 **	80/Y	65/Y
gap between rich and poor	24,998.0	0.00	69/Y	70/Y
unequal relations of power	23,776.0	0.89	66/Y	63/Y
over- consumption	17,628.0	5.38 ***	70/Y	50/N
corporate greed	17,224.0	5.67 ***	65/Y	55/N
waste of resources	19,627.0	3.92 ***	73/Y	53/Y
terrorism	23,863.5	0.83	48/N	54/N
disease epidemics	23,672.0	0.97	48/N	54/N
over- surveillance	23,529.5	1.07	46/N	52/N
distribution of wealth	20,462.5	3.31 ***	67/Y	51/Y
racism	17,597.5	-5.40 ***	44/Y 44/N	74/Y

*U-value, Z-value: results of the Mann-Whitney U test, significance: *p < 0.05, ** p < 0.01, *** p < 0.001*

Statements with statistically significant differences in the answers are in bold. The most numerous responses by student groups (% responses): BU = business students, EDU = education students, Y = yes (agreement), N = no (disagreement)

The business and education students do not agree that the following topics are relevant:

• Terrorism;

• Disease epidemics;

• Over-surveillance.

Calculations show that terrorism has a large negative association with economic growth in Europe. Between 2004 and 2016, the 28 EU member states lost around €180 billion in GDP terms due to terrorist attacks [Ballegooij, Bakowski 2018]. Dimitri (2015) analysed the economics of epidemic diseases and the optimal allocation of resources. Technology and our increasing demand for security have put us all under surveillance [Draper 2018]. Cyber-risks intensified in 2017 [World Economic Forum 2018] and it affects the lives of common people regardless their education and jobs (including students of business and education). Therefore, complex perception of global topics is one of the aims of global education and the mentioned results can be crucial for universities management, as well as the impulse for innovations in teachers' work.

Statistically significant differences between the students of business (most of them *agree)* and of education (most of them *disagree)* were connected with these statements:

- Trade barriers;
- Over-consumption;
- Corporate greed.

We consider the students' answers to the statements *trade barriers* and *corporate greed* to be conditioned by their study programmes. *Over-consumption* is a topic of global education, which causes many environmental problems in everyday life. Therefore, we consider its implementation into the curriculum of different study programmes to be important and we believe it is very urgent to take measures to reduce over-consumption in the normal operation of universities. Environmental leaders have argued vociferously that a fundamental barrier to controlling consumption is a predominant cultural orientation to seek consumer goods as a means of achieving personal satisfaction and happiness [Elkins 1991; Durning 1992]. And that is another of the aims of global education – to bear responsibility for our own everyday life. It overcomes standard curriculum at higher education, we change scale of values of the students, as well as teachers, and it is a challenge.

When giving their opinion on the topic of *racism* the students used a wide range of answers. Significant difference was found out between the students of different study programmes:

- business: 44% of them *agree* and 44 % *disagree*
- education: 74% of them *agree.*

We do not consider the topic of racism linked only to human sciences study programmes. Racism may have serious economic consequences in addition to its social, political, psychological and moral ones [McLoyd 1990; Larson et al., 2007; Paradies et al., 2015; Elias, Paradies 2016] and it is also a current concern in many countries [Eurobarometer 2015]. Therefore, we acknowledge as important to pay special attention to this topic at universities.

There is a relatively low disagreement (no statistically significant difference between

business and education students) concerning the topics of *poverty* (agreement: 54 % BU, 66 % EDU) and *climate change* (agreement: 49 % BU, 51 % EDU). These topics are important and serious challenges [Seipel 2003]. Therefore, we believe it is important to pay attention to them when teaching: it is suitable to innovate curricula and to put emphasis on the connection of preparation of the students of business and education to the global problems and their solutions.

2.1.2 Social and political issues relevant to my field of study

Significant difference was found out in case of this statement – opposite opinions: *how my field can generate profit.* 84% of the students of business agree with this statement and 57% of the students of education disagree. We believe that this difference is conditioned by the students' study specialisation (more in Tab. 3)

No differences – both groups agree (higher agreement expressed by the students of education):

- How my field affects society;
- How governments influence my field.

Difference in the extent of agreement (higher agreement expressed by the students of education) was found out in case of the following statements:

Social and political issues relevant to my field of study:

- How social inequalities are created;
- How academic knowledge can be biased.

Higher agreement was expressed by the students of business for the statement: *how rich countries influence poor countries.*

Table 3: Social and political issues relevant to my field of study

Social and political issues relevant to my field of study	U-value	Z-value	BU %	EDU %
how my field can generate profit	12,106.50	9.41 ***	87/Y	57/N
how my field affects society	22,606.00	-1.75	82/Y	92/Y
how governments influence my field	23,995.00	-0.73	83/Y	88/Y
how social inequalities are created	19,477.50	-4.03 ***	60/Y	83/Y
how rich countries influence poor countries	19,040.50	4.35 ***	76/Y	54/Y
how academic knowledge can be biased	20,233.00	-3.48 ***	65/Y	84/Y

*U-value, Z-value: results of the Mann-Whitney U test, significance: *p < 0.05, ** p < 0.01, *** p < 0.001*
Statements with statistically significant differences in the answers are in bold. The most numerous responses by student groups (% responses): BU = business students, EDU = education students, Y = yes (agreement), N = no (disagreement)

Except for the implementation of the global education topics into education at universities, it is important to focus on the methods used when dealing with these topics with students, as well as skills, supported by the teaching of global education. According to Díaz et al. (2010), faculties need integration of new learning models and adequate coping strategies into their work in higher education. How do we equip

learners with the values, knowledge, skills, and motivation to help achieve economic, social and ecological well-being? How can universities make a major contribution towards a more sustainable future? Jones et al. (2010) answered that it does not only include greening the campus but also transforming curricula and teaching and learning.

2.1.3 Skills and dispositions relevant to my field of study.
In this part, the students of business and education agreed predominantly with 8 statements (out of 10, more in Tab. 4):
1. Statistically significant difference in the extent of agreement (higher in case of the students of education) was found out for the following statements:
- engaging with conflicting perspectives;
- onsidering the impact of my actions on society;
- empathizing with those who are disadvantaged;
2. No statistically significant difference in the extent of agreement (higher in case of the students of education) was found out for the following statements:
- *thinking critically;*
- *working well with people from different cultures;*
- *questioning what I have taken for granted;*
- *analysing power relations;*
- *making ethical decisions that benefit society.*

The answers with opposite opinions with statistically significant differences between the students of business and of education were connected with these statements:
- *becoming an entrepreneur* (75% business agree, 55 % education disagree)
- *promoting innovation in the marketplace* (85 % business agree, but education students 47 % disagree and 47 % agree).

We suppose that these differences arose from the study specialisations of the students.

Table 4: Skills and dispositions relevant to my field of study

Skills and dispositions relevant to my field of study	U-value	Z-value	BU %	EDU %
thinking critically	22,876.00	-1.55	86/Y	94/Y
working well with people from different cultures	22,493.00	-1.83	79/Y	89/Y
engaging with conflicting perspectives	21,190.50	-2.78 **	73/Y	89/Y
considering the impact of my actions on society	21,274.00	-2.72 **	74/Y	89/Y
questioning what I have taken for granted	22,951.00	-1.49	64/Y	74/Y
becoming an entrepreneur	19,678.00	3.88 ***	75/Y	55/N

empathizing with those who are disadvantaged	22,060.00	-2.14 *	64/Y	76/Y
analysing power relations	22,838.50	-1.58	64/Y	74/Y
making ethical decisions that benefit society	24,105.00	0.65	76/Y	73/Y
promoting innovation in the marketplace	15,049.00	7.26 ***	85/Y	47/N,Y

U-value, Z-value: results of the Mann-Whitney U test, significance: *p < 0.05, ** p < 0.01, *** p < 0.001

Statements with statistically significant differences in the answers are in bold. The most numerous responses by student groups (% responses): BU = business students, EDU = education students, Y = yes (agreement), N = no (disagreement)

We assume that the result reflects trend of developing the skills for the 21st century [Bernie, Charles, 2009; World Economic Forum 2016] in education system. Critical thinking is pivotal and it serves as a foundational skill for all the knowledge outcomes that powerful knowledge entails [Harland, Wald 2018].

2.1.4 In my course I value...

In this part, majority of the students of business and education agreed with 15 statements (out of 17, more in Tab. 5).

1. Statistically significant difference in the extent of agreement (higher in case of the students of education) was found out for the following statements:
   - *learning from people from completely different contexts;*
   - *having my views challenged;*
   - *having issues presented from different perspectives in my courses;*
   - *learning about other cultures;*
   - *from people who think very differently from me;*
   - *building of consensus.*

The most noticeable difference was found out in case of the statement *learning from people who have experienced injustices* (49 % of the students of business agree and 70 % of the students of education agree).

2. No statistically significant difference in the extent of agreement was found out for the following statements (by both groups of the students):
   - *learning about how poorer countries can be helped to develop;*
   - *learning from successful young entrepreneurs;*
   - *being given clear cut answers to problems in my courses;*
   - *learning content that makes me competitive in the job market;*
   - *learning about how my lifestyle is related to global problems;*
   - *debating course ideas;*
   - *learning from leaders of industry;*
   - *making up my own mind in courses;*
   - *choosing what I learn.*

Table 5: In my course I value

In my course I value	U-value	Z-value	BU %	EDU %
learning from people from completely different contexts	20,944.50	-2.96 **	78/Y	95/Y
learning through the Arts (e.g. film, drama, music, poetry)	16,277.00	-6.36 ***	48/N	77/Y
learning about how poorer countries can be helped to develop	22,616.50	-1.74	66/Y	76/Y
having my views challenged	21,950.50	-2.22 *	77/Y	90/Y
learning from successful young entrepreneurs	22,457.50	1.85	74/Y	65/Y
being given clear cut answers to problems in my courses	22,662.00	1.71	78/Y	69/Y
learning content that makes me competitive in the job market	24,930.50	0.05	84/Y	84/Y
having issues presented from different perspectives in my courses	21,896.00	-2.26 *	79/Y	92/Y
learning about how my lifestyle is related to global problems	24,198.00	-0.58	74/Y	77/Y
learning about other cultures	18,476.00	-4.76 ***	68/Y	94/Y
debating course ideas	22,532.00	-1.80	71/Y	81/Y
learning from leaders of industry	23,403.00	-1.16	66/Y	74/Y
learning from people who think very differently from me	20,918.50	-2.98 **	72/Y	89/Y
making up my own mind in courses	22,613.00	-1.74	75/Y	85/Y
learning from people who have experienced injustices	20,116.50	-3.56 ***	49/Y	70/Y
choosing what I learn	22,346.00	-1.94	70/Y	80/Y
learning about the role my country has played in global injustices	24,926.00	-0.05	57/Y	60/Y
building consensus	21,970.50	-2.21 *	60/Y	73/Y

*U-value, Z-value: results of the Mann-Whitney U test, significance: *p < 0.05, ** p < 0.01, *** p < 0.001*

Statements with statistically significant differences in the answers are in bold. The most numerous responses by student groups (% responses): BU = business students, EDU = education students, Y = yes (agreement), N = no (disagreement)

The students of business and education had different opinions. Significant difference was found only in case of one statement of the questionnaire: *I value learning through the Arts.* The students of business disagree with this statement (48 %), but students of education agree with it (77 %). In many of today's schools, the Arts are held to be very low in priority, as teachers do not fully understand how and why they should be implemented. Learning can be done in and through the Arts – through Dance, Drama, Music and Visual Art [Crowe 2006]. In global education the Arts and its various forms are used not only for the reflections, but also as a tool for revealing the different points of view on global problems and their solutions, mapping the conflicts, identi-

fying the stereotypes and prejudice, opening the discussions about global topics etc. Similarly, the education of other global topics should be reinforced, e.g. *learning about the role my country has played in global injustices* (57 % business agree, 60 % education agree)*; learning about how poorer countries can be helped to* develop (66 % business agree, 76 % education agree) or *building consensus* (60% business agree, 73 % education agree).

The importance of *skills of building consensus for sustainable development* is emphasized already by Petts (1995), Sinclair, Smith (1999). It is a skill necessary for the practice, e.g. in different teams, at different work positions etc.

2.2 ANSWERS OF THE STUDENTS OF THE SAME STUDY PROGRAMMES IN DIFFERENT COUNTRIES

2.2.1 Students of business from different countries (Ireland, Great Britain 4 and 9, Slovakia, Kenya)

2.2.1.1 *Global themes that are relevant to my field of study*

More than 50 % of students of business from all countries agree with the statements: *Global themes that are relevant to my field of study* (no statistically significant difference):

- Economic growth;
- Trade barriers;
- Global mobility;
- Technological advancements;
- Access to education;
- International cooperation;
- International solidarity;
- Government overspending;
- Loss of jobs
- Gap between rich and poor;
- Unequal relations of power;
- Over-consumption;
- Corporate greed;
- Waste of resources;

The students agreed also with the statement (no statistically significant difference) *Distribution of wealth:* in Slovakia 44 % of the students agree; in Ireland, Great Britain and Kenya more than 70 % of the students agree.

In case of these statements (Tab. 6), we found out statistically significant differences among the students from different countries.

Table 6: Global themes that are relevant to my field of study

Global themes that are relevant to my field of study	H-value	Differences between groups	Ireland answers (%)	GB 4 answers (%)	GB 9 answers (%)	Slovakia answers (%)	Kenya answers (%)
economic growth	10.53*	No	92 Y	94 Y	90 Y	78 Y	96 Y
trade barriers	4.74	No	92 Y	78 Y	84 Y	78 Y	80 Y
global mobility	15.84**	No	86 Y	68 Y	90 Y	62 Y	82 Y
technological advancements	5.9	No	92 Y	80 Y	84 Y	78 Y	90 Y
access to education	8.24	No	68 Y	76 Y	74 Y	76 Y	90 Y
international cooperation	4.72	No	78 Y	86 Y	92 Y	80 Y	86 Y
international solidarity	6.25	No	58 Y	74 Y	78 Y	70 Y	72 Y
poverty	10.73*	No	**54 N**	60 Y	60 Y	46 Y	68 Y
climate change	10.97*	No	**58 N**	54 Y	62 Y	**36 N**	62 Y
human rights	17.11**	Ireland to GB4*	**52 N**	80 Y	60 Y	60 Y	74 Y
discrimination	12.65*	No	**48 N**	74 Y	66 Y	40 Y	66 Y
government overspending	11.0*	No	84 Y	84 Y	70 Y	58 Y	76 Y
loss of jobs	17.25**	No	90 Y	90 Y	80 Y	60 Y	78 Y
gap between rich and poor	7.21	No	72 Y	74 Y	70 Y	52 Y	78 Y
unequal relations of power	5.52	No	70 Y	70 Y	66 Y	50 y	72 y
over- consumption	4.07	No	72 Y	70 Y	76 Y	56 Y	74 Y
corporate greed	9.05	No	64 Y	62 Y	72 Y	48 Y	76 Y
waste of resources	3.58		68 Y	78 Y	70 Y	70 Y	80 Y
terrorism	18.10**	Kenya to Ireland** Kenya to GB9*	**66 N**	**48 N**	**60 N**	**36 N**	68 Y
disease epidemics	16.42**	Kenya to Ireland**	**68 N**	46 Y	**54 N**	**40 N**	58 Y
over- surveillance	15.24**	Kenya to Ireland*	**66 N**	44 Y	**60 N**	*36 un*	56 Y
distribution of wealth	8.80	No	72 Y	72 Y	74 Y	44 Y	72 Y
racism	21.79***	Ireland to GB4* Kenya***	**68 N**	54 Y	52 Y	**38 N**	62 Y

Kruskal – Wallis ANOVA and median test: H-value (4, 250), differences between groups - post-hoc comparison, significance $*p < 0.05$, $** p < 0.01$, $*** p < 0.001$. Statements with statistically significant differences in the answers are in bold. The most numerous responses by student groups (% responses): Y = yes (agreement), N = no (disagreement), un = unsure/no opinion. GB = Great Britain

Majority of the students from Ireland disagree with the statement that the following

global topics are relevant to their field of study:

- human rights;
- terrorism;
- disease epidemics;
- over-surveillance;
- racism.

The relevance of the topic of *terrorism* was agreed only by the students of business from Kenya (68 %).

The students of business answered to the statements *poverty, climate change* and *discrimination* without any statistically significant difference, while Irish students do not perceive relevance of these topics to their study specialisation (expressed disagreement: *poverty* 54 %, *climate change* 58 %, *discrimination* 48 %). Slovak students do not agree with the statement *climate change* and they expressed the lowest disagreement for the statements of *poverty* (46 %) and *discrimination* (40 %).

The stated results point out to the need of reinforcement of education of global topics in business oriented study programmes, because the topics such as *climate change* or *poverty* have significant economic impacts, except for the environmental ones [O'Brien, Leichenko 2000, Fischer et al. 2005, William, Nordhaus 2007].

2.2.1.2 Social and political issues relevant to my field of study

In this part of the questionnaire, statistically significant difference in the answers of the students of business was found out (Tab. 7) only in case of the statement *How social inequalities are created:* between the students from Ireland who do not agree (52 %) and the students from Kenya and Great Britain who agree (72 %).

Table 7: Social and political issues relevant to my field of study

Statement	H-value	Differences between groups	Ireland answers (%)	GB 4 answers (%)	GB 9 answers (%)	Slovakia answers (%)	Kenya answers (%)
how my field can generate profit	7.15	No	84 Y	92 Y	90 Y	76 Y	90 Y
how my field affects society	1.68	No	78 Y	82 Y	88 y	80 Y	82 Y
how governments influence my field	18.96***	No	94 Y	84 Y	86 Y	62 Y	90 y
how social inequalities are created	18.64***	Ireland to GB 4* Kenya*	**52 N**	72 Y	70 Y	44 Y	72 Y
how rich countries influence poor countries	7.60	No	82 Y	82 Y	68 Y	64 Y	84 Y
how academic knowledge can be biased	2.83	No	58 Y	70 Y	66 Y	56 Y	72 Y

*Kruskal – Wallis ANOVA and median test: H-value (4, 250), differences between groups - post-hoc comparison, significance *p < 0.05, ** p < 0.01, *** p < 0.001. Statements with statistically significant differences in the answers are in bold. The most numerous responses by student groups (% responses): Y = yes (agreement), N = no (disagreement). GB = Great Britain*

In this part of the questionnaire, no statistically significant difference between the answers of the students from different countries was detected. More than 50 % of them agree that the following *Social and political issues* are relevant to their field of study*:*

How my field can generate profit;

How my field affects society;

How governments influence my field;

How rich countries influence poor countries;

How academic knowledge can be biased.

2.2.1.3 Skills and dispositions relevant to my field of study

Statistically significant differences were found out in the following statements (more in Tab. 8):

1. in the extent of agreement

•   thinking critically (94 % Great Britain 4, 60 % Slovak)

•   engaging with conflicting perspectives (90 % Great Britain 9, 54 % Slovak)

•   becoming an entrepreneur (94 % Kenya, 58 % Great Britain 4,)

•   making ethical decisions that benefit society (94 % Kenya, 60 % Ireland,)

2. in difference of the answers

•   empathizing with those who are disadvantaged (48 % Ireland disagree, 82 % Great Britain 4 agree).

Table 8: Skills and dispositions relevant to my field of study

Statement	H-value	Differences between groups	Ireland answers (%)	GB 4 answers (%)	GB 9 answers (%)	Slovakia answers (%)	Kenya answers (%)
thinking critically	31.89***	Slovakia to GB 4*	90 Y	94 Y	92 Y	60 Y	92 Y
working well with people from different cultures	12.83*	No	68 Y	74 Y	90 Y	74 Y	90 Y
engaging with conflicting perspectives	15.46**	Slovakia to GB 9*	72 Y	82 Y	90 Y	54 Y	68 Y
considering the impact of my actions on society	8.65	No	64 Y	64 Y	80 Y	78 Y	84 Y
questioning what I have taken for granted	16.34**	No	50 Y	70 Y	76 Y	46 Y	80 Y
becoming an entrepreneur	21.95***	Kenya to GB 4*	80 Y	58 Y	66 Y	78 Y	94 Y
empathizing with those who are disadvantaged	19.79***	Ireland to GB 4**	**48 N**	82 Y	58 Y	60 Y	74 Y

analysing power relations	7.48	No	74 Y	62 Y	70 Y	42 Y	70 Y
making ethical decisions that benefit society	25.92***	Kenya to Ireland*	60 Y	90 Y	74 Y	62 Y	94 Y
promoting innovation in the marketplace	8.39	No	88 Y	84 Y	78 Y	78 Y	96 Y

Kruskal – Wallis ANOVA and median test: H-value (4, 250), differences between groups - post-hoc comparison, significance *p < 0.05, ** p < 0.01, *** p < 0.001. Statements with statistically significant differences in the answers are in bold. The most numerous responses by student groups (% responses): Y = yes (agreement), N = no (disagreement). GB = Great Britain

More than 50 % of the students of business *agreed* with these statements (no statistically significant differences):

- working well with people from different cultures;
- considering the impact of my actions on society;
- questioning what I have taken for granted;
- analysing power relations;
- promoting innovation in the marketplace.

The exception are the answers of Slovak students of business, whose opinion was not decided in case of these statements:

- questioning what I have taken for granted (46 % agree, 24 % disagree and 30 % unsure/no opinion);
- analysing power relations (42 % agree, 20 % disagree, 38 % unsure/no opinion).

2.2.1.4 In my course I value

Students from all countries *agreed* with the following statements (without statistically significant differences):

- Learning from people from completely different contexts;
- Having issues presented from different perspectives in my courses;
- Debating course ideas;
- Making up my own mind in courses.

In this part of the questionnaire, the biggest statistical differences were found in the answers of the students of business from Slovakia:

1. in the extent of expressed agreement
- Having my views challenged (44 % of Slovak students agree, while in other countries more than 76 % of the students agree);
- Learning about how my lifestyle is related to global problems (44 % of Slovak students agree, while in other countries more than 72 % of the students)
- Being given clear cut answers to problems in my courses (60 % of Slovak students agree, while in Great Britain 4 98 % of the students)
- Learning content that makes me competitive in the job market (58 % of Slovak students agree, while in Ireland it is 94 %)

- Learning about other cultures (44 % of Slovak students agree, 84 % of the students from Great Britain 4 agree and 88 % of the students from Great Britain 9 agree)
2. disagreement with the statements or indefinite opinion (prevailing answers were *unsure/no opinion)* to the statement (for the overview see Tab. 9).

Table 9: In my course I value

Statement	H-value	Differences between groups	Ireland answers (%)	GB 4 answers (%)	GB 9 answers (%)	Slova-kia answers (%)	Kenya answers (%)
learning from people from completely different contexts	18.87***	No	86 Y	76 Y	88 Y	56 Y	86 Y
learning through the Arts (e.g. film, drama, music, poetry)	17.46**	Kenya to Ireland**	**72 N**	**44 N**	50 Y	**52 N**	64 Y
learning about how poorer countries can be helped to develop	26.43***	Slovakia to Kenya***	66 Y	70 Y	70 Y	**48 N**	86 Y
having my views challenged	40.11***	Slovakia to GB 4** GB 9* Kenya***	76 Y	88 Y	84 Y	44 Y	94 Y
learning from successful young entrepreneurs	53.4***	Slovakia to Ireland** GB 4*** GB 9** Kenya***	70 Y	86 Y	78 Y	**50 N**	92 Y
being given clear cut answers to problems in my courses	21.14***	Slovakia to GB 4*	80 Y	98 Y	72 Y	60 Y	78 Y
learning content that makes me competitive in the job market	28.4***	Slovakia to Ireland*	94 Y	86 Y	90 Y	58 Y	90 y
having issues presented from different perspectives in my courses	12.84*	No	88 Y	68 Y	82 Y	68 Y	90 Y
learning about how my lifestyle is related to global problems	25.01***	Slovakia to Ireland* GB 4* Kenya*	72 Y	84 Y	76 Y	44 Y	82 Y
learning about other cultures	29.85***	Slovakia to GB 4* GB 9**	56 Y	84 Y	88 Y	44 Y	68 Y

debating course ideas	8.41	No	70 Y	62 Y	84 Y	62 Y	78 Y
learning from leaders of indus-try	109.9***	Slovakia to Ireland*** GB 4*** GB 9*** Kenya***	84 Y	80 Y	84 Y	**68 N**	80 Y
learning from people who think very differently from me	51.86***	Slovakia to Ireland*** GB 4*** GB 9*** Kenya***	80 Y	76 Y	86 y	**48 N**	88 Y
making up my own mind in courses	12.17*	No	88 Y	60 Y	82 Y	68 Y	78 Y
learning from peo-ple who have expe-rienced injustices	40.39***	Slovakia to Ireland* GB 4*** GB 9*** Kenya***	52 Y	54 Y	68 Y	*58 un*	72 Y
choosing what I learn	39.58***	Slovakia to Ireland*** GB 4** GB 9*** Kenya**	82 Y	76 Y	82 Y	**46 N**	76 Y
learning about the role my country has played in global injustices	77.34***	Slovakia to Ireland*** GB 4*** GB 9*** Kenya***	56 Y	86 Y	62 Y	**56 N**	80 Y
building consensus	79.21***	Slovakia to Ireland** GB 4*** GB 9*** Kenya*** Ireland to GB 4**	56 Y	94 Y	68 Y	**60 N**	80 Y

*Kruskal – Wallis ANOVA and median test: H-value (4, 250), differences between groups - post-hoc comparison, significance *p < 0.05, ** p < 0.01, *** p < 0.001. Statements with statistically significant differences in the answers are in bold. The most numerous responses by student groups (% responses): Y = yes (agreement), N = no (disagreement), un = unsure/no opinion. GB = Great Britain*

There was a difference in answers to the statement *learning about how poorer countries can be helped to develop.* 48 % of the students from Slovakia disagree and 86 % of the students from Kenya agree with it. The students from other countries agreed, but no statistically significant difference was found out.

After the year 1989, which is the period of transition from socialistic to democratic system in Slovakia, university education undergoes transformation, too. Based on our authentic experience we suppose that significant difference of the above-mentioned answers of Slovak students is caused by narrow specialisation of their studies and insufficient connection between education and practice. We assume that significantly higher proportion of the answers *unsure/no opinion* in comparison with other countries is brought about by continuing frontal type of teaching with insufficient space

for discussions, skills development and attitudes formation during the education process. We suppose that ascertained differences in the answers of Slovak students can be caused by the fact that global topics at universities are a new topic in this country. It was only in 2012 when the National Strategy for Global Education 2013-2016 was adopted by the government of the Slovak Republic. First courses for the teachers of different specialisations, including business, have been done gradually. The answers to the statement *learning through the Arts (e.g. film, drama, music, poetry)* are interesting*:*

1. statistically significant difference was found out between the students from Ireland (72 % of them disagree) and the ones from Kenya (64 % of them agree);

2. no statistical difference between the students from Slovakia (52 % of them disagree) and the students from Great Britain 4 (44 % of them disagree) and the students from Great Britain 9 (50 % of them agree).

Andreotti, Souza (2008) highlight the necessity of different approaches, procedures, views and methods in global education, with substantial use of *learning through the Arts.* According to UNESCO (2006), the arts provide the environment and practice where the learner is actively engaged in creative experiences, processes, and development. It indicates that introducing learners to artistic processes, while incorporating elements of their own culture into education, cultivates in each individual a sense of creativity and initiative, a fertile imagination, emotional intelligence and a moral "compass", a capacity for critical reflection, a sense of autonomy, and freedom of thought and action. Education in and through the arts also stimulates cognitive development and can make how and what learners learn more relevant to the needs of the modern societies they live in.

2.2.2 EDUCATION IN DIFFERENT COUNTRIES (CANADA, KENYA, GREAT BRITAIN 4, 9)

3.2.2.1 Global themes that are relevant to my field of study

11 statements out of 23 were found without statistically significant differences:

1. more than 50 % of the students of education from all countries agreed with the following statements: *technological advancements, access to education, poverty, human rights, discrimination, loss of jobs, gap between rich and poor, unequal relations of power and racism.*

2. *students expressed low agreement or disagreement with the statements:*

- *over-consumption* (62 % of the students from Great Britain 4 and 60 % of the students from Canada disagree; 52 % of the students from Great Britain 9 and 54 % of the students from Kenya agree);

- *distribution of wealth* (48 % of the students from Great Britain 4 and 54 % of the students from Canada disagree; 52 % of the students from Great Britain 9 and 68 % of the students from Kenya agree).

Over-consumption is one of the problems with serious environmental impacts [Joshua 2017]. It is an inter- and transdisciplinary problem [Reisch, Thøgersen, 2015]. Therefore, its practical solutions exceed circles of close specialists and cooperation among specialisations is needed. Attitudes of teachers and their everyday behaviour at work with children are an important example for their students at different study levels. Hytten, Bettez (2008) explain why and how teaching about globalisation can support our broader goals as critical educators. In the process of formation of future teachers, it is especially important to pay attention to global topics, including *over-consumption.* Statistically significant differences were found out in case of 12 out of 23 statements:

1. in the extent of agreement: *government overspending* (80 % of the students from Great Britain 4, 52 % of the students from Great Britain 9, 50 % of the students from Canada and 64 % of the students from Kenya agree);
2. in the difference of answers, while there are statistically different
- affirmative answers of the students from Kenya from disapproving answers of the students from other countries - *economic growth, trade barriers, global mobility, corporate greed, disease epidemic* (see overview in Tab. 10)
- affirmative answers of the students from Kenya from affirmative or disapproving answers of the students from Great Britain or Canada (see overview in Tab. 10).

Table 10: Global themes that are relevant to my field of study

Global themes that are relevant to my field of study	H-value	Differences between groups	GB 4 answers (%)	GB 9 answers (%)	Canada answers (%)	Kenya answers (%)
economic growth	42.16***	Kenya to GB 4*** GB 9*** Canada***	**56 N**	**60 N**	**56 N**	90 Y
trade barriers	35.10***	Kenya to GB 4*** GB 9*** Canada***	**74 N**	**72 N**	**74 N**	66 Y
global mobility	21.88***	Kenya to GB 4* GB 9** Canada***	**48 N**	**52 N**	**62 N**	76 Y
technological advancements	13.44**	No	86 Y	66 Y	86 Y	90 Y
access to education	0.88	No	94 Y	92 Y	96 Y	92 Y
international cooperation	16.45***	Kenya to GB 4* Canada**	48 Y	62 Y	**48 N**	82 Y

international solidarity	24.23***	Kenya to GB 4** GB 9* Canada***	**48 N**	52 Y	**54 N**	82 Y
poverty	4.62	No	60 Y	60 Y	66 Y	76 Y
climate change	24.0***	GB 4 to GB 9** Kenya***	**64 N**	66 Y	**48 N**	70 Y
human rights	2.76	No	88 Y	78 Y	76 Y	80 Y
discrimination	4.2	No	90 Y	76 y	86 y	80 Y
government over-spending	13.64**	GB 4 to GB 9* Canada*	80 Y	52 Y	50 Y	64 Y
loss of jobs	2.37	No	66 Y	56 Y	68 Y	70 Y
gap between rich and poor	0.44	No	74 Y	70 Y	70 Y	66 Y
unequal relations of power	2.24	No	70 Y	64 Y	60 Y	56 Y
over- consumption	10.12*	No	**62 N**	52 Y	**60 N**	54 Y
corporate greed	17.49***	Kenya to GB 9** Canada*	**56 N**	**70 N**	**62 N**	60 Y
waste of resources	17.63***	Kenya to GB 4* Canada**	**48 N**	54 Y	**58 N**	76 Y
terrorism	21.85***	Kenya to GB 4* Canada***	**60 N**	**52 N**	**72 N**	64 Y
disease epidemics	25.24***	Kenya to GB 4*** GB 9* Canada***	**62 N**	**60 N**	**68 N**	64 Y
over- surveillance	11.56**	Kenya to GB 4*	**60 N**	**54 N**	**60 N**	48 Y
distribution of wealth	10.74*	No	**48 N**	52 Y	**54 N**	68 Y
racism	2.5	No	74 Y	76 Y	80 Y	66 Y

*Kruskal – Wallis ANOVA and median test: H-value (3, 200), differences between groups - post-hoc comparison, significance *p < 0.05, ** p < 0.01, *** p < 0.001. Statements with statistically significant differences in the answers are in bold. The most numerous responses by student groups (% responses): Y = yes (agreement), N = no (disagreement), un = unsure/no opinion. GB = Great Britain*

We suppose that difference of mentioned answers of the students from Kenya can follow from historical context, as well as from differences in current political, social and economic situation. Andreotti (2011) presented aim to pluralise possibilities for global citizenship education in ways that address ethnocentrism, ahistoricism, depoliticisation and paternalism in educational agendas, upholding possibilities for decoloniality, diversality and 'ecologies of knowledge' in educational research, policy and pedagogy.

2.2.2.2 *Social and political issues relevant to my field of study*

Students of education from all countries agreed (more than 50 % of answers) with these statements – without significant statistically differences: *how*

- my field affects society;
- governments influence my field;
- social inequalities are created;
- academic knowledge can be biased.

Kenyan students were statistically different in their answers to the statements:

- *how my field can generate profit* (Kenya: 82% agree, more than 66% of students from other countries disagree);
- *how rich countries influence poor countries* (Kenya: 80% agree, 60 % of Great Britain 9 and 48% of Canadian students disagree), more in Tab. 11.

Table 11: Social and political issues relevant to my field of study

Statement	H-value	Differences between groups	GB 4 answers (%)	GB 9 answers (%)	Canada answers (%)	Kenya answers (%)
how my field can generate profit	62.5***	Kenya to GB 4*** GB 9*** Canada***	66 N	74 N	78 N	82 Y
how my field affects society	0.67	No	90 Y	90 Y	94 Y	92 Y
how governments influence my field	1.73	No	92 Y	84 Y	88 Y	86 Y
how social inequalities are created	3.52	No	90 Y	80 Y	84 Y	76 Y
how rich countries influence poor countries	22.8***	Kenya to GB 9*** Canada*	52 Y	60 N	48 N	80 Y
how academic knowledge can be biased	3.99	No	92 Y	82 Y	84 Y	78 Y

*Kruskal – Wallis ANOVA and median test: H-value (3, 200), differences between groups - post-hoc comparison, significance *p < 0.05, ** p < 0.01, *** p < 0.001. Statements with statistically significant differences in the answers are in bold. The most numerous responses by student groups (% responses): Y = yes (agreement), N = no (disagreement). GB = Great Britain*

2.2.2.3 Skills and dispositions relevant to my field of study

More than 50% of the students of education agreed with the majority of statements in this part of the questionnaire without significant statistically differences.

Significant difference was found out in the answers of the students of education only to the following statements (more in Tab. 12):

1. in the extent of agreement:
    - *analysing power relations* (difference among Kenya, Canada - 84 % of the students agree and Great Britain 9, where only 52 % of the students agree);
    - *making ethical decisions that benefit society* (agreement: Canada 92 %, Kenya

80 %, but only 48 % of the students in Great Britain 4 agree)

2. in different opinions to the statements:

   - *becoming an entrepreneur:* Kenyan and Great Britain 4 students agree (more than 78 % of answers) and Canadian and Great Britain students 9 disagree *(*more than 58 % of answers*)*;

   - *promoting innovation in the marketplace:* Kenyan students agree (84 % of answers), students of other countries disagree (more than 54% of them).

Table 12: Skills and dispositions relevant to my field of study

Statements	H-value	Differences between groups	GB 4 answers (%)	GB 9 answers (%)	Canada answers (%)	Kenya answers (%)
thinking critically	3,6	No	94 Y	98 Y	92 Y	90 Y
working well with people from different cultures	1,98	No	90 Y	84 Y	92 Y	90 Y
engaging with conflicting perspectives	16,56***	No	96 Y	90 Y	96 Y	74 Y
considering the impact of my actions on society	1,72	No	88 Y	88 Y	94 Y	86 Y
questioning what I have taken for granted	5,65	No	74 Y	70 Y	86 Y	64 Y
becoming an entrepreneur	55,69***	Canada to GB 4*** Kenya** GB 9 to GB 4*** Kenya***	80 Y	**70 N**	**58 N**	78 Y
empathizing with those who are disadvantaged	5,5	No	68 Y	76 Y	88 Y	70 Y
analysing power relations	18,43***	GB 9 to Canada* Kenya*	74 Y	52 Y	84 Y	84 Y
making ethical decisions that benefit society	24,89***	GB 4 to Canada** Kenya*	48 Y	70 Y	92 Y	80 Y
promoting innovation in the marketplace	43,18***	Kenya to GB 4*** GB 9*** Canada***	**58 N**	**66 N**	**54 N**	84 Y

*Kruskal – Wallis ANOVA and median test: H-value (3, 200), differences between groups - post-hoc comparison, significance *p < 0.05, ** p < 0.01, *** p < 0.001. Statements with statistically significant differences in the answers are in bold. The most numerous responses by student groups (% responses): Y = yes (agreement), N = no (disagreement). GB = Great Britain*

2.2.2.3 In my course I value

More than 50% of the students of education agreed with the majority of statements in this part of the questionnaire without significant statistically differences.

Significant difference was found out (more in Tab. 13) in the answers of students of education only to the following statements:

1. in the extent of agreement:
   - *being given clear cut answers to problems in my courses* (90% of the students from Great Britain 4 agree, 80 % of the students from Kenya agree, but only 52 % of the students from Great Britain 9 and Canada);
   - *learning about how my lifestyle is related to global problems* (96 % of the students from Great Britan 4 agree, 90 % of the students from Kenya, 64 % of the students from Canada, and only 52 % of the students from Great Britain 9).

2. in different opinions to the statements:
   - *learning from successful young entrepreneurs* (58 % of the students from Canada and 60 % of the students from Great Britain disagree; 96% of Kenyan students and 88% of the students from Great Britain 4 agree);
   - *learning about the role my country has played in global injustices* (80 % of the students from Kenya, 68 % of the students from Canada and 50 % of the students from Great Britain 9 agree; 46 % of the students from Great Britain 4 disagree).

Table 13: In my course I value

Statements	H-value	Differences between groups	GB 4 answers (%)	GB 9 answers (%)	Canada answers (%)	Kenya answers (%)
learning from people from completely different contexts	7.1	No	94 Y	100 Y	96 Y	88 Y
learning through the Arts	12.87**	No	72 Y	88 Y	86 Y	62 Y
learning about how poorer countries can be helped to develop	7.05	No	74 Y	74 Y	66 Y	88 Y
having my views challenged	2.84	No	94 Y	90 Y	90 Y	88 Y
learning from successful young entrepreneurs	66.45***	GB 4 to GB 9*** Canada*** Kenya to GB 9*** Canada***	88 Y	**60 N**	**58 N**	96 Y

being given clear cut answers to problems in my courses	28.55***	GB 4 to GB 9** GB 4 to Canada**	90 Y	52 Y	52 Y	80 Y
learning content that makes me competitive in the job market	10.23*	No	80 Y	74 Y	86 Y	96 Y
having issues presented from different perspectives in my courses	3.72	No	88 Y	90 Y	98 y	90 Y
learning about how my lifestyle is related to global problems	30.0***	GB 4 to GB 9** Canada* Kenya to GB 9*	96 Y	58 Y	64 Y	90 Y
learning about other cultures	3.42	No	98 Y	92 Y	96 Y	90 Y
debating course ideas	5.38	No	76 Y	90 Y	74 Y	84 Y
learning from leaders of industry	8.21*	No	78 Y	66 Y	64 Y	86 Y
learning from people who think very differently from me	2.79	No	90 Y	84 Y	94 Y	86 Y
making up my own mind in courses	21.4***	No	64 Y	92 Y	94 Y	88 Y
learning from people who have experienced injustices	4.75	No	58 Y	68 Y	82 Y	68 Y
choosing what I learn	4.26	No	70 Y	86 Y	84 Y	80 Y
learning about the role my country has played in global injustices	17.95***	Kenya to GB 4** GB 9*	**46 N**	50 Y	68 Y	80 Y
building consensus	8.38*	No	78 Y	66 Y	62 Y	84 Y

*Kruskal – Wallis ANOVA and median test: H-value (3, 200), differences between groups - post-hoc comparison, significance *p < 0.05, ** p < 0.01, *** p < 0.001. Statements with statistically significant differences in the answers are in bold. The most numerous responses by student groups (% responses): Y = yes (agreement), N = no (disagreement). GB = Great Britain*

2.3 ANSWERS OF THE STUDENTS FROM THE SAME STUDY PROGRAMMES AT DIFFERENT UNIVERSITIES IN THE GREAT BRITAIN

In the last part of analyses, we focused in detail on differences of the answers of students of education and business in the same country – the Great Britain, but at two different universities (GB4 and GB9).

2.3.1 Students of business in the Great Britain

When we compared answers of the students of business from two universities, we found out statistically significant differences in 12 % of the statements (in 7 out of 57 statements). More than 50% of students from both universities *agreed* with the statements. The differences were caused only by the extent of agreement. Students of

business did not agree only with the relevance of these global topics to their studies (identically at both British universities):

- *terrorism,*
- *over-surveillance.*

Students had indefinite opinion on *Learning through the Arts* (agree 40 % GB4, 50 % GB9; disagree 42 % GB4, 48 % GB9; no opinion/unsure 18 % GB4, 2 % GB9). There was no statistical difference between two universities in the Great Britain.

2.3.2 Students of education in the Great Britain

When analysing differences in the answers of the students of education from two mentioned British universities, we found out several significant differences. From the overall number of 57 statements, comprised in the questionnaire, statistically significant differences in answers of the students from Great Britain were found out in case of 6 statements (10 %). Students answered contrarily (agree, disagree) 3 statements (5 %). I case of 3 statements (5 %) the statistical difference was caused by different extent of agreement:

1. **Global themes that are relevant to my field of study**

   Students of education in the Great Britain assessed individual global themes in the questionnaire as relevant to their field of study. The only exception was a topic of *climate change*, since 64 % of the students of GB4 did not find it as relevant unlike students of GB9, who agreed (66 %). When answering to the statement *government overspending*, the extent of their agreement was different (GB 4: 80 %, GB 9: 52 %).

2. **Social and political issues relevant to my field of study**

   no statistically significant difference in answers of the students from both British universities was detected.

3. **Skills and dispositions relevant to my field of study**

   Majority of the students agree with all the statements in this part of the questionnaire, except for the statement *becoming an entrepreneur* (80% of GB4 students *agree*, 70 % of GB9 students *disagree*)

4. **In my course I value**

   Most of the students answered all the statements affirmatively, except for the following statement:

- *learning from successful young entrepreneurs*–88% of GB4 students *agree* and 60% of GB9 *disagree.*

   Significant difference was found out in case of these statements in the extent of agreement:

- *being given clear cut answers to problems in my courses*–90% of GB4 students *agree* and 52 % of students of GB9 *agree*

- *learning about how my lifestyle is related to global problems*: at GB4, 96% of the students *agree* and at GB9 only 58% of the students agree.

In the Great Britain, there were no statistically significant differences among the answers of students of business from two different universities. In case of the students of education, we found several statements with statistically different answers in individual parts of the questionnaire.

CONCLUSION

Obtained results could be an impulse for the discussion about innovations of the content and methods of teaching of global education at universities in different countries, as well as incentive to more detailed research into students' attitude. In conclusion, we present a summary of statements to which students answered differently (disapproving, approving and indefinite opinions) and to which bigger attention is necessary to be paid in the process of implementation of global education at universities:

1. Global themes - economic growth, trade barriers, poverty, climate changes, human rights, discrimination, over- consumption, corporate greed, waste of resources, terrorism, disease epidemics, over- surveillance, distribution of wealth, racism.
2. Social and political issues - how rich countries influence poor countries.

These topics can be seen from the viewpoint of narrow specialisation that can be:

- economical (economic growth, trade barriers, poverty);
- environmental (climate change, over-consumption, waste resources);
- social and human sciences (human rights, racism);
- security (terrorism) etc.

If we look more in detail and take into consideration mutual connections and consequences of everyday human activities and global interconnectedness of the world, the theme of *climate change* is also an economical topic or *racism* is an urgent topic, which is necessary to be dealt with not only at human sciences faculties. However, in today's world it is not quite possible to see the global problems only from one perspective and specialisation.

Students' opinions on what they value in their courses can indicate what their expectations from university education are, e.g.:

- learning through the Arts, about how poorer countries can be helped to develop; from people who have experienced injustices;
- building consensus.

With the assessment of the questionnaires (n=450), we have no ambition to generalise the results to the individual study programmes and countries. Our intention is more likely to probe into the perception of selected global themes, social and political issues. Obtained results can be a stimulus for discussions about formulation of curriculum at universities and a starting point for more detailed research. Information on skills and dispositions, as well as results of the answers of what students value in their courses can indicate methods used at individual universities and can be an impulse for the innovation of some of them in compliance with the global education aims.

While thinking about the skills of the present and future generations, the system of higher education in each country seems to play an increasing role. The system of education needs to reflect the changing world in which it plays a crucial role. When considering the processes in human resource development, it seems obvious that classical teaching methods are not suitable to meet all new requirements. Therefore, substantial changes are needed towards more accessible, open, flexible and professional education, which can meet special needs of learning and internationalisation of especially tertiary education. Individuals with their obtained education, skills and professional experience change the course of the country in response to the challenges of the 21st century. This emphasizes the increasing importance of the education system for the development of the country and its society [Mekvabidze 2015].

Today's world is interconnected with lots of direct, as well as indirect relations – environmental, economical, technological, investment, political and cultural – and with lots of consequences to everyday human life, as well as to different countries. In the above-mentioned analyses, we compared perception of selected global themes, social and political issues by the students of business and education from Ireland, the Great Britain, Kenya, Canada, and Slovakia. In these countries, the percentage of university graduates is continually increasing. These young people will pick up the baton of society management; they will be initiators of changes, as well as innovators in different areas. Therefore, it is necessary for them to understand the importance of global themes, interconnectedness of our world, as well as consequences of our acting in specific country to the network of relations within other countries, no matter which study programme they studied.

When innovating university education in different countries we consider important to pay attention not only to implementation of global topics into education of the students of different specialisations, but also to new methods of teaching.

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CLEAVAGE-THEORY FROM THE PERSPECTIVE OF POLITICAL LINGUISTICS

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Abstract

In this article, we try to explain the formation of the language of the Slovak political elite through sociological-political cleavage-theory. With this interdisciplinary approach, we want to prove that the individual cleavages that have influenced the formation of political parties and the party system in Slovakia after 1989 can also be identified on the basis of a content analysis of lexical units characteristic of political discourse in a certain period. First of all, we explain how cleavage-theory was discussed in analyzing the transformation of post-communist party systems in academic discourse. Consequently, we find that all the important cleavages of the 1990s were characterized by a certain political vocabulary. Individual expressions dominated in a certain period, which was characterized by tensions between the two opinion camps. After ceasing to exist a certain cleavages, the identified lexical units either disappeared from the political elite's communication, or were marginalized, and now appear only as residues of overcome tension.

Key words: *Cleavages, Political Linguistics, Language, Party System, Slovakia, Political Vocabulary.*

INTRODUCTION

The transformation of Central and Eastern European political regimes in the 1990s prompted social scientists to answer the question of whether the concept of cleavages of Stein Rokkan and Seymour Martin Lipset [1967] could explain the emergence and formation of political parties and party systems in new democracies. There have been several studies on this topic [see eg Kitschelt 1995, Kitschelt et al. 1999, Beyme 1997, 2000, Zielinski 2002, Hlubek, Kopecek 2004, 2005, Evans 2006, Kopecky 2006, Tieman 2008, Hooghe, Marks 2017], which under the conditions of Czech and Slovak political science inspired a fruitful debate. The conclusion of the discussion was, as a rule, that the new cleavages in transforming democracies are generally different from the classical cleavags as they were defined by Lipset and Rokkan [Kopeček 2006, Tieman 2008]. The main feature of classical cleavages was, among other things, the stable link of a social group to a political party that was absent in the new democracies. Indeed, the lack of stable social fission characterized the new democracies, as we knew it from Western European countries [Evans, Whitefield 1993]. The high instability in voter behavior characterized the cleavages in the new democracies. This was not the result of a heterogeneous social structure, but it was often created under the influence of contradictions between political actors, with whom the electorates of political parties identified [Kopeček 2006].

In this paper, we want to use this sociological-political science concept to move further. We want to use it to analyze the language of the Slovak political elite in the 1990s. By combining the political and linguistic approach, we want to answer the question of how the cleavages determining the formation of the Slovak party system were reflected in the political language of the party elite. We map the most important moments of the development of political communication of systemic political parties. At the same time, we are testing how the evolution of cleavages can be observed through research into the political vocabulary of relevant party actors.

Our reasoning is based on the hypothesis that each dominant cleavage, which manifested itself in the development of the Slovak party system, was characterized by a certain language, or political vocabulary. It either ceased to be used after the conflict had lost its intensity or it became irrelevant or else it appears in the political communication up to this day if the cleavage persists The intensity of the existing cleavages was not the same. Their intensity depends on the degree to which a particular topic resonates in society, which is subsequently reflected in the use of terms typical of a particular cleavage. It cannot be ruled out that some of the expressions typical of worn off cleavages are still used as residues in political communication to this day. However, they are marginalized in political communication, and the bearers are usually the former actors of the conflicts from the 1990s who are still active in political life.

We come to the findings through a content analysis of three categories of sources. The first source consists of relevant historical documents (constitution, laws, decla-

rations). The second source comprises the political statements of the Members of Parliament and Ministers. These are now recorded not only in the form of articles from the press or electronic media but also in the parliamentary digital archive, which contains transcripts of parliamentary speeches that are an important source of knowledge for the research of political language. Looking at the language of the Members of Parliament, it is necessary to distinguish the pragmatic and lexical-textual level. While pragmatic-communication factors such as the formation of speech, the organization of plenary debate, the length of the speech or the whole debate, or the choice of text type, such as the form of addressing, are formalized, the content of the speech and the individual lexical and textual principles are generally free [Burkhardt 2003]. Yet, it is necessary to have in mind that the content of the speech has to relate to the topics discussed, which are laid down or else they are voted by the legislative body. This aspect applies not only to the parliamentary speeches of the keynote speakers but also to the factual remarks on individual contributions made by the Members of Parliament.

The third examined source of the political vocabulary is the language of the election campaign. It comes in several forms [Toman-Banke 1996, Niehr 2014]. In the written form we are confronted with the language of the election campaign eg. when reading party programs, or shorter text such as slogans on election posters. In a spoken form, it can be encountered in election meetings, political discussions on television, the Internet or radio. This level of political language serves to mobilize voters in a variety of ways, either through program presentations, emphasizing one's strengths, or vice versa, the negative aspects of political opponents.

1. THE THEORETICAL DEFINITION OF CLEAVAGE CONCEPT

The consideration of Martin Seymour Lipset and Stein Rokkan [1967] is primarily captured in the collective monograph Party Systems and Voter Alignments published in 1967. The authors deal with issues of origin and transformations of cleavages, relations between voters and political parties and how they influence the formation of party systems. They work on the assumption that society is categorized into diverse social groups (eg workers, employers, farmers, Catholics, Protestants, townspeople, etc.). For the emergence of cleavage, it is necessary to be aware of the collective identity within the social group. Based on the different interests, goals, and values of the various social groups, an antagonistic relationship may develop among them, which may result in latent or even open conflicts. In the case that individual groups are represented in politics, their mutual contradictions are also transferred to the political level by creating their political organizations.

Lipset and Rokkan [1967] distinguish four socio-economic cleavages: work vs. capital, state vs. church, city vs. rural and center vs. periphery. They were created during two processes equally important for the formation of political parties. Namely, during the "National Revolution" and the "Industrial Revolution". The national revolution

stimulated the nation-building process. But creating a modern nation was not easy. Complications occurred mainly in countries with heterogeneous nationality. The attempts to create a modern nation were mainly opposed by inhabitants from the center of different regions. Based on the national revolution, there was created a dispute in the society between the dominant center and the subordinate, more precisely oppressed periphery. Characteristic features of the periphery were, according to Lipset and Rokkan [1967], the ethnic, linguistic and cultural differences of the smaller group of inhabitants from the center. Different regional party entities were based on this cleavage.

The conflict between the center and the periphery is characterized by the mobilization of oppressed groups whose aim is to create cultural or political independence from the majority population to prevent the loss of their identity [Ištok 2016]. Concurrently with the process of national revolution, the conflict between Catholicism and Protestantism was in motion, more precise the efforts of absolutist states to limit the influence of the Church. In addition to direct attacks by non-Catholic monarchs, the Church was also threatened by the gradual secularization of the society. The consequence was the more active involvement of Catholics in politics, which was reflected in the formation of religious parties. In this way, a cleavage between the Church and the State was created in society.

The process of the industrial revolution is characterized by a conflict between agricultural and industrial interests, as well as between employers and employees [Lipset, Rokkan 1967]. The industrial revolution did not exclusively mean the industrialization of much of Europe, but it brought substantial interventions in the demographic, social and political structure of European society [Kopeček 2006]. Western and Central Europe had changed under the influence of urbanization. As the cities expanded, their political and economic significance also increased, and the rural population responded negatively. The industrial revolution thus created the conditions for the emergence of a conflict between the city and the countryside, resulting in the emergence of agrarian political parties.

The industrial revolution resulted in the emergence of a large group of workers whose living conditions differed significantly from those of wealthy employers. Lipset and Rokkan described the dispute as a conflict between labour and capital. Workers were represented by socialist and social-democratic parties, but they did not play a significant role in forming the party system in the territory of today's Slovak Republic. The reason was the undersized state of the Slovak industry which resulted in a low number of employees.

Lipset and Rokkan [1967] described the contradiction between labour and capital as the most important cleavage in the Western European nation-states. Since this concept is also suitable for the conditions of Hungary in the 19th and 20th centuries, the emergence of the first Slovak political parties can be perceived as a result of the first-mentioned process - national revolution, i.e. the conflict between the superior

culture of the Hungarian center and ethnically, linguistically and religiously different Slovak population settled in the territory of the upper Hungarian periphery. However, our task is not to explain the causes and circumstances of the establishment of historical parties, so we pay attention solely to political parties that emerged immediately in the Slovak Republic after the systemic change in 1989.

After the introduction of this concept, an intense debate started in the social sciences, what cleavage exactly means, what causes cleavage, or how it influences the development of other party systems. According to Holländer [2003], there is still no generally accepted definition of this term. Despite various controversies, this concept is one of the most cited in the social sciences and has found its application among political scientists in post-communist states.

2. POLITICAL PARTIES IN SLOVAKIA FROM THE PERSPECTIVE OF CLEAVAGE-THEORY

The end of the communist regime in Central and Eastern Europe and the establishment of new political systems prompted discussion whether the establishment of political parties in transformed democracies can be explained by the same concept as the establishment of historical parties in Western European countries. In the political science discourse, it is thought that in the case of post-communist political systems cleavages were not based on the traditional socio-economic split of society [Tieman 2008], which Lipset and Rokkan observed on the examples of the Western European democracies. This concept cannot be automatically applied to the new democracies of Central and Eastern Europe [Hloušek, Kopeček 2004]. According to Hloušek and Kopeček [2004: 47], "during the period of the real socialist regimes in Central and South-Eastern Europe, there were so profound social and political changes that traditional socio-political structures, including historical cleavages and pluralist party systems, were destroyed and replaced by the new ones". Thus, in the case of new democracies cleavages were more based on contradictions which followed on from current political issues.

In the case of Slovakia, several dominant and several marginal new cleavages could be observed during the first years of systemic change. The first dominant cleavage, which emerged in the Central European environment immediately after the collapse of the old regime, was based on a dispute between communism and anti-communism [Berndt 2001, Krekovičová 2005, Kopeček 2006]. This conflict played an important role at the beginning of the transformation process, not only in Central Europe but in all countries of the former Communist bloc. As a rule, it only existed until the first free elections, or more precisely until the victory of the anti-communist parties, which was also in the case of Slovakia. The rapid transformation of the Communist Party of Slovakia into a Western type of social democracy also helped to end this conflict [Rybář, Deegan-Krause 2008].

According to Lubomir Kopecek [2006], the cleavage communism vs. anti-communism

can exist in a new form. It contains rules for the functioning of the new political regime, i.e. the new political elite decides whether democratic rules will be accepted. According to Kopecek, this conflict can be renewed. It was also in the case of Slovakia. He calls the new cleavage "mečiarizmus" vs. "antimečiarizmus".

We consider his thesis in the case of Slovakia to be questionable. The political style of Vladimír Mečiar's Third Government certainly cannot be attributed to liberal democracies [Tudoroiu, Horváth, Hrušovský 2009], but his regime did not have common features with the Communist regime which had lasted until 1989. Wolfgang Merkel and Aurel Croissant [2003] count the regime of the third Mečiar´s government among "illiberal democracies" with certain elements of delegating. This term is used for marking a regime in which freely elected governments violate fundamental human rights and civil liberties, or more precisely they do not respect the rule of law or they do not try to build it. Vladimír Mečiar's third government, however, came from free parliamentary elections. At the same time, the political party founded by Mečiar "Hnutie za demokratické Slovensko" (HZDS - Movement for a Democratic Slovakia) was not only controlled by the opposition but also by coalition partners. An independent constitutional court remained on the executive branch of state power, and non-governmental organizations (NGOs) were well organized. Although controlling mechanisms of the opposition were limited, the four-year election rule was maintained and led to an exchange of political representation in 1998. Therefore we did not perceive Mečiar's government 1994-1998 as a continuation of the conflict communism vs. anti-communism. A different name is, therefore, more appropriate for this cleavage, namely orientation to the West vs. orientation to the East (abbreviated as West vs. East). On the one hand, there were political parties whose aim was not only to integrate the country into Western European structures, but they also wanted to acquire the values typical of liberal democracies. On the other hand, there were political parties whose political style did not correspond to the principles of the rule of law and liberal democracy.

With the question of what type of political style would be pursued in the administration of public affairs after the collapse of the old regime, the question of the future of the common state of Czechs and Slovaks also emerged. Unlike Poland, Hungary and, the Czech Republic, the nationalist wave affected Slovakia to a much greater extent. Czechoslovakia, like Yugoslavia and the Soviet Union, was one of the states where the national question played an important role in the formation of party entities. German author Wolfgang Merkel [1996] sees one of the causes of the break-up of the Czechoslovak Federation in the inability of political elites to form a common, federal party system. Kopeček describes this cleavage as nationalism vs. regionalism/ethnicity, or more precisely nationalist cleavage [Kopeček 2006]. Within this cleavage, we can observe certain features of the classical cleavage of Rokkana and Lipset, center vs. periphery. In the case of post-communist countries, according to Hloušek and Kopeček [2004], it can arise from three different reasons:

1. In the state exists a national minority or ethnic group which is trying to equalize and recognize its minority rights.
2. Next to the state is another state which is in political mythology considered to be a traditional enemy or a certain danger.
3. There is a dispute over the form of the regime. Nationalists and civil society supporters face each other.

Taking over the concept of Hlousek and Kopecky as well as the Uwe Berndt study, we distinguish three cleavages, which had played an important role in the development of political parties in Slovakia in the 1990s:

• secessionism vs. federalism [Szomolányi, Meseznikov 1997],

• Orientation to the West and orientation to the East;

• national minority vs. majority population.

Despite overcoming the three major conflicts of the 1990s (communism vs. anti-communism, secessionism vs. federalism, orientation to the West and orientation to the East), the development of the party system has not stabilized to this day. After 1998, the development of political parties was influenced by institutional conditions. In 1998, Mečiar's government majority passed electoral legislation that merged the four constituencies into one. Today, this legislation can be considered as an important factor supporting the low degree of institutionalization of the Slovak party system [Filipec 2019]. However, the emergence of new political parties can also be explained by the strong degree of personalization of politics. Of course, this does not mean that there are no topics in Slovakia that would divide society into two opinion-forming camps. One of the main cleavages today is the view about the socio-economic transformation of a country that divides political parties into left and right. However, there are also new cleavages, such as system vs. antisystem, or some, initially marginal, gain in intensity (eg state vs. church) [Sekerák 2019].

While analyzing the formation of party systems, the structural character of political parties in post-communist states should not be forgotten either. Political parties in Slovakia were characterized by a low degree of institutionalization, weakly reworked organizational structure and low membership [Segert 2008]. New Slovak political parties often did not try to imitate political organizations, as we know them from Western Europe. Some of them are understood by their founders, often entrepreneurs [Marušiak 2017], or by oligarchic groups standing in the background [Školkay 2018], rather as a way of financial investment. They are not built from the bottom of the membership base up to the party headquarters, but on the contrary, even without the ambition to increase the number of members [Ondria, Kováčik, Kosír 2010]. The program does not play an important role in these parties, but rather short-term marketing strategies [Climate 2014]. The founder also plays an important role. Because they are highly personalized, they are often linked to only one political leader

[Axer 2019]. They are unable to survive multiple parliamentary terms, and after a few years in parliament, these parties definitively end.

3. THE POLITICAL LANGUAGE OF SLOVAK CLEAVAGES

Academics still discuss what exactly political language means. However, one thing is certain: politics and language have always been directly linked. According to Jörg Kilian [1997: 2], language is "the most important instrument of political action, regardless of historical period or form of government". As an actor, a politician faces before each of his/her public output the dilemma which of the means of expression he/she should use, and as he/she should name certain facts [Girnth 2015].

The modern relationship between language and politics exists in various forms, occurs in the form of different genres. The preparation of public speeches, written texts, discussions among party colleagues or political rivals is one of the main activities of any politician. According to Josef Klein [2010: 8], "politicians use language in public as a means of exercising power or as a means of legitimizing their power claim by creating institutional specific texts and speeches, conducting political discussions and presenting their speeches through the media and using different terms, arguments, slogans and appeals to present their opinion". Thus, language is not only an instrument of politics, "it is the first condition of its existence" [Grünert 1974: 1].

Based on the used language, it is possible to reveal the ideological and programmatic orientation of politicians. Party supporters are mobilized through language, undecided voters are convinced and political rivals are attacked. Language is used to convey different content, present personalities, defend political messages, and challenge the opinions of opposition politicians. Truth is conveyed by language, but it can also be manipulated. Power can be acquired, performed, maintained and controlled via language [Grünert 1974]. In the following cleavages, we try to identify through the analysis of political language the main cleavages present during the development of the Slovak party system after 1989. In view of the fact that some expressions do not have an exact equivalent in English, we decided to include them in Slovak language. For the same reason, we translate some terms by description.

Communism vs. Anti-communism

The systemic change in 1989 on the territory of today's independent Slovak Republic brought not only new political, social and economic conditions. The processes and results associated with the "Velvet Revolution" also influenced the process of word formation and lexical neologism, which can be easily identified on the political vocabulary of contemporary political and economic elites. However, to understand these changes in language, it is not enough to know only the meaning of individual words. It is also necessary to have a socio-cultural knowledge of socio-political mechanisms that influenced the creation of political language before and immediately after the transformation of the regime.

Hand in hand with fundamental political changes, new lexical units or expressions that were used in the former regime but with a different meaning, came to the center of public debate after 1989. These were, in particular, political and economic keywords that, in established democracies, are a natural part of communication between politicians and voters, such as demokracia (democracy), solidarita (solidarity), práva národnostných menšín (national minority rights), právny štát (rule of law), spravodlivosť (justice), deľba štátnej moci (a division of state power), ľudové hlasovanie (popular vote), stranícka súťaž (party competition), opozícia (opposition), ľavica (left), pravica (right), občan (citizen), občianska spoločnosť (civil society), sloboda pohybu (freedom of movement), populizmus (populism), pluralizmus (pluralism), parlamentarizmus (parliamentarian), mandátový a imunitný výbor (mandate and immunity committee) or trhové hospodárstvo (market economy), privatizácia (privatization), reštitúcie (restitution), podnikateľ (entrepreneur), hospodársky rast (economic growth), inflácia (inflation).

In view of the fact that the communist regime formally envisaged the division of power into legislative, executive and judicial, the political vocabulary associated with the institutional division of power was minimally affected by the new conditions. However, the terms, which name institutions, organizations or processes characteristic for parliamentary democracy either immediately after the systemic change (mimovládny sektor - NGO, referendum, ľudové hlasovanie - popular vote) or in the period when it came to their establishment in the political system of Slovakia (ombudsman, europeizácia - Europeanisation), started to be used more often.

Not all expressions carried a positive connotation. Some means of expression referred to new phenomena that either did not exist in the authoritarian regime of the Communist Party or were not publicly spoken about. Alternatively, communist propaganda used them to criticize Western democracies. These were the terms referring to social and economic phenomena that usually worked in a market economy with the existence of private capital, namely unemployment, unemployment benefits, poverty, the homeless, inflation.

The post-November political conditions brought to the formation of the lexical level of the political language also the content shift of the commonly used expressions. Some of the original "flag words" [Hermanns 1982, Niehr 2014], which were directly linked to the former undemocratic regime, were marginalized in political communication and for the representatives of the democratic elites, they took on the character of stigmatizing words (ľudová demokracia - people´s democracy, bratská pomoc - fraternal help, komunizmus - communism, socializmus - socialism, trieda - class, revizionizmus - revisionism, kolaboranti - collaborators, klérofašisti - clergymen, imperialisti - imperialists, päťročný plán - five-year plan, pionier - Young Pioneer, pioniersky tábor - a camp for Young Pioneer, aktív - caucus, Brigáda socialistickej práce - Brigade of Socialist Labour, proletariát - the proletariat, diktatúra proletariátu - the dictatorship of the proletariat, pozemková reforma - land reform, vykorisťovanie -

exploitation). As new expressions entered the political vocabulary in the context of systemic change, some of the words directly related to the former regime were quickly marginalized and finally disappeared from the political dictionary.

These were mainly expressions based on the philosophy of Marxism-Leninism. Some of them were replaced by new expressions. As an illustration, the word "trieda" (class) was replaced by the term "vrstva" (social strata). With the word, "trieda" disappeared the phrases created by the adjective "triedny" f.e. triedny nepriateľ (class enemy), which were typical of communist propaganda.

Before 1989, this type of political communication became an everyday routine also in other spheres, such as businesses and education. The characteristic sign of communist propaganda was to place political slogans in various public and easily visible places to emphasize its content priorities.

These were terms such as triedny boj (class struggle), triedny nepriateľ (class enemy), triedna (class), more precisely beztriedna spoločnosť (classless society), triedne protiklady (class opposites), triedne vedomie (class consciousness), víťazstvo robotníckej triedy (working class victory), vykorisťovateľská trieda (exploitative class), beztriedny (classless), etc. After a systemic change the terms such as proletariát (the proletariat), imperializmus (the imperialism), , vykorisťovanie – vykorisťovať, vykorisťovateľ a vykorisťovaní, vykorisťovateľská spoločnosť (exploitation – exploit, exploiter and exploitation, exploitative society), svetová revolúcia (world revolution), päťročný plán (five-year plan), diverzant (saboteur), kontrarevolúcia (counter-revolution), pionierska organizácia (Young Pioneer organization), politbyro (Politburo), Tuzex (Tuzex), nepriateľ ľudu (enemy of the people), etc. were withdrawn from a political vocabulary

Federalism vs. Secessionism

The first cleavage influencing the formation of the Slovak party system Communism vs. anti-communism was overcome in the first free elections (1990), in which the winning parties did not choose the Communist Party of Slovakia as a coalition partner [Berndt 2001]. But in the conflict structure of society, another cleavage started to play an important role. It was federalism vs. secessionism, whose content was a different view of the constitutional arrangement, more precisely the future of the common state of Czechs and Slovaks - Czechoslovakia [Szomolányi, Mesežnikov 1997]. Nationalistic ambitions of some Slovak deputies appeared immediately after the transformation of the regime and gained their intensity during the discussion about the name of the common state of Czechs and Slovaks. These ambitions were reflected in the so-called pomlčkovej vojne (Dash War) [Kopeček 2006]. The content of this conflict was the question of how to ensure that the name of the federation implies that the Slovaks are in an equal position with the Czechs in the common state.

This cleavage had a particularly strong influence on society as a whole in the 1990s, which was naturally reflected in the political language and rhetoric of political actors [Krekovičová 2005]. At the center of political communication were the expressions

corresponding to the dictionary of the ideology of nationalism. Its bearers were first of all deputies of the Slovak National Party and after changing opinion also the chairman of the new entity, Movement for Democratic Slovakia, Vladimir Mečiar.

The cleavage federalism vs. secessionism was articulated through nouns such as *národ* (nation), *republika* (republic), *zem* (country), *vlasť* (homeland), štátnosť (statehood), *Slovensko* (Slovakia), *nezávislosť* (independence), *svojbytnosť* (self-sufficiency), *samostatnosť* (independence), *sebautvrdenie* (self-assertion), *suverenita* (sovereignty), *identita* (identity), *rovnoprávnosť* (equality), *emancipácia* (emancipation), *zjednotenie* (unification), *spolužitie* (coexistence), *memorandum* (memorandum) supplemented with adjectives such as *národný* (national), *zvrchovaný* (sovereign), *nezávislý* (independent), *rovný vlastný* (characteristic), *cudzí* (foreign) or *slovenský záujem* (Slovak interest), or pronouns emphasizing the difference between Slovaks and the rest of the federation: *our, your, we, you, they, us, them, others.*

A special category in this period were the phrases naming political processes associated with the conflict between Czechs and Slovaks and the efforts to divide the common state resulting from this cleavage. The division of Czechoslovakia and the establishment of the Slovak Republic were presented in the political language of the then supporters of the new state as a *historical moment* or *a thousand-year effort of the Slovak nation to achieve the statehood*. The political vocabulary of nationalists also included terms referring to older Slovak history such as Great Moravia, old Slovaks or names of medieval rulers (Mojmír, Pribina, Rastislav, Svätopluk). In addition to the old myths, new myths appeared in the political language. Krekovičová gives as an example the naming of Vladimír Mečiar as "father the founder" [Krekovičová 2005: 63]. The function of the use of expressions from Slovak or Czechoslovak mythology was to point out the historical context of the formation of Slovak national identity, to provide legitimacy to nationalist efforts and at the same time to confirm the myth of the thousand-year development of the Slovak nation. The reference to the " *a thousand-year effort of the Slovak nation to achieve the statehood* " can also be found in the preamble of the Parliamentary Declaration of Sovereignty of July 17, 1992, or more precisely the myth of the thousand-year struggle of Slovaks for independence emerged particularly intensively during negotiations on the said declaration in the National Council of the Slovak Republic.

The contemporary dictionary is also present in the preamble of the Constitution of the Slovak Republic, which is evenly a reflection of the language dictionary of the cleavage of secessionism vs. federalism (*"Bearing in mind the political and cultural heritage of our predecessors and the experience gained through centuries of struggle for our national existence and statehood"*).

In addition to the names of the princes of Great Moravia, the names of the personalities of the Slovak national movement from the 19th century (*Štúr, Hodža, Hurban, Bernolák, Mojzes*), some important Slovak writers and politicians from the first half of the 20th century (*Štefánik, Hlinka, Rázus*) were also often used in the public debate

and their names appeared in the language of nationalists, extremists, and politicians belonging to the democratic center.

In rare cases, usually among the members of the extreme nationalist groups, the names of the First Slovak Republic (1939-1945) were used in the political vocabulary within this cleavage (irrespective of the period before or after the establishment of the independent Slovak Republic). First of all, the name of the president *Jozef Tiso*, whose name some politicians used to mention with his doctoral degree (*Doctor Jozef Tiso*). However, the majority of the political elite rejected this period as the dark side of Slovak history, thus dissociating itself from the crimes of the clerical-fascist dictatorship of the HSĽS.

In the period immediately after the systemic change, the expressions more characteristic of communist propaganda returned exceptionally quickly to the political language, although most of them had new, negative connotations. The language of any undemocratic regime is one of the main tools for combating the real or often fictitious enemy [Cassinelli 1960]. The language of communist propaganda was no exception. In the Cold War era, when the world was divided into two antagonistic poles, the Communists created a number of their means of expression, which were, on the one hand, used to identify positively their residue ideas about life and how to govern the society, and on the other hand to present negatively their enemies. However, the enemy in communist propaganda was not only a warrior of the army of another state, but it was also often a fellow citizen who had become an enemy only because of resistance to the central image of the Communist Party about the working-class government [Štefančík, Nemcová 2015], which would lead to the existence of a classless society. The class enemy thus became the central term of communist propaganda. It was anyone who disagreed and publicly presented views that were in contrast to the official views, including people who were interested in living in a free society in the Western world.

The opponents of the idea of dividing the common state were to be seen similarly, as the enemies of the independent Slovak state. The ruling parties and the media regarding them with favour began to characterize people who were either cautious about the idea of independence of the Slovak Republic or openly refused dividing Czechoslovakia negatively. On the substantive level, these were the expressions such as (contemporary) odrodilec (renegade), Židoboľševik (Jewish-bolshevik), *svetoobčan* (world citizen), janičiar (janissary), judáš, *zapredanec* (judas), slobodomurár (freemason), zradca (traitor), *sionista* (zionist), šovinista (chauvinist), *maďarón* (Hungarian), čechoslovakista (Czechoslovakian), *kozmopolita* (cosmopolitan), *skrachovanec* (loser), *stroskotanec* (down-and-out). The phrase "foul one´s own nest" was a particularly popular phraseological phrase, although it was a very common criticism of opposition politicians to the government. These terms were used by supporters of an independent state to criticize or directly ridicule a political opponent.

Orientation to the East vs. orientation to the West

After the establishment of the Slovak Republic, there still had been a conflict between federalists and secessionists [Szomolányi, Mesežnikov 1997], whose residues had also been reflected in the use of political vocabulary. The opposition had been criticized for several years by the government deputies for voting against the sovereignty of the Slovak Republic, more precisely, against the establishment of an independent state. Some politicians voting against the sovereignty of the Slovak nation only viciously disagreed that the new state should be led by a group around Vladimír Mečiar. Nevertheless, their negative vote in the national voting was a petty argument for criticizing the opposition at the time.

Indeed, an important part of the new tension in society was the style of the governance of the third Government of Vladimir Mečiar (1994-1998), which was notably expressed in the political language. Within this cleavage, the especially popular expression was "*Mečiarismus*", under which we understand the style of administration of Prime Minister Vladimír Mečiar. This term had become so popular that it even found itself in the vocabulary of political scientists [Hloušek, Kopeček 2004, Kopeček 2006], who used it to mark the cleavage "*Mečiarism vs. anti-Mečiarism*". In the language of opposition politicians, this style was also called a "steam roller".

The word "demarche" had a special function in the political language at that time. The term "démarche" in diplomatic language refers to diplomatic protest. In this particular case, it was a critical statement made by some diplomats who expressed concern about the course of the NR SR meeting in November 1994, at which representatives of coalition parties (HZDS, SNS, and ZRS) eliminated the functioning of the opposition in the supreme legislative body and at the same time they dismissed senior public officials who were appointed by the previous coalition government. The parliamentary session under Ivan Gašparovič and the beginning of the functioning of the third Mečiar government began to be called in the following period as a "*noc dlhých nožov*" (night of long knives). In the HZDS language, the word "*demarsh*" had become an expression that was seen as a stigma because it was perceived by the representatives of the ruling parties as foreign interference in the internal affairs of the Slovak Republic. The language of the nationalists, including Prime Minister Vladimír Mečiar, was characterized by expressive and unambiguously evaluating expressions. On the other hand, the opposition called the more radical supporters of Slovakia's independence pejoratively as "hejslovákov" (hey Slovaks) „*nacionalistov*"(nationalists) or „*preskakovačov vatier*" (s.o. who jumps over bonfire).

In the political language of the ruling elite, nouns were often supplemented with adjectives such as anti-Slavic, fascist, or Hungarian to emphasize the negative relationship with opposition parties. At the level of phraseology, we can give examples "ocitnúť sa na smetisku dejín" (*sink into oblivion*), or "*odísť do minulosti*" (pass into history*). Expressions more characteristic of communist propaganda also appeared on the verbal level: "*kolaborovať*" (collaborate*) or "*zradiť*" (betray*). On basis of men-

tioned examples, we can conclude that society was extremely polarized during this period and the conflict over the future of the state affected not only the political elite but also the media and ultimately the whole society.

Since it was not only about the nature of democracy, but also about the future of the state, more precisely, whether Slovakia would be able to integrate into European political and economic structures as well as the North Atlantic Defense Community (NATO), in political communication started to emerge terms related to the European Union and North Atlantic Pact policies. However, it was still about the nature of the regime within this cleavage. In the language of the ruling elite, the style of the previous cleavage prevailed, in opposition political parties dominated the terms associated with the rule of law, democracy, order and the European integration process, and criticism of Mečiar's style of politics. The term "Mečiarizmus" has become a superior term for the whole style of politics of Vladimír Mečiar and his ruling coalition. Through expressions such as *"krvavé paprče"* (bloody paws), *"zavlečenie"* (dragging) or *"divoká privatizácia"(* wild privatization), the opposition pointed to the authoritarian signs of Mečiar's third government.

Center vs. Periphery

A special cleavage that influenced the formation of the Slovak party system was the center vs. periphery]Kopeček 2006]. Within it, political parties representing the interests of the members of the Hungarian minority were formed in the territory of southern Slovakia. Initially, three entities were established whose members were predominantly Hungarian living in Slovakia: Spolužitie (Coexistence), Maďarské kresťansko-demokratické hnutie (MKDH, Hungarian Christian Democratic Movement) and Maďarská občianska strana (MOS, Hungarian Civic Party). Because of given the five-percent quorum that prevented small parties from joining parliament, all three entities merged into "Strana maďarskej koalície" (SMK, Hungarian Coalition Party) after the adoption of Mečiar's amendment of the Election Act in 1998. In the first months, the representatives of these entities made it clear that the question of the status of the members of the Hungarian minority would be their party's priority, regardless of whether it was a nationalist, liberal or Christian-democratic entity. One of the first topics of this cleavage was the question of the legalization of Slovak language as an official language and the status of the languages of national minorities, especially the Hungarian language. However, the topic of the position of Hungarians in southern Slovakia also opened the topic of the position of Slovaks in the territory of Slovakia, where the majority of the population were citizens of the Slovak Republic of Hungarian nationality.

Nationalist parties were strongly opposed to the Hungarian minority in the 1990s. In the political vocabulary of this type of party entities, this was evident throughout the last decade of the 20th century, not only during the process of making the Slovak Republic independent. However, the political vocabulary of this cleavage was not

purely negativist. It also includes the neutral expressions on which the parties representing the Hungarian minority-based their communication with their voters, namely "*národnostná menšina* – national minority", "*jazyk* – language", "*identita* – identity", "*autonómia* - autonomy", "*samospráva* – self-government", "*maďarský* – Hungarian". The cleavage Center vs. Periphery was losing its importance especially when representatives of the Hungarian minority participated in the government themselves, especially during the two Dzurinda´s governments (1998-2006), the short government of Iveta Radičová (2010-2012) and finally during the third government of Robert Fico, in which representatives of the Hungarian minority in the party Most-Híd met together with the nationalists from the Slovak National Party. On the one hand, the Slovak National Party, usually a harsh critic of the politics of parties such as Most-Híd or SMK, for strategic reasons ceased to attack the interests of Hungarians living in Slovakia, on the other hand, the right-wing political parties which as traditional long-term partners of the parties Most-Híd, and the SMK, as a rule, did not base their policy on the anti-minority appeal.

Socio-economic cleavage of transformation

Tension in cleavage orientation towards the East vs orientation towards the West was overcome in the 1998 parliamentary elections, when the opposition parties gained a constitutional majority in the National Council of the Slovak Republic and, thanks to the rapid consolidation of democracy, it brought Slovakia to the European Union and NATO. The new political conditions also brought rapid economic growth, which is mainly attributed to the successful reforms of Dzurinda´s second government (2002-2006). The party Smer-SD, stood in opposition to Dzurinda's second government, focused its policy primarily on criticizing vigorous economic reforms. In this way, the conflict structure of society had reached the level of the traditional dispute of advanced democracies, namely between the left and the right, albeit with specific Slovak features.

The socio-economic cleavage of transformation has practically been spread since the systemic change in 1989, but due to other topics with a significant impact on the individual's life (a division of Czechoslovakia and consolidation of democracy), it was fully manifested after 1998. At the linguistic level, it is associated with the penetration of new economic terms into political communication.

Initially, these terms were such as *privatizácia* (privatization), *uťahovanie opaskov* (belt-tightening), *globalizácia* (globalization), *liberalizácia trhu* (market liberalization), *trhové hospodárstvo* (market economy), *dane* (taxes), *blahobyt* (welfare), *chudoba* (poverty), *tender* (tender), *verejné obstarávanie* (public procurement), *investičné skupiny* (investment groups), *sociálna spravodlivosť* (social justice) or *sociálne istoty* (social security) later. Depending on the period, the current economic problems and proposals to solve them were transferred to language such as *reforma* (reform), *kríza* (crisis), *Grécko* (Greece), *Euro* (Euro), *eurozóna* (Eurozone), *euroval* (European Stability

Mechanism (ESM), *prvá alebo druhá integračná liga* (first or second integration league). The vocabulary of the political elite also included expressions highlighting the negative aspects of the transformation regime such as *nezamestnanosť* unemployment, *korupcia* (corruption), *klientelizmus* (clientelism), *nepotizmus* (nepotism) or *oligarchia* (oligarchy). On the contrary, on the edge of political communication, or even completely outside, were expressions such as *janičiar* (Janissary), *svetoobčan* (cosmopolitan), *zvrchovanosť* (sovereignty) or *maďarón* (Hungarian).

The topic of political corruption and clientelism was a rich source of numerous political metaphors and idioms: "*pozadie pre stranu*" (background for the party = illegal financing of the party from government contracts), "*svet (doba) kešu* (the world (time) of cash in hand = undeclared financial transactions), *dať niečo na Kaliňáka* (deceive openly), *pol na pol (half and half* = partially legal and partially illegal), *strýko z Komjatíc* (uncle from Komjatice = nepotism), *teta Anka, kompa* (Aunt Anka, ferryboat = political corruption), *tunel* alternatively *tunelovať* (tunnel = stealing public finances), *nástenkový tender* or *nástenka* (notice board = manipulated tender, in which the winner is certain), *garážová firma*[21] (a garage company = a company founded only formally and without a clear ownership structure), *sociálny podnik* (a social enterprise = meaning clientelism), *peniaze zabalené* v *alobale* (money wrapped in aluminum foil = illegally raised funds), *zohnať peniaze vlastnou hlavou* (raise money for the political party and do not to acknowledge it in the annual report), *náš* človek (our man = a person who, thanks to connections with the leaders of the political power or with the representatives of the ruling party may break the law with impunity), *podojiť* štát (milk the state = obtain a favourable public contract at the expense of public finances), *tri minúty predsedu vlády* (three minutes of the prime minister = the period from the detection of a suspicion of corruption of one of the Ministers to his removal from office; in some cases, it takes weeks, months or no dismiss at all), gorila (a gorilla = a system of corruption).

From these few examples, it is clear that the metaphor is an important and popular means of communication for the Slovak political elite. Metaphors can explain some of the complex political contexts in a simpler, clearer, but the more effective way [Girnth 2015, Adamcová 2017, Azevedo Camacho 2019]. A characteristic feature of political metaphors and phrasemes of this type is that they are usually aimed at well-known corruption or clientelist cases. For this reason, their other characteristic is their regional validity. The knowledge of local politics is also needed for decoding the meaning of political metaphors and phrasemes. However, in the political vocabulary of the

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1 The term garage company usually has in an economic language a positive connotation, which refers to a recently established company that starts its business literally in the garage. From the world of economics, several well-known companies (Ford, Harley-Davidson, Apple, Delta Airlines, Barbie) serve as an example. In the Slovak political vocabulary, however, the term garage company is used figuratively for a company that is only established formally, usually without a clear ownership structure, and its activities are aimed at tunneling public finances or winning lucrative government contracts.

Slovak political elite in the case of the topic of corruption and clientelism, also appeared metaphors that exist in other languages, such as *schránková firma* (letterbox company), but their original meaning is no longer tied to a specific event associated with an illegal policy.

The use of the above expressions was particularly characteristic of the dispute between the left-wing party Smer and the right-wing parties. However, as it was still not only an economic dispute but also a political one, specific terms were also used to depict political opponents negatively. For example, to emphasize the ideological heterogeneity of the government of Iveta Radičová (2010-2012), the then opposition leader Robert Fico succeeded in incorporating the metaphor "zlepenec" (a tangle of parties) into the daily political vocabulary that was later, although not so successfully used to characterize the third Fico´s government (2016-2020). This example illustrates a situation where the same metaphor is used in different contexts, but with different intensity and different actors. Indeed, not every politician has the same talent to identify the topics of political debate, and as well as to supplement them with specific expressions. The charisma of the author of the metaphor and his/her communication skills play an important role in implementing the specific expression into a political debate.

CONCLUSION

Based on the findings presented in the previous chapters, it can be stated that the political language in Slovakia developed according to the current topics which were raised in the political debate.

From the facts previously mentioned it is clear that each dominant cleavage influencing the formation of the Slovak party system and political parties is characterized by its specific language. These specifics can be identified primarily in the lexical field, and at the same time, it is true that in direct proportion to how cleavages had been marginalized or completely ceased to exist, also the expressions specific to each conflict topic had retreated or completely disappeared from the political lexicon of day-to-day politics. The only exception is the cleavage of socio-economic transformation, which forms political parties and divides them ideologically into left-wing and right-wing parties even today. At the same time, however, we also pointed out that, in case of politicians who had represented voters for several electoral periods for a long time, or who returned to active political life after several years, it is possible that residues of the vocabulary of the communist politics may occur in their current verbal speeches. We can make an overall statement that the basis of the three most important political conflicts affecting the development of political parties and the party system were the themes: 1. the future position of Slovakia: Slovakia as part of Czechoslovakia or as an independent state; 2. accepting or rejecting the political style of Vladimír Mečiar and his government; 3. slow socio-economic transformation or vigorous steps towards liberalization of market conditions. And according to these topics, the language of the

Slovak political elite had also been formed.

The current party system in Slovakia has been formed by other cleavages. Several conflicts come to the fore. It is the conflict between the state and the Church and demonstration of this tension can be seen in a sharp debate on ethical issues. Another conflict is openness and reclusiveness when it comes to the question of how to deal with international migration, alternatively the conflict between the system and the antisystem. It is the language of right-wing extremist actors that is specific [Schuppener 2013, Štefančík, Hvasta 2019] and certainly calls for further research, not only from the point of view of political science but also from political linguistics standpoint. According to the above considerations, we note that the development of political parties and the party system can also be analysed through a view on the development of political language. In the paper, we have tried to point out that thinking about cleavage can not only confirm political or sociological scientific perspectives, but new linguistic experts can also give new impetus to this research [Dulebová 2012]. Our research thus confirms the demand for an interdisciplinary approach to the study of the language of politics.

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RECENT TRENDS IN ORGANIZATION
OF SUPREME AUDIT INSTITUTIONS
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Abstract

This paper presents an overview of the recent developments in organizing a system of state financial control, as well as policy issues concerning functioning the supreme audit institutions (SAI) in the Republic of Poland and Ukraine. The authors highlight the evolution of the framework within cooperation on auditing between Ukraine and the Republic of Poland in the field of public financial control (audit). The paper is aimed at investigating current practice of organizing supreme audit control in the Republic of Poland and in determining recent trends in developing the cooperation between the States in public financial control area. Moreover, the recommendations proposed are aimed at proper organizing of the external public financial control (audit) on the basis of *International Organization of Supreme Audit Institutions* standards and methods, as well as exchange of the EU best practices in external control and public financial audit, paying particular attention to the independence of the relevant state bodies.

Key words: *Supreme Audit Institution, Public Financial Control, Auditing, Cooperation, International Organization*

INTRODUCTION

The modern period of public administration development in Ukraine challenges for fundamental improvements in government functioning, in particular in organizing the independent and effective public financial control system. It should be emphasized that public financial control performs preventive function and not only provides for taking faithful decisions in the field of financial management, but also serves as one of the basic conditions for adjusting the strategy and tactics of financial activities, both in public authorities and local governments.

Currently, Ukraine lacks a clear concept of creating a system of state financial control, both at the scientific and legislative levels[1]. However, Ukraine has already determined the strategy for its further cooperation in the field of public finance management (including budget policy, internal control and external audit), aimed at harmonizing the Ukrainian legislation with European rules in accordance with the Art. 347, Chapter 3 of Title V (Economic and Sector Co-operation) of the *Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part.* In particular, Ukraine has taken numerous commitments in organizing external public financial control (audit) on the basis of *International Organization of Supreme Audit Institutions* (*hereinafter referred to as INTOSAI*) standards and methods, as well as exchange of the EU best practices in the field of external control and audit of public finances, paying particular attention to the independence of the relevant bod-

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1 Numerous regulations have been adopted, but their norms have not been yet implemented, namely: "On Approval of the Strategy of Modernization of Public Financial Management System: Order of the Cabinet of Ministers of Ukraine dated 17.10.2007 No. 888-p. From: https://zakon.rada.gov.ua/laws/show/888-2007-p; "On the Strategy for the Development of Public Financial Management System": Order of the Cabinet of Ministers of Ukraine dated 01.08.2013 No. 774. From: https://zakon.rada.gov.ua/laws/show/774-2013-p; "On the "Ukraine 2020" Strategy Sustainable Development": Decree of the President of Ukraine dated January 12, 2015 No. 5. From: https://zakon5.rada.gov.ua/laws/show/5/2015; "On Approval of the Strategy for Reforming the Public Financial Management System for 2017-2020: Order of the Cabinet of Ministers of Ukraine 08.02. 2017 No. 142-p. From: https://zakon.rada.gov.ua/laws/show/142-2017-p.

ies. In Ukraine this function is exercised by the Accounting Chamber of Ukraine. Accordingly, Article 3 of the Law of Ukraine "*On the Accounting Chamber*" provides that the Accounting Chamber of Ukraine's activity is based on the INTOSAI principles, as well as the European Organization of Supreme Audit Institutions (*hereinafter referred to as EUROSAI*) and International Standards of Supreme Audit Institutions (ISSAI).

Despite the fact that the Accounting Chamber of Ukraine has been a full member of INTOSAI since 1998 (however, it is considered to be one of the youngest Supreme Audit Institutions among the member countries; hereinafter referred to as SAI) and is responsible for fulfilling the obligations as a member of this Organization, until now the Ukrainian legislation does not provide the *SAI's* status for this body. In addition, the issues of state guarantees for the employees of such body, as well as state audit procedures and types remain unsettled.

That is why it is relevant to focus attention on the foreign experience in organizing the *SAI's* activities, implementation of the independence principle by such entities, applying international auditing standards.

In this context, the practice of organizing the *SAI* in the Republic of Poland may be considered as the most significant, since the Polish model of state power organization and distribution is closest to the Ukrainian realities[2]. Moreover, the experience of some Polish reforms has already been implemented in Ukraine. In addition, Ukraine and the Republic of Poland are strategic partners in all key socio-economic scopes, as proved by fruitful cooperation[3].

The purpose of the paper is to investigate current practice of organizing the supreme audit control in the Republic of Poland and determine the recent trends of cooperation development between the States in public financial control area.

1. METHODOLOGY

Numerous scientific methods were used in preparing the research paper, namely: *analysis and synthesis method* concerning the analysis of regulatory legal background in state financial control; *comparative law method* in studying the organizing of the SAI's practice in the Republic of Poland and Ukraine; *the formal logics* and *prognostic methods* - for theoretical generalization and development of proposals on improvement of financial legislation of Ukraine; *abstract-logical method* - for theoretical generalization and formulation of conclusions.

2. RESEARCH RESULTS

Chapter IX of the Constitution of the Republic of Poland (Section IX) is devoted to

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2 It is about decentralization reform at the regional level, as well as in the field of governance and public service in Ukraine, following the Polish model. Mykola KRAT, Oleksandr SOFII. Comparative Analysis of Decentralization Process of Ukraine and Poland: an Analytical Note. K.: European Dialogue, 2017. From: http://dialog.lviv.ua/wp-content/uploads/2017/10/Porivnyalniy-analiz-protsesu-detsentralizatsiyi-Ukrayini-ta-Polshhi.pdf.

3 As of 04.09.2019, 143 valid international treaties and agreements on cooperation in various socio-economic areas were signed between Poland and Ukraine. Legal basis between Ukraine and Poland. The official website of the Embassy of Ukraine in the Republic of Poland. From: http://poland.mfa.gov.ua/en/ukraine-pl/legal-acts.

the bodies of state control and protection of the rights. Article 202 states that the Supreme Chamber of Control (*Najwyż sza Izba Kontroli, hereinafter - NIK*) is the chief body of state control, which acts on a collegial basis and subordinates solely to the *Sejm*, providing it with: 1) an analysis of the implementation of the State Budget and the main monetary policy provisions; 2) conclusion on the report of the Council of Ministers on implementation of the State Budget; 3) information on the results of audits, proposals and submissions specified by law. That is, the Constitution of the State recognizes and guarantees independence of the chief body of state audit from the branch of executive power. The appointing procedure for the President of *NIK* and establishing the boundaries of his immunity (Art. 205-206 of the Constitution of the Republic of Poland) is one of the key characteristics of organizing external supreme state financial control - the principle of independence. In particular, the President of *NIK* shall be appointed by the *Sejm* with the consent of the Senate, for a period of 6 years (re-election is possible only once). The term of office of the President of *NIK* and the Parliament do not coincide that thereby reinforces realization of the principle of independence of this body from one political party that has passed to the Parliament and has the majority.

In Ukraine, such a constitutionally designated state body, which does not belong to the state power branches, is the Accounting Chamber. It should be noted that its status requires some improvements, since the only constitutional norm determines the status of the Accounting Chamber of Ukraine, namely Article 98 of the Constitution of Ukraine, in accordance to which control on behalf of the Verkhovna Rada of Ukraine (Parliament) over the admission of finances to the State Budget of Ukraine and their use is exercised by the Accounting Chamber[4].

The formation of a special supreme public financial control body and its independence from other state power branches meets the requirements for a proper public sector auditing, prescribed by the *Mexico Declaration on SAI Independence*, adopted by delegates of the XIX Congress of INTOSAI in Mexico City in November 2007. In particular, the SAIs are free from the control or interference of legislative and executive authorities. To ensure the principles of SAI independence, it is also emphasized by the recent Resolution adopted by the United Nations General Assembly on 19 December 2014 No. 69/228 *Promoting and fostering the efficiency, accountability, effectiveness and transparency of public administration by strengthening supreme audit institutions*, which clearly states that *SAIs* can accomplish their tasks objectively and effectively only if they are independent of the audited entity and protected against external influences.

The Constitution of the Republic of Poland also determines the directions of exercising the control powers by *NIK* regarding the legality, economic prudence efficacy and diligence of the activity of relevant entities, namely: 1) the activity of the bodies

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4 The Constitution of Ukraine: the Law of Ukraine dated June 28, 1996 No. 254k. From: https://zakon. rada.gov.ua/laws/show/254k/96-v.

of government administration, the National Bank of Poland, state legal persons and other state organizational units;2) the activity of the bodies of local self-government, municipal legal persons and other communal organizational units;3) the activity of other organizational units and economic entities, to the extent to which they use state or communal property or resources and satisfy financial obligations to the State (Article 203 of the Constitution of the Republic of Poland).

Pursuant to the Constitution, the Law of the Republic of Poland "On the Supreme Chamber of Control" (NIK) was adopted on December 23, 1994, in order to ensure the organizational and legal mechanism for exercising external supreme state financial control in the State.

The structure of this Law, its logic and consistency is a matter of interest and positive appraisal. In fact, the single statute regulates such issues as: the NIK system and structure, the procedure for appointing employees (auditors) and their salaries' (pensions) accruing, providing for state guarantees; Parliamentary control over expenditures of a budget and activities of the Chamber; the procedure for exercising supervisory powers by State inspectors (auditors); audit procedures and their types; providing rights and obligations for all participants in the supervision legal relations; documentation of supervision results and possibility to appeal; application of legal liability measures; coordination and cooperation with other state control bodies of the Republic of Poland and foreign partners.

In fact, a "special status" of NIK has been rolled out in the Republic of Poland, and is therefore in full compliance with international practice of organizing the financial control system. Indeed, such a status stipulates, primarily, other (by comparison with government control bodies) procedures for forming a relevant body, appointment and dismissal of managing staff, terms of officials' remuneration, etc., as prescribed by the laws mentioned above.

In Ukraine, the stage of reforming and modernizing the Accounting Chamber according to the *INTOSAI* requirements actually started with the adoption of the Law of Ukraine "On the Accounting Chamber" on July 2, 2015. The marked improvements include: 1) providing the Accounting Chamber for organizational, functional and financial independence and its autonomy in planning inspections as external public financial control (audit) (paragraph 2, Article 3 of the Law); 2) prohibition of state authorities' bodies, local self-government bodies, political parties and public associations, enterprises, other organizational units regardless of their ownership, to interfere with the Accounting Chamber's activity (paragraph 5 of Article 3 of the Law); 3) establishing the transparent competitive selection procedures for recruiting candidates for the Accounting Chamber members (Article 19; paragraph 2 of Article 20 of the Law); 4) implementation of external auditing and external evaluation of the Accounting Chamber activities pursuant to the results of its annual report; and should be held every three years by an accounting company experienced in auditing according to international auditing standards (Article 43 of the Law). Such improve-

ments would provide essential background for formation of a politically independent, professional composition of the Accounting Chamber and would further increase confidence to its activities of the society and international community.

However, some challenges necessary to be overcome should be highlighted in order to comply with the European practice of *SAI's* organization: 1) the Accounting Chamber's legal status as a supreme audit body in the country has not been determined yet, that, firstly, is incompatible with the above-mentioned ISSAI standards, and, secondly, a negative impact on the distribution of control powers between the Accounting Chamber and the State Audit Office to conduct the state audit, whereas in Ukraine, both of these bodies exercise control functions in the budgetary sector, while the coordination function has not been enshrined for the Accounting Chamber; 2) various types of audit were not defined by legislation: compliance; information technology, implementation of grants, financial aid from other countries and international organizations; 3) failure to prescribe in legislation countermeasures as a response to violations detected by the Accounting Chamber; 4) a number of provisions tend to be essentially formal in their nature and do not set forth any precise criteria for determining the scope of the Accounting Chamber's activity, empowering it with the sole function to control public funds flow within the state budget (Art. 7 of the Law). Consequently, the Accounting Chamber in Ukraine, comparing with the similar supreme body of state audit in Poland (NIK), has been deprived of appropriate authority to control over public finances' management in general (including local budgets, public finances and assets in general, others public resources of social importance). This trend of Ukrainian legislation contravenes European practice of *SAI's* organization that monitor public funds, including local budgets[5].

In the light of the above, it seems appropriate to elaborate a Strategy Plan Towards Development of the Accounting Chamber of Ukraine, in order to improve functioning of the Accounting Chamber in Ukraine as a higher independent state institution, based on the experience of the *SAI* organization in the Republic of Poland (*NIK*).

Particular focus should be devoted to exploring the issue concerning international participation of *NIK* of the Republic of Poland in cooperation with various financial control bodies, as this is one of the key tasks of this body. Thus, NIK of the Republic of Poland is one of eight *INTOSAI* regional groups and cooperates with similar institutions in the EU Member States, the European Court of Auditors (ECA), International Board of Auditors for NATO (IBAN), European partners within *EUROSAI*. Heading the *EUROSAI* Working Group on Information Technologies, the *SAI* of Poland proposed the project "Control Space for e - Government Audit Project" (The CUBE) in order to strengthen audit of the electronic document government system.

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5 In particular, Art. 4 of the Lima Declaration of Guidelines on Auditing Precepts enshrines the function of state audit regarding public funds, which include local budgets. The Lima Declaration (ISSAI 1). Approved at the IXth INTOSAI Congress, Lima / Peru 1977; INTOSAI Professional Standards Committee. From: https://www.intosai.org/fileadmin/downloads/documents/open_access/ISSAI_1_ISSAI_10/issai_1_en.pdf.

Such efforts have resulted in outcomes as follows: development of presentation tools for the document database of *SAI's* reports with analytical summaries; introduction of an effective search engine that enables the audit reports to be analyzed with regard to the risks identified within the control measures. As a result of work in such direction, in 2018, the digital format was available using interactive information technologies, which is currently being used for state auditing practice in Ukraine as well. Consequently, an IT audit was implemented with participation of *INTOSAI* experts in order to prepare *SAIs* for the creation of audit support software [EUROSAI Magazine, No.24-2018: 42-44].

The *SAI* of the Republic of Poland (NIK) continues to actively support Ukraine in organizing and developing the state financial control. Bilateral relations between the states in this area started in the 1990s, while the first attempts to establish such control were in Ukraine. Recognizing the significant role of the continuous development of a professional and effective state auditing, as well as independence of the supreme audit authorities as a core element of a democratic state, a number of agreements have been concluded between the States.

The first co-operation agreement between the Accounting Chamber of Ukraine and the Supreme Chamber of Control (NIK) of Poland was signed in 1998. This agreement envisaged general declarative provisions in regard to regular mutual consultations at management level biennially in order to exchange the ideas and experience in monitoring the use of public funds (Article 2 of the Agreement); implementation of parallel controls over shared areas (Article 3 of the Agreement); opportunities for organizing conferences, internships, workshops and other training events (Article 4 of the Agreement).

The following agreement was concluded in 2014 and formalized the previous arrangements between the States, furthermore, it referred to the principles of partnership and equality, as well as to compliance with the *INTOSAI* and *EUROSAI* required framework (Article 2 of the Agreement). In order to implement the provisions on cooperation by the States, a number of parallel audits have been organized and conducted: concerning checking the road crossings on the Ukrainian-Polish border; coordinated parallel EUROSAI audit on climate change; in regard to elimination of the consequences of natural and technological disasters and radioactive wastes; regarding preparation of Poland and Ukraine for organizing the "EURO 2012" European Football Championship final tournament.

In 2015, a multilateral agreement was concluded between the Republic of Poland, Georgia, the Republic of Moldova, and Ukraine. Here the Republic of Poland has made commitments, firstly, to coordinate joint activities towards organizing and facilitating state audit in a budget sector regarding collaborative issues. Secondly, it has assumed the obligations to share its experience in implementing European and international standards, as a country that has recently gone this route.

In 2018 Lviv Declaration on Cooperation and Partnership was concluded between the

Accounting Chamber of Ukraine and the Supreme Chamber of Control (NIK) of Poland, which stipulates the priority objectives for implementing an independent state audit in specified areas (Article 4 of the Agreement).

Primarily, this relates to the environment, as well as to prevention and elimination of disasters. To accomplish this task, a number of control measures are planned, in particular:

1. International coordinated audit of the compliance with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;

2. International audit of the protection against the Bug River Catchment Area pollution;

3. International coordinated audit of the International East Carpathians Biosphere Reserve.

The second direction is a joint auditing in science and innovation, due to insignificant cooperation between trans-frontier innovative structures (e.g. transport and logistics, industrial parks, etc.) and ineffective capacity harnessing of border areas. Such audit is aimed at generating proposals for attracting supplementary financing and investment in the development of such territories. And the third group of tasks is provided for social policy making and protection of citizens' rights and freedoms.

In this respect, it is worth noting that Article 5 of the above-mentioned Agreement declares support by the Republic of Poland for the institutional development of the Accounting Chamber of Ukraine and establishment of a Training Center for the Accounting Chamber in Ukraine.

Numerous coherent measures within the framework of concluded agreements have already been implemented. The most significant ones refer to first scope of cooperation, in particular the environmental protection.

Given the fact that water contamination in the Western Bug catchment area is a matter of common concern for the coastal States, in 2006 the supreme bodies of financial control of the Republic of Belarus, Poland and Ukraine conducted an international coordinated audit of the protection against water pollution, as well as the water quality in this catchment area, and recommended the governments of the States to provide for complete implementation of their international commitments. The audit was coordinated by NIK of the Republic of Poland.

Later, in 2014, pursuant to *Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a Framework for Community Action in the Field of Water Policy*, the NIK of the Republic of Poland with the Accounting Chamber of Ukraine initiated an international audit concerning protection against the Western Bug River Catchment Area from pollution, which was conducted as an audit in regards of implementing the recommendations.

The secondary international coordinated auditing was intended to assess the implementation of the *SAI's* recommendations, formed as the results of an international

audit completed in 2006. Moreover, throughout the secondary audit it was supposed to analyze the work of the responsible authorities of the Republic of Belarus, the Republic of Poland and Ukraine towards resolving the auditing issues specified by preceding audit, such as:

1. Insignificant international activity concerning border waters of the Bug River Catchment Area at national and regional levels;

2. Changes of water pollution levels, determined in accordance with national systems;

3. Lack of efficiency of investment activities, aimed at reducing water pollution of the Western Bug River Catchment Area, and sustainable management of water resources.

The subject matter of the international audit was primarily the state bodies' activities on protection against water pollution in the Western Bug River Catchment Area, in particular within the framework of international cooperation, as well as budgetary funds, allocated for protection against water pollution in the Western Bug River Catchment Area. This audit lasted from 2012 to 2014.

The outcomes of such auditing were recommendations towards harmonization of national policies and activities on the protection of the Western Bug River Catchment Area, then creation of a joint Belarusian-Polish-Ukrainian commission for drafting the documents concerning unification of monitoring systems and programed; introduction of a single database of qualitative and quantitative indicators of river water use; organization of joint environmental activities; and attracting additional investment from the UNDP's Global Environmental Finance.

In this period, the International Coordinated Audit of the International East Carpathians Biosphere Reserve was conducted [Manchenko 2011]. The purpose of the audit was to evaluate the activities within the territory of the International East Carpathians Biosphere Reserve by the national and landscape parks of the Republic of Poland, the Slovak Republic and Ukraine being parts of the reserve. This audit was initiated by the Supreme Chamber of Control (NIK) of Poland as an audit coordinator. The Supreme Control Management Chamber of the Slovak Republic and the Accounting Chamber of Ukraine participated within the framework of the EUROSAI environmental audit working group. The audit lasted from 2012 to 2016. Results of the audit revealed that the state bodies of Ukraine, the Republic of Poland, and the Slovak Republic have not yet concluded an agreement on cooperation regarding the International East Carpathians Biosphere Reserve. As a consequence, the purpose and overall strategy for functioning of the International East Carpathians Biosphere Reserve at the state level have not been developed. The legal regulation of the nature reserve fund is incomplete, and the organizational background of their activity needs further improvements, since this creates the risks of non-conservation of their nature reserve fund.

The Supreme Financial Control Authorities of the Republic of Poland, the Slovak Re-

public and Ukraine, based on the results of the parallel audit, focus on the necessity of taking measures towards concluding an intergovernmental agreement on functioning the International East Carpathians International Biosphere Reserve. Implementation of such measures would make it possible to determine joint or coordinated protection policies, the priorities and goals of the reserve activity as a single organizational complex, which would be aimed at exercising its functions and goals of its creation. Such an agreement would form the background for designating the International East Carpathians Biosphere Reserve governance body with specific responsibilities for developing and implementing joint or coordinated protection strategies as required by UNESCO. The supreme financial control authorities of the Republic of Poland, the Slovak Republic and Ukraine highlight that consistent implementation of the aforementioned measures by competent state authorities of the International East Carpathians Biosphere Reserve would determine the amount of funding required accomplishing the tasks by each group country. It would also make it possible to apply for funds from other sources, in particular from the European Union[6].

To sum up, the modern world tends towards shifting the priority from domestic centralized regulation and control to international ones. This is particularly acute in international economic relations, thereby the formation of supranational financial-legal institutions and establishment of appropriate regulatory and legal background for their activities is essential in this field. In particular, O. Manchenko, analyzing social development of states, substantiates specific regularity, namely, that the social system covers all spheres of the society organization (political, economic, legal, spiritual), where Politics performs the functions of achieving domestic goals; Culture is maintaining a synergy template function; and Economics and Law aimed at international adaptation [Manchenko 2011: 149]. Economics and law are exactly the public spheres, where utmost approximation and unification of international cooperation principles are acceptable and feasible. The economic and social development background of each participating state depends on joint efforts, common resources and interests in international community. In the light of the above, organization of the supreme financial control body in Ukraine, is a matter of priority to be adjusted significantly as a result of adaptation to European legislation and as a kind of synthesis of Law and Economics.

CONCLUSION

Substantive research of *SAI's* organization (NIK) of Poland is of great importance for Ukrainian auditing practice, in particular, as a significant factor for further institutionalization of the Accounting Chamber of Ukraine and improvement of legal framework, through which the state ensures the legality and effectiveness of independent

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6 There are no PL-SK-UA tripartite programmes in the financial perspective for 2014-2020. However, country-specific programmes allow for non-competitive co-financing applications, for example: Poland-Ukraine-Belarus Cross-border Cooperation Programme 2014-2020 and Interreg V-A Programme, Poland-Slovakia 2014-2020.

financial control. The outcomes of this work are regarded to be as follows: 1) drafting a strategic development plan for the Accounting Chambers of Ukraine on the example of the *SAI* organization (NIK) of Poland; 2) to amend the Constitution of Ukraine, by providing the *SAI* status for the Accounting Chamber of Ukraine; 3) comprehensive implementation of international and European standards on state audit, given the commitments of Ukraine according to the Association Agreement; 4) identifying and expanding the scope of public audit concerning public finances, including local self-government authorities; 5) organizing and conducting parallel audits by the *SAI* of Poland (*NIK*) and the Accounting Chamber of Ukraine concerning the innovation and social policy areas, protection of human rights and freedoms.

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BEHAVIOURAL APPROACHES TO TAX COLLECTION: THE CASE OF SLOVAKIA

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Abstract

Research studies demonstrate respect for the normative approaches to paying taxes, but they are extended by behavioural aspects affecting the tax liability of the taxpayer. A taxpayer's decision to pay the tax is influenced, for example, by the social environment in which the entity operates, the moral standards of a group affecting attitude of the taxpayer to paying taxes, the degree of tolerance to tax evasion and to combating corruption, and so on. This confirms the relevance of both repressive as well as preventive state measures to collect taxes and eliminate tax evasion and fraud. The effective tax collection can be rather achieved by building mutual trust between the taxpayer and tax administrator using targeted instruments aimed at the voluntary payment of taxes on time and in the correct amount. On the basis of the questionnaire survey, the aim of the paper is to find out, analyse and evaluate the attitudes of the respondents to the effectiveness of tax audits in Slovakia, to the adjustment of the income tax base by means of legal or illegal instruments, as well as their attitudes towards fraud on VAT. The analysis of respondents' attitudes regarding the illegal treatment of income tax and VAT pointed to relatively high tax discipline of taxpayers. The respondents expressed a different opinion on the effectiveness of tax audits in Slovakia. In their view, tax audits reveal to a lesser extent the illegal activity of taxpayers. Especially this knowledge highlights the importance of building a fair relationship between the taxpayers and tax administrator using some of the behavioural approaches outlined in the paper.
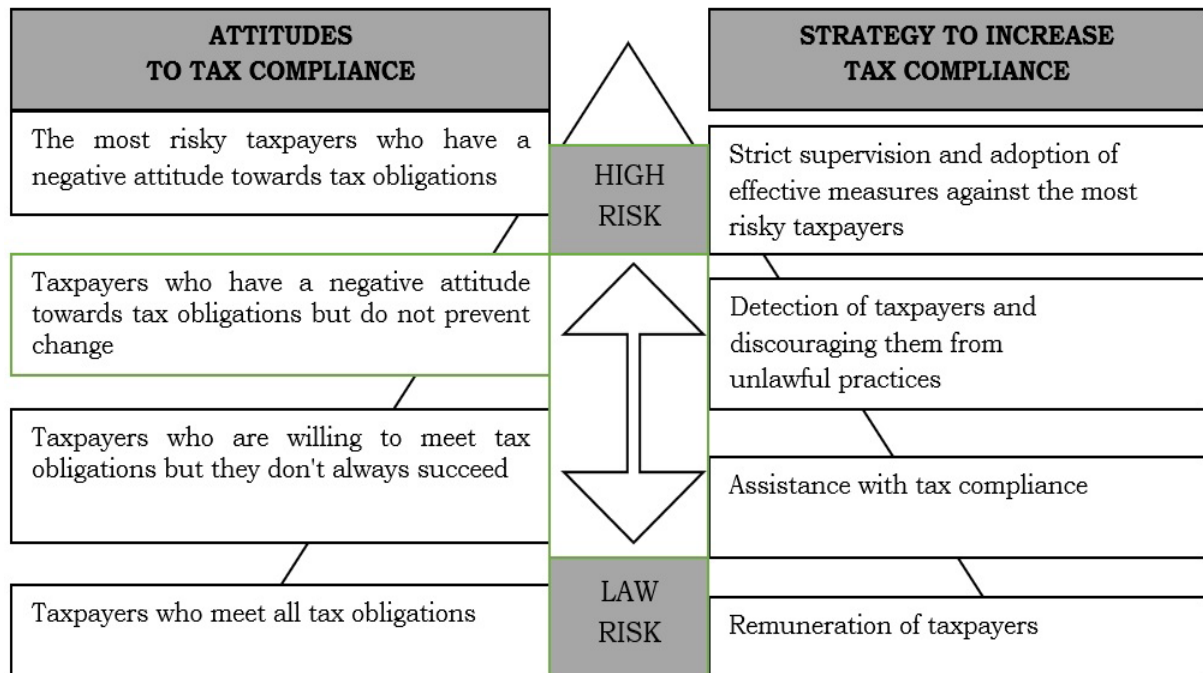
Key words: *Behavioural Approach of Paying Taxes, Tax Reliability, VAT Fraud*

INTRODUCTION

Challenges, related to tax evasion and fraud, have been increasing in recent years. This is due to factors such as technical development, globalization of the economy and also the internationalization of tax fraud and evasion. The interconnection of financial administrations in the area of tax information exchange has taken on a new dimension. The states are trying to cooperate to combat the phenomenon of illegal reduction of the tax liabilities of entities. For example, the European Union Action Plan to strengthen the fight against tax evasion and tax fraud, adopted as early as 2012 or the Fiscalis 2020 program approved in 2014 can be mentioned. The states still have an important role in eliminating tax evasion and fraud. As tax evasion and tax avoidance take on increasingly sophisticated forms and procedures, the tax administrator must be prepared to adapt to this situation and use the new trends in detecting them. New ways, or approaches to preventing tax evasion and tax fraud, put increasing emphasis on their prevention and subsequent repression. Gangl et al. (2014); Torgler (2003); Kirchler, Maciejovsky & Schneider (2003) point out that there is a trend towards better communication between taxpayer and tax administrator. In this way, financial administrations are beginning to apply new alternative enforcement approaches. Alm and Torgler (2011) also emphasize that the goal of this effort is to improve the taxpayer's positive perception of the tax administrator. They point out that an important aspect in this process is the identification of risky taxpayers by means of a tax compliance indicator (filing a tax return within the statutory deadlines, reporting obligations in the correct amount, compliance with maturity and the amount of taxes paid, etc.). Based on the knowledge of the tax discipline of the entities, the tax administrator can get to know the tax morale of taxpayers and determine a degree of their risk.

OECD (2004) conducted a study that resulted in the application of tax compliance risk management. Its aim was the early identification of risky taxpayers by the tax administrator and subsequently chosen strategy in response to the most common risks of the tax system (Figure 1). The final goal is to achieve the highest possible voluntary compliance with the tax obligations of taxpayers. The tax administrator does not only use the resources directly available to him to identify the risks of individual segments (tax returns, financial statements, etc.), but also information from the social insurance company, the bank or other institutions. Pyle (1991), Bătrâncea et al. (2012) and others note that the inclusion of the taxpayer in one of the four groups of the tax reliability, which may take the form of a pyramid, corresponds to the theoretical expectations placed on the degree of fulfilment of tax obligation of the taxpayer. Taxpayers' attitudes can change over a time. By revising the taxpayer's attitude to the fulfilling the tax liabilities, its position may change upwards or downwards.

Figure 1. Tax Compliance Pyramid

ATTITUDES TO TAX COMPLIANCE		STRATEGY TO INCREASE TAX COMPLIANCE
The most risky taxpayers who have a negative attitude towards tax obligations	HIGH RISK	Strict supervision and adoption of effective measures against the most risky taxpayers
Taxpayers who have a negative attitude towards tax obligations but do not prevent change		Detection of taxpayers and discouraging them from unlawful practices
Taxpayers who are willing to meet tax obligations but they don't always succeed		Assistance with tax compliance
Taxpayers who meet all tax obligations	LAW RISK	Remuneration of taxpayers

Source: According to Bătrâncea et al. *(2012), OECD (2004)*

The top of the pyramid represents the riskiest taxpayers who require particularly strict supervision. In this context Braithwaite (2017) believes that it is important to use preventive or repressive tools (or a combination of both) that the state will apply in particular to the most risky taxpayers (Figure 2).

Figure 2. The pyramid of proposed tax compliance strategy tools

Licence cancellation

Licence suspension

Sanctions

Warning letters

Preventive persuasion tools (benefits)
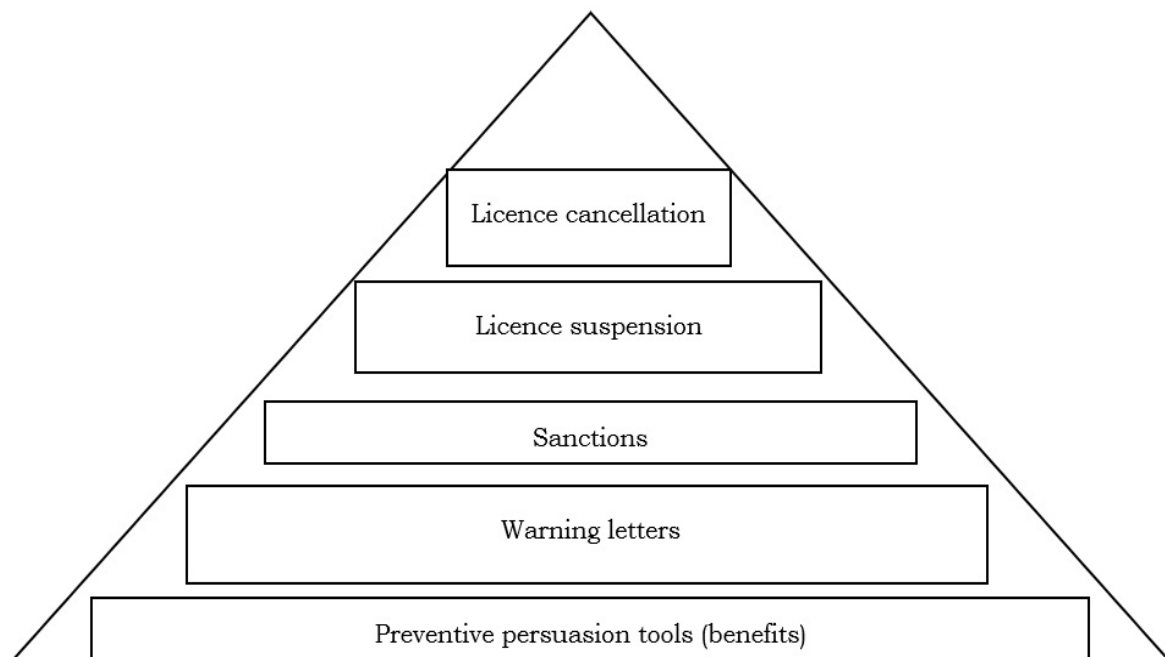
Source: Bătrâncea et al. *(2012), Braithwaite (2017)*

Since 2018, the Slovak Republic is actively involved in the process of assessing the risk of taxpayers, especially in the area of income tax. The Financial Administration of the Slovak Republic has created and implemented the Tax Reliability Index. It is an instrument to strengthen voluntary tax compliance as well as to identify reliable taxpayers. In this way, the financial administration can provide special tax regimes (benefits), especially for building a positive relationship and trust of the taxpayers in the state authorities which oversee the tax collection or have an impact on sanctions and the punishment of corruption. In this process, it is important that the taxpayers also feel a moral responsibility for their decisions and can bear the potential consequences of their actions.

In 2017, a direct questionnaire survey was conducted at the Faculty of National Economy of the University of Economics in Bratislava, aimed at identifying a degree of confidence of young respondents to the tax authorities in detecting illegal activities of taxpayers. Other areas of the survey were focused on the attitudes of respondents to tax evasion in the area of income tax and value added tax. A total of 247 respondents participated in the questionnaire survey, of which 81 were men and 166 were women. According to age, respondents were divided into two groups, from 19 to 21 years and from 22 to 26 years (Table 1).

Table 1. The number of respondents participating in the questionnaire survey by gender and age

Men aged 19 - 21 years	Men aged 22 – 26 years	Total men	Women aged 19 - 21 years	Women aged 22 – 26 years	Total women
47	34	81	107	59	166

Source: Own questionnaire survey in 2017

Specific questions addressed to respondents were focused on (i) identifying their gender and age (all respondents fell into one of the above-mentioned age group). Further, respondents were answered the question whether (ii) they do a certain job (all respondents were employed, most of them on a part-time basis).

The following set of questions focused on their (iii) subjective assessment of the effectiveness of tax audits in the Slovak Republic. Respondents had a choice of multiple-choice answers. In particular, whether the state will detect about half of the tax fraud and evasion or more than half of the tax fraud and evasion or the state will detect about a third of the tax fraud and evasion or about a fifth of the tax fraud and evasion. Another area of the questionnaire survey concerned (iv) attitude of respondents to income tax reduction. Respondents had the choice between optimizing the tax liability by legal adjustment of the tax base within the scope of the law and the illegal optimization of tax liability, i.e. by "creative" adjustment of the tax base beyond the scope of the tax law.

The last part of the survey focused (v) on the attitude of respondents to the illegal

refund of excessive VAT deductions. Respondents were asked to choose from three options: they could participate in the tax fraud in connection with the refund of excessive VAT deduction or refuse to participate in this tax fraud, or refuse to participate in the tax fraud and at the same time report tax fraud to the tax authorities and offer cooperation in the investigation of the tax fraud. In the case of income tax fraud as well as VAT fraud, respondents could also justify their attitude.

1. LITERATURE REVIEW

The impact of the tax policy of the state on tax collection and elimination of tax evasion increasingly takes into account the behavioural approaches that are influencing both the behaviour of taxpayers and tax administrators. They point to factors that may, to varying degrees, affect the willingness of the taxpayers to pay tax on a voluntary basis or tend toward tax avoidance. Allingham and Sandmo (1972) pointed out in theoretical analysis the relationship between the amount of taxes and the risk in the context of the impact of taxes on the decision of the taxpayer to pay the tax. They assumed that the taxpayer is willing to avoid tax when the benefits from concealing taxable income are higher than the expected costs of illegal activity.

Becker (1968) contributed to the development of knowledge and motivations regarding tax collection to a large extent. In addition to the normative approach to offenses for which he monitored compliance with the laws and regulations, he also dealt with the motives that might have led the taxpayers to commit them. In addition, Becker also analysed the amount of expenditure for the crime prevention (prevention costs), including the analysis of repressive tools (penalties) to determine the optimal model of crime prevention.

The findings of the research conducted by Alm and McKee (2006) follow the findings of Becker, which point out that the tax audits have an impact on tax compliance and responsible behaviour of the taxpayer. Tax audit information increases the degree of tax compliance by the taxpayers. Slemrod, Blumenthal & Christian (2001) state that an increase in the probability of tax audits may discourage some taxpayers from acting illegally, because they have not already complied with the rules or fail to comply with them sufficiently in the past. Kastlunger et al. (2009) insisted on tax compliance and emphasized that if the taxpayer is not controlled for a longer period of time, the rate of compliance is reduced. They also looked at regional differences in terms of tax morale. Some regions (states as well as territorial units within the state) may have higher or lower social standard of tax compliance and of course higher or lower tax gap.

These findings have an impact on the creation of the tax administration risk management, which is largely focused on carrying out tax audits, in particular of the risky taxpayers. However, the tax administrator often fails to understand the behaviour of the taxpayers in a particular situation. The application of only the repressive instruments usually fails. Murphy (2004); Alm and Torgler (2011); Gangl et al. (2014)

and others justify rather a positive approach of the tax administrator to the taxpayer. They emphasize that tax morale depends not only on the application of the legal framework. They are of the opinion that the tax administrator should draw attention to the implementation of such instruments that will lead to the voluntary taxation and to build mutual trust between the two parties.

Research works by other authors are linked to the search for effective tools that can enhance taxpayer compliance. Hallsworth, List & Metcalfe (2017) analysed the influence of the ongoing provision of tax information to the taxpayer to pay the tax. This approach creates more trust between the tax administrator and the taxpayer. Also, sending reminders or e-mails increases the paying of taxes or reduces tax arrears.

The empirical results of Orviská and Hudson (2003); Wenzel (2005) and others point to the fact that there are a number of factors that influence the decision of taxpayers to pay taxes. They emphasize that the taxpayer is largely affected by the social environment in which it operates as well as social standards of the group, which affect the formation of taxpayer's attitudes toward paying taxes. A social norm can be affected by the tax compliance within a certain reference groups, for example by a significant, socially recognized person. This leads to a wider interaction of the behavioural economics and sociological aspects that take into account the relationship of the individual with a society.

Taxpayers' attitudes to paying taxes may also vary depending on their gender, income, age and other factors. The results of Orviská and Hudson (2003) point to the fact that those who work are more likely to avoid paying taxes. This attitude is based on their belief that they have earned their income with own effort, so they look critically at any taxation of their income. According to them, men of a lower age are more likely to avoid paying taxes.

The approach to paying taxes is not only influenced by the individual differences between taxpayers (e.g. gender, education, etc.). Cullis, Jones & Lewis (2006) also point out the different attitudes of the tax cultures to tax discipline and the degree of tolerance of the tax evasion. The results of their research confirmed that the tax morale is largely influenced by the social environment of the taxpayer and the level of education attained. They saw direct dependence - taxpayers with higher education and better social background showed a lower level of tax evasion in all countries surveyed. Personal moral standards of the taxpayer play an irreplaceable role in the attitude of the tax entity to tax compliance and the amount of tax evasion. They are based on his inner beliefs, attitudes and values that are his own and specific to him.

Torgler (2006) extended this attitude on the possible impact of faith on the taxpayer's tax morale. He notes that faith can influence the internal motivation of the taxpayer to tax compliance and thus increase his tax morale.

Corruption is closely related to tax morale and the level of tax reimbursement. Litina and Palivos (2016) note, that the creation of strong moral values in the society can be a part of repressive measures of tax policy that suppress corruption.

Alm, Martinez-Vazquez & McClellan (2016) focused on corruption between companies and the tax authorities. They assumed that the value of both the bribes and tax evasion was relatively high.

Probably companies that have control over taxpayers from countries with a higher degree of corruption perception are also more likely to prone to tax evasion. Often such behaviour cannot be suppressed by repressive instruments that have less impact on the behaviour of taxpayers just from the countries with a higher degree of corruption perception. Probably, the most important factors with a strong impact on the tax morale of the taxpayers are mainly political stability in the country, law enforcement, the absence of violence and the control of corruption at the levels of political power and governance [Zubaľová, Gerulová & Geško 2012].

2. METHODOLOGY

Using the empirical method of observation, the target areas that were the subject of the experiment were determined. In the questionnaire survey, respondents, divided by gender and age (Table 1), presented their views on the effectiveness of tax audits and the detection rate of tax evasion and fraud in the Slovak Republic. Their attitude closely correlates with the credibility to the tax administrator. Respondents' attitudes expressed through a descriptive statistical method are presented in the following table (Table 2).

Table 2. Assessment of the effectiveness of tax audits - the number of respondents by age and gender and in % of total respondents by gender

Respondents by age and gender	State will detect more than half of the tax fraud and evasion		State will detect about half of the tax fraud and evasion		State will detect about a third of the tax fraud and evasion		State will detect about a fifth of the tax fraud and evasion	
Men aged 19 - 21 years	1	1.23 %	4	4.94 %	23	28.40 %	19	23.46 %
Men aged 22 - 26 years	1	1.23 %	4	4.94 %	15	18.52 %	14	17.28 %
Women aged 19 - 21 years	1	0.60 %	17	10.24 %	65	39.16 %	24	14.46 %
Women aged 22 - 26 years	0	0.00 %	12	7.23 %	30	18.07 %	17	10.24 %

Source: Own questionnaire survey in 2017

Other questions of the questionnaire survey were aimed at identifying respondents' attitudes to reducing the income tax liability using or not using the illegal adjustment of the tax base. Illegal tax base adjustments are often realized by increasing spending, in particular non-deductible expenses. Respondents' responses are included in the following table (Table 3).

Table 3. Attitude of respondents to reducing the income tax liability by a legal or illegal adjustment of the tax base - the number of respondents by age and gender and in % of total respondents by gender

Respondents by age and gender	Legal optimization of the tax base and tax liability		Illegal optimization of the tax base and tax liability	
Men aged 19 - 21 years	34	41.98 %	13	16.05 %
Men aged 22 - 26 years	22	27.16 %	12	14.81 %
Women aged 19 - 21 years	91	54.82 %	16	9.64 %
Women aged 22 - 26 years	50	30.12 %	9	5.42 %

Source: Own questionnaire survey in 2017

The stability of public finances in Slovakia and revenues to the public budget are largely influenced by the VAT evasion [Rabatinová 2018]. In particular, issuing fake invoices and refund of excessive VAT deductions from the state budget has an impact on reducing its revenue side. The attitudes of respondents to the illegal refund of excessive VAT deductions and to the participation in the VAT fraud are included in the table (Table 4).

Table 4. Attitude of respondents to participation in the VAT fraud (refund of excessive VAT deduction) - the number of respondents by age and gender and in % of total respondents by gender

Respondents by age and gender	Participation in VAT fraud		Non-participation in VAT fraud		Non-participation in VAT fraud, reporting tax fraud and cooperation in the investigation	
Men aged 19 - 21 years	10	12.35 %	29	35.80 %	8	9.88 %
Men aged 22 - 26 years	13	16.05 %	15	18.52 %	6	7.41 %
Women aged 19 - 21 years	14	8.43 %	72	43.37 %	21	12.65 %
Women aged 22 - 26 years	5	3.02 %	40	24.10 %	14	8.43 %

Source: Own questionnaire survey in 2017

By synthesizing the findings from the questionnaire survey, and in particular from the attitudes of respondents to the effectiveness of tax audits in Slovakia, it is possible to deduce the justification of the behavioural approach to risk assessment of the taxpayers, using the appropriate instruments to promote the tax reliability. The introduction of the Tax Reliability Index in Slovakia is a reliable way of building mutual trust between the taxpayer and tax administrator with the impact on the efficiency of tax collection.

3. RESULTS

In the questionnaire survey, most respondents point to the very low efficiency of tax audits in Slovakia. From the attitudes of respondents it follows that the state will only detect about one third of the tax evasion and fraud. Of the total number of 81 men, up to 23 respondents aged 19 to 21 years expressed such an opinion. A similar attitude was also taken by female respondents aged 19 to 21 years, when out of a total of 166 women, up to 65 respondents expect that the state reveals only one third of the tax evasion and fraud (Table 2). It should be noted that respondents, who estimate that the state will reveal only one fifth of the tax evasion and fraud, are also a large group. This opinion was expressed by up to 19 men aged 19 to 21 years and 24 women aged 19 to 21 years (Table 2). The results of the survey among the young respondents point to their low confidence in the tax authorities to reveal the tax crime of taxpayers.

The evaluation of the results of the questionnaire survey on paying the income tax on a sample of 247 respondents (women and men aged 19 to 21 years and 22 to 26 years) showed that the most respondents have high tax morale.

34 men aged 19 to 21 years and 22 men aged 22 to 26 years would use the income tax optimization within the law. Men aged 22 to 26 years were more responsible than men in the age group 19 to 21 years in the case of illegal adjustment of the income tax base (Table 3, Figure 1).

In the case of respondents' attitudes to the value added tax fraud, the opposite situation occurred. Men in the older age group 22 to 26 years, a total of 13 men, would be more likely to participate in the VAT fraud (Table 4, Figure 1).

In the case of female respondents, women aged 19 to 21 years would be more likely to participate in the illegal adjustment of the income tax base, a total of 16 women (Table 3, Figure 1). Similarly, 14 female respondents aged 19 to 21 years would be involved in the VAT fraud (Table 4, Figure 1).

Figure 3. Positive attitude of respondents to participation in the VAT fraud and to the illegal income tax reduction in % of total respondents by gender and age

Source: Own questionnaire survey in 2017

Approximately 70% of the 81 men showed relatively high tax discipline and a responsible approach to paying income tax. Within the law, 56 men would optimize the income tax liability. Non-participation in the VAT fraud was reported by 58 men, representing 72 % of 81 men.

Women showed even higher tax morale than men. Up to 85 % of female respondents would adjust the income tax liability within the law, representing 141 women out of 166. Up to 87 % of female respondents would not be involved in the VAT fraud, representing 147 out of 166 women taking part in the questionnaire survey. The results of the survey show that women, in the both age groups, participated to a lesser extent in the VAT fraud as well as in the illegal adjustment of the income tax base (Table 3, Table 4).

Some respondents claim that they would take into account a degree of detection risk of tax evasion or fraud if they would illegally optimize their income tax liability. However, the majority of respondents were not willing to take any risk of revealing the illegal procedure. Part of the respondents (both men and women in both age groups) would optimize tax expenses and thus pay some amount of the tax to the state. Others point out that there are too many taxpayers in Slovakia who deliberately distort tax liability or fail to pay tax, so they refer to tax morale and to the prevention of corruption. From the statements of some respondents regarding VAT evasion and fraud resonates a fear of revealing their unfair behaviour by tax audit. They also argue with some practical experience that has led to the detection of illegal refund of excessive VAT deductions. Male and female respondents expressed their negative attitude towards tax evasion at all. However, in the case of non-participation in the VAT fraud, reporting fraud to the tax authority and cooperation in the fraud investigations, respondents expressed their concern about social conviction in the case of their disclosure as the whistleblower of the illegal activity.

CONCLUSION

Tax policy of the state is largely influenced by the normative measures taken and effective procedures for the collection of taxes and the elimination of tax evasion and fraud. However, it should be taken into account the fact that the behaviour of the taxpayer can also be influenced by its sociological relations with the society or the group of people in which it operates. Also, the attitudes of respondents of the questionnaire survey affected not only socially accepted standards, but also their personal attitudes towards the tax evasion and fraud, corruption and the trust or distrust to the tax authorities.

The tax authorities can achieve more effective tax collection by knowing the tax reliability of individual taxpayers. A suitable approach for assessing the tax reliability may be the compliance pyramid, in which taxpayers are segmented in the categories according to the risk associated with the collection of taxes. The application of more targeted instruments and measures of the state tax policy is associated with a cer-

tain degree of tax reliability. This approach rewards those taxpayers who meet their tax obligations properly and on time. A more individual approach to the taxpayers is assisted by assessment technologies of tax discipline and tax reliability based on the processing large amounts of data on taxpayers (e.g. big data technology). This leads to a more accurate and targeted assessment of the taxpayer's risk, as well as to the application of more targeted tax audit, which may be focused on the risk area of the taxpayer's business.

In 2018, the Tax Reliability Index was implemented in Slovakia. This pro-client project of the Slovak Financial Administration is a tool for strengthening the voluntary tax payments. Based on the assessment of taxpayers using an internal analytical tool of the tax administrator, the financial administration provides benefits to tax-reliable entities. A reward for timely and proper fulfillment of tax obligations may be for instance an agreement between the tax administrator and the taxpayer. For the most reliable entities, the tax audit can be replaced by a local survey. The Financial Administration of the Slovak Republic informed that approximately 59 % of the audited taxpayers were granted the Tax Reliability Index. As the tax reliability of taxpayers is being constantly reviewed, other taxpayers have the opportunity to improve their position and use some of the benefits offered. The financial administration expects to extend the range of offered benefits.

The effective collection of taxes as well as the deepening trust between the taxpayer and the tax administrator in Slovakia is also supported by the establishment of call centres, client centres as well as provision of educational materials and self-help tools for calculating the tax liability, such as online calculators. Another possibility of mutual cooperation between the tax administrator and taxpayer is to detect deficiencies and errors using the softwarming system. This system draws the taxpayer's attention to the shortcomings not only in the electronic tax returns, but also to the errors in the mandatory reports and documents sent by the taxpayer electronically to the tax administrator. Preventive tools and technologies have a significant impact on the precise filling of the tax returns, which has the effect on preventing tax evasion and fraud. The technical level of tools and programs verifying different facts about the tax obligations of the taxpayers is constantly growing. These tools are more targeted and reflect the behavioural approaches to tax collection.

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FEATURES AND MODELS OF SPANISH AND POLISH DEMOCRATIC TRANSITIONS: MODERN INTERPRETATIONS, EXPERIENCE AND LESSONS FOR UKRAINE

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Abstract.

The article analyses systematic, historical and comparative approaches to the preconditions, progress and positive results of democratic transitions in Spain and Poland and outlines the possibilities and recommendations for the Ukrainian community for creative utilizations of the experience and lessons of transitive practice in Spain and Poland. The starting points of these countries in the run-up to the transition to democracy, the causes and factors that led to peace, through negotiations and pacts, and the democratic transformation of Spanish and Polish societies, are examined. The reasons for Ukraine's systemic lagging behind in implementing a full-fledged systematic democratic transition are summarized and systematized in a comparative way.

Key words: *"The Third Wave" of Democratization, Democratic Transit, Moncloa Pacts, "Negotiation Revolution", Ukraine.*

INTRODUCTION

Transition to democracy is the overarching trend of modern world processes. According to S. Huntington, Spain, Poland and Ukraine belong to the group of countries that in 1974-1975 started their "third wave" of global democratization, and that the democratic revolutions of the late 1980s - early 1990s in Eastern Europe, the collapse of the USSR and Yugoslavia and the emergence of a number of new sovereign states on their territories are the end of this wave [Huntington, 13, 52, 179]. True, the question of the end of the "third wave" of democratization is under active discussion. Over a

quarter of a century, since the beginning of the "third wave" of democratization, the number of democracies in the world has increased, in fact, it has more than tripled. While in 1974 there were only 39 democratic countries in the world (27.5% of all the states), by the end of 2015, their number had increased to 125 (64%) [Radchenko, 2009].

The Spanish and Polish experiences of a peaceful and successful transition from authoritarian political systems to full-fledged democracies, in addition to unprecedented historical conditions, are, in our view, unique and of not only theoretical but also primarily practically applied interest to countries that are still in a state of democratic transition. This directly concerns Ukraine. Ukraine needs to use creatively the experience of transition in Spain, which is considered to be a textbook example, and its neighbour Poland, whose start-up transit opportunities have been compared to Ukrainian ones. The state of uncertainty, which currently characterises the Ukrainian society is interpreted by the Ukrainian scholars in various ways: some see it as a continuation of a prolonged, non-linear transition period, which so far has produced the hybrid regime with the prevalence of authoritarianism at some stages and of electoral democracy at others; some see it as the placement of a country into a so-called "grey zone", whose representatives have vague perspectives for completion of transition to democracy; some see it as the establishment of a regime that meets the criteria of an electoral, defective, manipulative democracy; and some simply see it as some kind of authoritarianism [Kolodij, 2010].

On the background of the painful and contradictory nature of the process of forming the civil society and the implementation of post-communist institutional and liberal economic reforms, it is important for an independent and sovereign Ukraine to clarify and study, both theoretically and practically, the reasons and preconditions of Spain's and Poland's successful and effective democratic transit. Thus, the purpose of our scientific study is to compare the preconditions, course, reasons behind the successful results of democratic transition in Spain and Poland, whose experience and lessons can become a significant foundation for Ukraine in its implementation of constructive tasks of modern democratic state-building.

1. LITERATURE REVIEW

Foreign and Ukrainian historiography of democratic transitions, their peculiarities and models is quite wide. Among foreign, Spanish, Polish and Ukrainian scientists, the theoretical and applied research of these issues was carried out by D. Rastow, S. Huntington, L. Diamond, P. Schmitter, H. M. Maraval, R. Kotarelo, M. Kasiagli, A. Przeworski, A.Antoshevsky, E.Vetr, A.Romaniuk, V.Kobylnyk, A.Kolodiy. G. Zelenko, T. Silver, S. Vonsovich, O. Tkach, O. Radchenko, K. Nebrat, I. Zadorozhny and others. Ukrainian scientists are actively pursuing scientific theoretical and applied research of the issues of democratic transitions. First of all, they have made a significant contribution to the development of the theoretical aspects of this issue. Thus, O. Ro-

manyuk and A.Kolodiy specify a number of changes in the categorical and conceptual apparatus used in the context of democratic transitions: legitimacy of such terms as transit, transformation, transition; outline the methodological principles for developing transformational models; characterize the various tried and tested models of democratic transition (direct transition model, two-phase transition model, reverse development model); suggest the periodization (stages and stages) of democratic transformations in Ukraine, etc. [Romaniuk, 2006:35-49; Kolodij, 2010].

T. Byelska explored different concepts and approaches in the interpretation of the term "democratic transit", understanding it as a temporary process, as a way of moving to a goal, as a route that does not exclude straight and smooth segments of the path, as well as patchy, winding, interrupted. The author emphasizes that the practice of "democratic transit" requires the establishment of a number of criteria, which can be attributed to reasons, duration, periodization, foreign policy aspect and results [Byelska, 2013: 78-83].

V. Kobylnyk devoted his research work to the peculiarities of starting positions of democratic transition in Ukraine and Poland. The scientist compared the conditions in socio-political and economic spheres of these two countries in the process of post-communist democratic transformation. As the starting points in his research V. Kobylnyk includes the level of public's readiness for political, economic and ideological changes; the level of dependence of the old communist elite on the imperial centre; level of political and economic liberalism allowed by the communist regime during the last years of its existence; the size of the new elite and its political will to make a decisive transition to democracy; degree of social consolidation around the idea of transformation; development of civil society institutions; financial and economic situation of the country, etc. [Kobylnyk, 2010: 72-82].

I. Zadorozhnyi and O. Babkina studied the transformation processes in the political system of Poland in conditions of transition to democracy, the preconditions and risks of a transitional society [Zadorozhnyi, 2010: 74-178; Babkina, 2015: 3-11].

O. Bezruk and I. Denysenko analysed the theory and practice of democratic transition in the Ukrainian society, using the known theoretical constructs of democratic transformations presented in the Western scientific community (from D. Rastow to S. Huntington) doing that in the context studying the level of and prospects for further democratization in Ukraine. In this respect, scholars consider K. Offe and T. Kuzio's model of democratic transformation to be the most expedient and promising one as it presupposes the establishment of political democracy; approval of principles and mechanisms of market economy functioning; formation of a national state and of a political nation [Bezruk, Denysenko, 2013:13-27].

Despite the considerable achievements of Ukrainian scientists in the field of studying the peculiarities and specifics of the Ukrainian democratic transition, finding out its shortcomings, miscalculations and causes of imperfection in comparison with Polish transitive practice, which were outlined as the purpose of our article, is not yet properly developed.

2. RESULTS OF THE RESEARCH

2.1. ANALYSIS OF THE REASONS FOR THE EFFICIENCY OF THE SPANISH DEMOCRATIC TRANSIT MODEL

The Spanish version of the transition from Franco´s authoritarian regime to a full-fledged parliamentary democracy that took place peacefully on the basis of a negotiated consensus between the leading political forces (the conclusion of the Moncloa Pacts) is considered to be a textbook one. This "new Spanish model" has become a dominant model of democratic transition in many countries of the world: from South America to Eastern Europe.

The question naturally arises, what contributed to the implementation of this classical model of transition by the Spanish society? First and foremost, the Francoist political system, which has made several fundamental transformational innovations that ensured Spain's peaceful and rapid transition to democracy, played a historic role in the implementation of this unique democratic transit. Firstly, the fact that the head of state F. Franco chose the monarchical form of government after his death was of historic importance for the future of Spain. A serious political struggle ensued around the post-Francoist state institutions. Passing the Law of Succession to the Headship of the State (July 6, 1947), the authoritarian Francoist regime resolved a number of problems: ending internal disputes and debates that had erupted in the Francoist political camp (between the Francoists and the opposition) around the issue of government after the death of epy caudillo; determined the time and order of the transition of power to the representative of the royal dynasty. Juan Carlos I, who was proclaimed King in November 1975, began his rule by turning the monarchy into an institution of reconciliation and a mediating force that exerted itself over all social conflicts [Marin et al., 2001:146-154; Preston, 2004:354-397].

Another factor that determined the uniqueness of Spanish democratic transit is the economic policy pursued by Franco. The activities of the Francoist state in the field of economy testify to the phenomenal economic and social changes in Spain during 1939-1975, its transformation into an industrialized country, raising the material well-being of the Spaniards to the Central European level and, most importantly, formation of the middle class, which became the pillar of democratic and political reforms of the Spanish state in the transition from authoritarianism to democracy [Payne, 1987:477-651; Marin, 2001:172-183].

Spanish democratic transition was aided by cultural and educational modernization implemented by the Francoist state. In the late Francoism, there were different spheres of public life, associations, public and professional organizations, opposition, and an atmosphere of political debate that were not controlled by the state. In the late 1970s, before the beginning of the democratic transit, many class, party and economic conflicts were resolved. Thus, in the depths of authoritarian Francoism, a civil society was formed, which made it possible to achieve reconciliation and unity of

the nation (except Basque Country).

Given the role and place of the military in the past history of Spain, Spanish caudillo largely disciplined and depoliticized military institutions, deprived the army of the right to corporate interference or to vote, insisted that Prince Juan Carlos acquired a military education, thus securing high authority of the future king in the military environment, subordination and apolitical nature of the soldiers during the transition to democracy (this determined the failure of the anti-state coup-de-tat (February 23, 1981) [Vilalonga, 2003:172, 175,181-210; Davydov, 2006:42].

The peculiarity of the Spanish democratic transition was that the Francoist laws and structures were gradually dismantled, they existed for some time parallel to the newly established democratic institutions, and the bureaucracy of his times was not persecuted. Democracy in Spain was introduced from above, legally and also with the participation of statesmen of the Francoist era.

The idea of signing a comprehensive treaty between all the major political forces (right and left), in which all important national problems of the transition period could be settled, was becoming more and more popular within the Spanish community. It came about as a result of the roundtable talks in Moncloa (Madrid government residence) and the signing of the Moncloa Pact in October 1977, which provided for mutual commitments and assurances from political forces to implement a range vitally important steps for the state. Signing of this Pact ensured social cohesion and an opportunity to overcome the crisis, demonstrated a high degree of responsibility of Spain's major political forces, their willingness to make a reasonable compromise in the name of their country's future. The Moncloa Pacts are the "testimony to the politics of co-operation and concession of major political parties, the intelligence and moderation revealed by F. Gonzalez (leader of the Spanish Socialist Workers' Party (PSOE)), S. Carrillo (Communist Party of Spain (PCE)) and other opposition leaders." "The Moncloa Pacts are an example of pragmatism and a will to compromise on the part of political elites," that is how specialists in the field of Hispanic studies assessed this historic document of Spain [Powell, 1995:194-237, 238-266; Ivanytska, 2016:395-404].

The signing of the Moncloa Pacts, despite their palliative nature in the short term perspective, played a key role in overcoming the risks of the transition period, helped to avoid the collapse of the Spanish economy at a key stage of the transition to democracy, to create an atmosphere of "civilized coexistence" of the country's leading political forces, and subsequently, after adoption of the Constitution, to affirm Western-style parliamentary democracy. All in all, the Spanish democratic transition ended in an unprecedented time, in 1982, when PSOE led by F. Gonzalez won the parliamentary elections and formed a government that continued further democratization of the country.

2.2. ANALYSIS OF THE PECULIARITIES AND CIRCUMSTANCES OF THE SUCCESS OF THE POLISH VARIANT OF TRANSITION TO DEMOCRACY

Democratic, anti-totalitarian revolution of 1989 in Poland was the first revolution of its kind in Central and Eastern Europe. Specifying the features and forms of similar revolutions of the late 1980s - early 1990s in this region, we note that they differ significantly in this characteristic. Thus, in Poland, as in Hungary, the transfer of power took place peacefully, in a civil way, without public shocks. They are sometimes called "negotiating revolutions", "round-table revolutions" or "coming to power through the establishment of a pact", when the reformist wing of Polish United Workers' Party (PZPR) agreed upon revolutionary changes through negotiations with the democratic opposition [Nebrat, 2016:34; Ivanytska, 2017:281-282, 306-308].

The communist regime on the territory of Ukraine, under the leadership of the Bolshevik Party, was marked by the extreme cruelty with which they destroyed everything Ukrainian and by total imposition of communist ideology. Instead, a number of factors in Poland became fundamental to the victory of the peaceful (negotiation) model of the democratic transit. First of all, Soviet socialism with communist ideology was introduced to Poland from outside and was not accepted by a large part of the Polish society. This was reflected in numerous crises, mass anti-government protests in 1956, 1968-early 1970s, the 1980s. The mass protest movement of the Poles forced Moscow to allow the Polish government to pursue more liberal policies in various spheres of public life, especially in economy, science and culture. The Polish society, under the control of the USSR, retained many pre-communist institutions and traditions, in particular, the Moscow-based collectivization collapsed in the Polish village and the Polish independent peasantry became a powerful private-owned sector.

The moderate liberal PZPR policies contributed to the creation and effective functioning of the open democratic political opposition and other civil society institutions in the late 1970s and early 1980s, which were powerful enough to lead the country's reform process during the democratic transit. In fact, the emergence and activity of new opposition political forces in Poland was the beginning of democratic transformations. However, in Ukraine any attempts to structure and organize political opposition were immediately suppressed and severely punished.

An important role in initiating democratic transit is played by the national political elite. Even within the Polish ruling elite, a powerful group of reformers was formed, who challenged the communist ideology and practice of socialist construction, and who, along with the political opposition, would take the lead in building up the parliamentary democracy. In 1995, Polish opposition forces gained full power as a result of parliamentary elections. In Ukraine, the "new" political opposition was small in number and under-supported by the community. Therefore, the democratization of the country was headed by the old communist-party nomenclature, which did not seek any socio-political or economic changes [Kobylnyk, 2010:72-82; Antoszewski, 2002].

CONCLUSION

A concise comparative analysis of the preconditions, progress and results of the Spanish, Polish and Ukrainian democratic transitions allows us to draw the following parallels and conclusions, and to note their peculiarities in the transition process:

1. Spain made the transition to a democratic society from an authoritarian political system of stabilization and reformation; Poland had a hybrid, authoritarian-totalitarian system; Ukraine had a Soviet-socialist, totalitarian system;

2. During the years of late Francoism, a market economy and an influential middle class were formed in Spain which both served as a stabilizing basis for democratic transformation; mostly similar innovations occurred in Poland; as for Ukraine, at the time of transition it had a planned, controlled, state economy and deformed structures of the post-Soviet society;

3. Spain, after the death of the Head of State, Caudillo F. Franco, carried out only political modernization. Even under the communist regime, Poland did not lose its independence, and transition to democracy was not combined with issues of state formation; in Ukraine, in the absence of a state ideology or civil society institutions, the need for a radical transformation of both the foundation and the superstructure arose; Ukrainian democratic transition has been combined with the need to build an independent statehood;

4. Political changes, which occurred in Spain and Poland, were in conditions of a consensus (Moncloa Pacts, Roundtable), of joint decisions between the reformist wing of the Francoist regime and the main political forces of the democratic opposition, between the PZPR and Solidarity and other opposition movements. In Ukraine, in the absence of a well-formed and structured democratic opposition, the old communist-party nomenclature, which was not replaced by the new democratic political elite, continued to occupy leading positions in the state; the Spanish only amended the national aspects of their own self-identification, strengthened by Francoism; Poland was characterised by a strong national identity; the Ukrainians are forced to rebuild their national spirit and self-identification that were ruined by the Soviet Anti-Ukrainian policy;

5. In Spain and Poland, there were authoritative national leaders capable of making non-standard decisions: King Juan Carlos I, Adolfo Suarez, Santiago Carrillo, Felipe Gonzalez; in Poland - Lech Walesa, Tadeusz Mazowiecki, Adam Michnik; there were no such leaders in Ukraine;

6. An important role in the success of democratization was played by the religious factor: Catholic countries, including Spain, Poland, were close in mentality to the Western social model, while this was not in line with the mentality of Eastern Orthodox civilizations, to which Ukraine belongs to;

7. The Spanish nation was already an integral part of a united Europe during the liberalization of the Franco regime; the Polish nation was at its doorstep; the Ukrainian nation is only now returning after long isolation to the European world.

Summarizing the above, let us turn our attention to the existing gaps in the comparative studies of democratic transitions in the Ukrainian political science: there is an urgent need for a broader, more comprehensive, analysis of the world practice of democratic transitions, to clarify different interpretations of their models, stages and conceptual foundations for the study of the transition to democracy, the identification of development scenarios; development of theoretical and practical recommendations and improvements to the methods of comparative research in political science in accordance with the standards of modern worldview.

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TRADE ELASTICITIES
IN THE SLOVAK REPUBLIC

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Abstract

Slovakia as the small and very open economy with relatively limited scope of domestic market, insufficient raw materials and low agricultural potential is predestined for a further development of international trade and relations. One of the most important issues in open economies is to determine the effects of income and relative prices on the international trade. The purpose of this paper is the estimation of the price and income elasticities of the international trade in the case of the Slovak Republic. We use panel data regression for the Slovak economy in the period 1995–2018 for estimation import and export demand functions. Furthermore, these elasticities are re-estimated for different sub-periods in order to verify whether they are stable over time or they are changing with respect on the type of the exchange rate mechanism and adopting the euro by the Slovak Republic. We suppose that the income export elasticity will be high and the price elasticities will be low due to the participation of the Slovak Republic in the Eurozone and the high share of the EMU countries in the Slovak trade.

Key words: *income elasticity, price elasticity, exports, imports, international trade*

INTRODUCTION

Foreign trade is one of the ways in which the national economy of the country is involved in the international division of labour with other countries. The extent of the participation of countries in international trade depends on the various economic, political, natural, technical or other conditions. Due to the relatively small internal market and lack of sufficient energy and raw materials the Slovak economy is very open in the long run. As shown in Figure 1, the openness of the Slovakia has been growing during last two decades and it is predicted to increase in the future. It reached 185.2 % of GDP in 2019. The value of the exported goods and services represented 93.1 % of GDP; and import counts for 92.1 %. Slovakia enjoys the following advantages, which have positive impact on its foreign trade:

Central location in Europe;

Low labour costs with relatively high labour productivity; average monthly wage is lower than in the Czech Republic, Poland or Hungary;

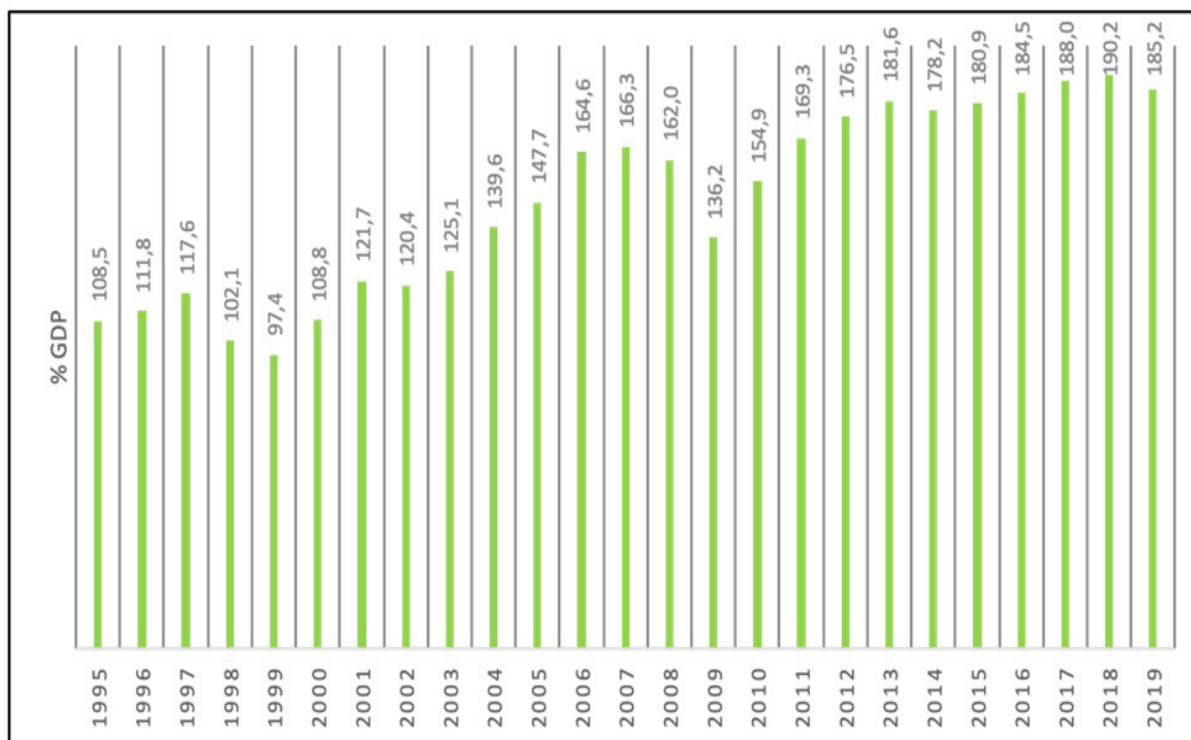Availability of the highly qualified specialists;

Low operating costs;

Developing infrastructure;

High innovation potential in research and development;

Attractive investment locality with the market economy and high growth potential.

Figure 1: The openness of the Slovak economy

Source: Eurostat, 2020

Slovakia has changed its territorial orientation very quickly during the transformation process of the economy. In 1989, the 70 % of the export was directed to Council for Mutual Economic Assistance´ countries (CMEAS/COMECON), 14 % to developing countries and 16 % to developed countries. Nowadays, the European countries receive approximately 90 % of Slovak exports and create 65 % of its imports. Germany is the main trade partner of the Slovak Republic since 1998 and still holds its leading position. Common foreign trade exchange is determined mainly by the activities of the automobile companies.

Table 1: Slovak imports and exports by country and groups in 2018

Country	Imports		Exports	
	mil. EUR	%	mil. EUR	%
TOTAL	76 835,0	100,0	79 144,5	100,0
OECD	51 207,2	66,6	70 035,7	88,5
EU-28	51 068,0	66,5	67 229,9	84,9
Germany	13 707,0	17,8	17 547,4	22,2
Czech Republic	7 854,7	10,2	9 299,4	11,7
Poland	4 287,5	5,6	6 055,5	7,7
Hungary	3 589,7	4,7	4 764,5	6,0
EUROPE	51 922,6	67,6	71 393,5	90,2
Russia	4 561,4	5,9	1 511,4	1,9
ASIA	17 102,7	22,3	3 337,9	4,2
China	4 584,2	6,0	1 363,2	1,7
Republic of Korea	4 491,7	5,8	99,8	0,1
Japan	479,8	0,6	135,0	0,2
AFRICA	450,7	0,6	666,5	0,8
AMERICA	1 203,0	1,6	3 529,5	4,5
USA	733,6	1,0	2 627,9	3,3
AUSTRALIA	15,4	0,0	155,4	0,2
UNSPECIFIED	6 139,6	8,0	60,7	0,1

Source: www.statistics.sk, 2020

The development of foreign trade and export performance has suggested long-term superiority of the import intensity of the Slovak economy and the resulting trade deficit. The situation changed in 2009, when the active balance of foreign trade was first time achieved, and this persists until today. However, there is no obvious gap between imports and exports, which is why trade balance is not highly imbalanced. The great economy´s openness creates conditions for a huge economic growth. However, there is permanent risk of external (negative or positive) influences on the performance of the Slovak economy. As a result of the global economic crisis, the disadvantages of such a high openness of the economy began to show. Slovak foreign trade decreased in 2009 as a result of the economic crisis. Global crisis influenced

Slovakia´s performance and export because of its high orientation on luxury goods´ production with a high elasticity of demand, as automobiles and electronics. The demand for these products is highly elastic and depends on our foreign trader´s incomes, which decreased during the crisis. The Slovak Republic has got especially in a case of a favorable world development huge growth potential; however, the negative development in the external environment causing the decrease of the foreign demand negatively influenced the economy´s performance.

Table 2: The balance of trade of the Slovakia in mil EUR (goods and services)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Import	52 858,6	60 040,7	62 840,9	65 441,2	66 114,1	70 943,3	73 565,2	78 531,0	84 395,8	86 744,1
Export	52 647,4	60 542,9	66 896,6	69 607,6	69 788,1	73 395,8	75 955,3	80 380,6	86 213,1	87 712,1
Balance of trade	-211,2	502,2	4 055,7	4 166,4	3 674,0	2 452,5	2 390,1	1 849,6	1 817,3	968,0

Source: Eurostat, 2020

Due to high level of openness and extensive trade flows Slovak economy is very exposed to external conditions and strongly depends on economic development of its foreign trade partners. In international economics the import and export demand functions are used to describe how the trade flows as functions of real incomes and relative prices influence the national economy and the welfare gains from trade. The demand functions for imports and exports represent the quantity demanded as a function of the level of income in importing country, the price of imported goods, and the price of domestic substitute. For econometric specification of these functions we use the elasticities approach. These elasticities are useful for macroeconomic forecasting and implications for economic policy. If export price and income elasticities are low, changes in external conditions or in the exchange rate have a weak impact on a country's growth or its current account dynamics. Price elasticities can indicate the relative strength of a country's production, like the quality of goods. Income elasticities are closely correlated with the export growth rate and reflect the non-price competitiveness of a country and are influenced by factors like export composition by goods and destination markets, embodied technology, marketing strategies and promotion, distribution services, financial assistance to exporters, and so on [Baiardi et al. 2014].

The aim of this paper is to estimate the export and import price and income elasticities for the economy of the Slovak Republic in order to quantify the effect of the potential determinants of imports and exports. We suppose that the income export elasticity with respect on the level of openness will be high and the price elasticities will be low due to participation of the Slovak Republic in the Eurozone and the high share of the EMU countries on the Slovak trade. Furthermore, these elasticities are

re-estimated for different sub-periods. Our aim is to verify whether they are stable over time and the exchange rate mechanism or they are changing. We suppose that the Slovak entry to the EMU and adopting the euro influenced the Slovak trade and the result can be a decrease in price elasticities due to participation in monetary union and the fact that trade with the EMU countries counts for more than 40 % of total imports and almost 50 % of total exports. Moreover, with the increasing level of openness the income elasticities should grow. We admit that the estimation is based on a little set of observations, what is typical in the case of transition countries, where the length of available time series is limited.

The rest of the paper is organized as follows: the second section gives an overview of the relevant research on the topic. The third section presents a methodology applied in the estimation, as well as the variables included in the specification and data characteristics. Estimation results are presented in the fourth section, while the fifth concludes the paper.

1. LITERATURE REVIEW

The estimation of the export and import sensitivity to the price and income changes is an important feature for macroeconomic policy. Namely, the relationship between export and economic growth is widely explored topic in the economic literature. Their strong correlation is confirmed in many analyses. The results in various papers often differ to a significant degree, not only among different countries, but also for the same country in different estimations. This is the result of differences in model specification, the choice of variables and data, and the econometric method applied. On the other hand, a common characteristic of most of these papers is their theoretical background in imperfect substitute's model.

The role of income and prices in international trade has been the focus of the studies since 1960s [Prais 1962; Taplin 1973; Stern et al. 1976]. These studies define, summarize, and evaluate the main methodological and policy issues of the estimation of trade equations. The papers by Houthakker and Magee [1969], and Goldstein and Khan [1985] offer a basis for many researchers in this field. Senhadji and Montengro [1998] argued that the higher the income elasticity of demand for exports, the more important exports will be for growth. In addition, the higher the price of export elasticity is, the more competitive the international market for exports of the particular country is. Furthermore, Senhadji and Motengro found out that exports could be used as an engine of growth in developing countries while price elasticities were on the average close to zero in the short-run, and to one in the long-run.

Recent scientific literature on Slovak trade flows is minimal. Vagač et al. [2001] analysed the Slovak trade data from 1993 to 2000 and assessed the impact of EU accession on the Slovak foreign trade performance under the conditions of the transition economy. However, Slovak economy came through different changes since then, such as the EU and the EMU integration. That is why within the huge research on this top-

ic we primary focused on papers which have dealt with the estimation of import and export elasticities for countries in the region and are comparable to Slovakia, such as the Czech Republic or Croatia. Benaček, Prokop and Višek [2003] applied panel data methods on sectoral data for Czech trade flows, estimating static random and fixed effects models. Benaček, Podpiera and Prokop [2005] estimated both, a static and a dynamic model, for Czech foreign trade. Tomšik [2000] also estimated Czech import and export elasticities using OLS on aggregate and sectoral trade series. Income and price elasticities of Croatian trade have been the topic of analysis in Mervar [2003], with the export and import functions being estimated using OLS as well as other methods. Kadievska-Vojnovic and Unevska [2007] estimated the long-term price and income trade elasticities and their practical application in Thirlwall's economic growth model in the case of the Republic of Macedonia.

Several conclusions can result from empirical studies on demand for exports and imports. Firstly, the sum of price elasticities of import and export demand in industrial countries regularly exceeds one. Second, short run elasticities are always less than long run ones. Third, income elasticities are much higher than price elasticities especially in the short run. And finally, if imports and exports are categorized into their components, then there will be significant differences in price and income elasticities across commodity groups [Jones & Kenen 1985].

2. METHODOLOGY

To estimate the export and import function with coefficients representing income and price elasticities, we have used a panel regression with fixed effects. To ensure data homogeneity, source of dataset is UNCTADstat except for the exchange rate. For the exchange rate, we have used the data from the statistics database of the National Bank of Slovakia. The research covers period from 1995 to 2018, which is 24 periods. Cross-section units are the main 10 Slovak trade partners. These 10 countries capture more than 68 % of the total Slovak export and almost 65 % of the Slovak import. The list of the main trade partners is in Appendix. Further, the analysis continues with the sub-period specification. The first period is dated to 1995-2008, that means the use of the own Slovak currency. Second period starts with the Euro adoption in 2009 and end in 2018 due to the data availability. We assume the price elasticity is become lower after the Euro adoption.

The export function is expressed as

$$logEX_{SVK,t} = a * logGDP_{i,t} + b * logER' \frac{CPI_{SVK,t}}{CPI_{i,t}}$$

W h e r e $logEX_{SVK,t}$ is the logarithm of the Slovak export to country i in time t, is the logarithm of GDP for country i in time t and, $logGDP_{i,t}$ represents $logER' \frac{CPI_{SVK,t}}{CPI_{i,t}}$ the logarithm of real exchange rate calculated as the nominal exchange rate adjusted by the ratio of consumer price index for the Slovak Republic in time t and consumer

price index for country i in time t (the ratio of price levels in Slovakia and the partner country).

Second is the import function:

$$logIM_{i,t} = a * logGDP_{SVK,t} + b * logER \frac{CPI_{i,t}}{CPI_{SVK,t}}$$

Where is the logarithm of the Slovak import from country i in time $logGDP_{SVK,t}$ t, is the logarithm of the Slovak GDP in time t and, $logER \frac{CPI_{i,t}}{CPI_{SVK,t}}$ represents the logarithm of real exchange rate calculated as the nominal exchange rate adjusted by the ratio of consumer price index for partner country in time t and consumer price index for the Slovak republic in time t (the ratio of price levels in the partner country and Slovakia).

Variable GDP in export function shows the market size of partner country, respectively the income of the country. Thus, the higher the GDP of a country, the higher export to this country is expected. Estimated coefficient for income elasticity shows, how will export increase in the case of partner GDP is raising by 1 %. To estimate the price elasticity, we have used the variable that is nominal exchange rate multiplied by the ratio of price index in the Slovak Republic and the price index of partner country. This variable is the real exchange rate of the Slovakia to partner country. In fact, it is the relative price of exported goods in the foreign currency in comparison to prices in a partner country. The increase of inflation in the Slovakia (or the decrease in partner country) or the appreciation of the Slovak currency should lead to decrease of export and vice versa.

In import function, GDP of the Slovak Republic is the representative of its income. Higher income should lead to higher import to Slovakia. The variable representing relative prices is the price of imported goods in national currency. The increase in the Slovak inflation (or fall in inflation of partner countries) raises the import because the foreign goods are relatively cheaper. The same holds for the appreciation of the Slovak currency.

3. RESULTS

Results of the panel regression for income and price export and import elasticities are summarized in the Table 3.

Table 3: Income and price elasticities of the Slovak export and import

	Income elasticity	Price elasticity
Export	1.47	1.82
Import	1.19	-0.72

Source: Authors

Income export elasticity is positive and higher than one. It means the growth of partner GDP by 1 % increases the Slovak export by 1.47 %. This is what we have ex-

pected. The Slovak Republic as the small open economy depends on foreign demand. Its growth expressed in the GDP of a partner country cause that the Slovak export is rising. Furthermore, export is elastic due to its orientation on luxury goods like automobiles and electronics. Price export elasticity is positive. Even though the ratio of the Slovak and foreign prices is rising, or the Slovak currency appreciates, the Slovak export increases. The expectation was opposite. Explanation can be found in a character of the Slovak economy, which is still transforming (developing) country with orientation on export. Furthermore, absolute price level in Slovakia is still lower than in developed countries and nor the higher growth of domestic prices relatively to foreign prices will not eliminate this gap. As a result, the Slovak Republic will export without consideration of domestic and foreign price levels.

The results for import elasticities correspond with the expectation. The higher the Slovak GDP, the higher the import. The 1 % growth in national GDP causes the increase in import by 1.19 %. On the other hand, the growth in ratio of foreign to domestic price level or the exchange rate depreciation will affect the import negatively. The 1 % growth in these variables declines the import by 0.72 %.

The analysis goes further with regressions and estimations of elasticities for sub-periods. These are years 1995-2008 and 2009-2018. The break point – the year 2009 relates to adoption of Euro by the Slovak Republic. We assume the lower export and import price elasticity in period 2009-2018 as between 1995 and 2008.

Table 4 shows the estimation of income and price export elasticities for period 1995-2008. The 1 % GDP growth in partner countries increases the Slovak export by 1.30 %. Price elasticity is no standardly positive. The 1 % growth in relative price of Slovak export increases the export by 2.05 %. The explanation of such situation is similar as for the whole period. This first period represents the beginnings of the transformation and convergence processes. Prices of Slovak goods were very low in comparison to the world prices that represent the high comparative advantage and export was growing rapidly.

Table 4: Income and price elasticities of the Slovak trade for period 1995-2008

	Income elasticity	Price elasticity
Export	1.30	2.05
Import	1.09	-1.23

Source: Authors

Import elasticities for period 1995-2008 are very similar as in main period. The 1 % growth in the Slovak GDP raises the import by 1.09 %. Also, the 1 % increase in foreign to domestic prices ratio or depreciation of exchange rate causes the fall of import by 1.23 %.

Second period 2009 – 2018 analysis starts with the estimation of export elasticity. As

we have expected, the 1% GDP growth of partner countries raises the Slovak export. However, the growth is only by 0.92 %. As seen, the income elasticity is lower than in the first period, what is in opposite with our assumption. The reason we can find in a post crisis development in all partner countries, where governments have been trying to encourage consumption of domestically produced goods. As a result, imports of these countries grew slowly.

Price export elasticity confirms our assumption. The price elasticity should be lower as the result of Euro adoption and the use of common currency in 4 of 10 main trade partners. The result shows that the elasticity is really lower. Furthermore, variable representing the relative price level of export is statistically not significant. Thus, changes in exchange rates or price levels have got very small impact on the Slovak export.

Table 5: Income and price elasticities of the Slovak trade for period 2009-2018

	Income elasticity	Price elasticity
Export	0.92	0.54 (not significant)
Import	1.66	1.13

Source: Authors

The import elasticities for period 2009-2018 differ from previous period. Income elasticity is higher after the adoption of Euro. The explanation of that may be the growth of the living standard, which caused the increase in import elasticity. Moreover, the price elasticity is positive, while it was negative in period 1995-2008. The reason might be the high import intensity of Slovak export. A characteristic feature of this period is huge enlargement of automotive industry, which creates the main part of Slovak export (approx. 25 %) and is very import intensive in context of components, semi products and technologies. That is the reason why the growth in export is associated with the high growth of import with no respect on relative price development.

CONCLUSIONS

Over the past years, Slovakia faced multiple external shocks like the global economic and financial crisis and then the European debt crisis. This unfavorable development added several pressures on the Slovak economy due to its high openness. The Slovak trade in a large extend underlies fluctuations depending on development in trade partner economies and the world. The degree of this dependency can be described through export and import elasticities.

According to our analyses, income elasticity of export in Slovakia is higher than the income elasticity of import. It means that foreign economic growth contributes positively to Slovak economic growth. Along with increasing openness, it has positive impact on trade balance of the Slovak Republic. Consequently, the growth in Slovak partner countries is the engine of the Slovak growth via its export. Otherwise, a world

recession would hit Slovak economy negatively despite its positive development. Furthermore, the growth in Slovak national income will completely transform into increase of imports what is a result of small domestic market and high import intensity of production.

Our estimates show that the price channel is weak, if not wholly ineffective, with respect to positive elasticities. Domestic demand is more sensitive to price changes than foreign one. The Slovak economy as a transforming (developing) country has still lower absolute price level than its main trade partners. As a result, the Slovak Republic will export without consideration of domestic and foreign price levels.

Re-estimation of elasticities for different sub-periods does not confirm all of our assumptions. With increasing openness of the Slovak economy and entering the monetary union export became less sensitive to both - an income and prices. Imports react positively on higher relative prices, what is quite nonstandard. The increase in both elasticities of import corresponds to the high import intensity of Slovak export. Slovakia needs to import major parts and components for main industries (mostly automobile industry) in order to export final products (automobiles). This makes its imports income sensitive with no respect on prices.

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APPENDIX

1. Results of the panel regression with fixed effects

Estimation result of export elasticity

Export [$logEX_{SVK,t}$]		p – value	
$logGDP_{i,t}$	1.47292 (0.0541611)	1.065e-073	***
$logER' \frac{CPI_{SVK,t}}{CPI_{i,t}}$	1.81508 (0.106397)	1.32e-042	***
R²		0.972441	
- fixed effect estimation F test: p = 8.4485e-130; Breusch-Pagan test test: p = 2.63652e-212; Hausman test: p = 0.0807446 - 240 observations, 24 time periods, 10 cross-section units - dependent variable in square brackets - standard error in parentheses - ***, **, * - statistical significance on 1%, 5%, a 10% level			

Estimation result of export elasticity

Import $[logIM_{i,t}]$		p – value	
$logGDP_{SVK,t}$	1.19151 (0.124476)	1.84e-018	***
$logER\dfrac{CPI_{i,t}}{CPI_{SVK,t}}$	- 0.719269 (0.308140)	0.0205	**
R²		0.830743	
- fixed effect estimation F test: p = 9.70521e-043; Breusch-Pagan test test: p = 1.59067e-187; Hausman test: p = 0.139082 - 240 observations, 24 time periods, 10 cross-section units - dependent variable in square brackets - standard error in parentheses - ***, **, * - statistical significance on 1%, 5%, a 10% level			

Estimation result of export elasticity for period 1995-2008

Export $[logEX_{SVK,t}]$		p – value	
$logGDP_{i,t}$	1.29747 (0.101932)	1.73e-024	***
$logER'\dfrac{CPI_{SVK,t}}{CPI_{i,t}}$	2.05224 (0.182909)	9.14e-021	***
R²		0.970795	
- fixed effect estimation F test: p = 1.88923e-092; Breusch-Pagan test test: p = 9.31435e-094; Hausman test: p = 3.28176e-006 - 140 observations, 14 time periods, 10 cross-section units - dependent variable in square brackets - standard error in parentheses - ***, **, * - statistical significance on 1%, 5%, a 10% level			

Estimation result of import elasticity for period 1995-2008

Import [$logIM_{i,t}$]		p − value	
$logGDP_{SVK,t}$	1.09136 (0.141896)	3.40e-012	***
$logER\frac{CPI_{i,t}}{CPI_{SVK,t}}$	- 1.23352 (0.341296)	0.0004	***
R²		0.890506	
- fixed effect estimation F test: p = 1.24653e-043; Breusch-Pagan test test: p = 9.89458e-126; Hausman test: p = 0.0087397 - 140 observations, 14 time periods, 10 cross-section units - dependent variable in square brackets - standard error in parentheses - ***, **, * - statistical significance on 1%, 5%, a 10% level			

Estimation result of export elasticity for period 2009-2018

Export [$logEX_{SVK,t}$]		p − value	
$logGDP_{i,t}$	0.922078 (0.1999280)	1.27e-05	***
$logER'\frac{CPI_{SVK,t}}{CPI_{i,t}}$	0.536062 (0.421591)	0.2069	
R²		0.985869	
- fixed effect estimation F test: p = 8.71753e-072; Breusch-Pagan test test: p = 1.39883e-093; Hausman test: p = 0.00769086 - 100 observations, 10 time periods, 10 cross-section units - dependent variable in square brackets - standard error in parentheses - ***, **, * - statistical significance on 1%, 5%, a 10% level			

Estimation result of import elasticity for period 2009-2018

Import [$logIM_{i,t}$]		p – value	
$logGDP_{SVK,t}$	1.65674 (0.274144)	3.55e-08	***
$logER\dfrac{CPI_{i,t}}{CPI_{SVK,t}}$	1.12746 (0.253554)	2.54e-05	***
R²		0.927535	
- fixed effect estimation F test: p = 2.00004e-045; Breusch-Pagan test test: p = 1.94317e-080; Hausman test: p = 0.000128769 - 100 observations, 10 time periods, 10 cross-section units - dependent variable in square brackets - standard error in parentheses - ***, **, * - statistical significance on 1%, 5%, a 10% level			

1. Main trade partners of the Slovak Republic in 2018

Country	Share on total import (%)	Share on total export (%)
Austria	3.06	5.69
China	5.83	1.71
Czech Republic	10.31	11.86
France	3.09	6.31
Germany	17.94	22.20
Hungary	4.75	5.54
Italy	3.38	5.73
Republic of Korea	5.82	0.13
Poland	5.48	7.58
Russian Federation	5.14	1.89
Top 10 trade partners	64.80	68.64

Source: UNCTADstat, 2020

SPECIFICS OF DECENTRALIZATION REFORM IN POLAND AND UKRAINE

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Abstract

The article identifies features of decentralization reforms in Ukraine and Poland. Starting conditions of the preparedness of Polish and Ukrainian society on the verge of reform have been studied. The Ukrainian-Polish relations in the process of implementation of the reform in Ukraine have been investigated. Namely the expert environment responsible for the implementation of the Polish decentralization model has been identified. The common features of decentralization reform for Ukraine and Poland are identified which are in the same three-tier system (oblast - voivodeship, rayon – povit, hromada – gmina). The basis for decentralization reform in Poland was gmina, as a basic unit that includes one or more settlements, and the territorial basis for realization of local self-government by residents of settlements. For Ukraine, such units are united territorial communities, which creation have not yet been completed.

Key words: *Democratization, Decentralization, Transit, Administrative Structure, Hromada.*

INTRODUCTION

The decentralization reform that started in Ukraine in 2014 had taken Polish practice as the basis. The Polish and Ukrainian models of decentralization and reform process have different starting political conditions and readiness level of the society. The effective implementation of the reform was slowed down by the lack of compatibility of the Polish decentralization model with Ukrainian realities and the inability to implement key institutional changes quickly. Following the first results of decentralization in Ukraine in 2015-2019 and the perspective for 2020 we can take up the position that the reform is the European integration –oriented and is implemented in accordance with European standards. In its turn, the Polish experience determines that the 1991-1999 decentralization reform was important, but not main in achieving the European integration progress.

1. OVERVIEW OF SOURCES

Legal framework of the Polish decentralization reform are based on the Constitution of the Republic of Poland 1997 [Konstytutsiia 1997]; Law dated 8 March 1990 "On Local Self-Government of gmina" [Zakon 1990]; Law "On Local Self-Government of the County" of June 5, 1998 [Zakon 1998]; Law "On Local Self-Government of the Voivodeship" of 5 June, 1998 [Zakon 1998]; Law "On the Direct Election of the Village Mayor, the Mayor of the District Council, the Mayor of the city of June 20, 2002 [Zakon 2002]".

With the adoption of the Constitution of Ukraine, constitutional status was granted to local self-government. It should be noted that in the Constitution of Ukraine (1996), decentralization is associated not with the state executive branch of power, but with the state power in general and territorial aspect of its implementation (Articles 1, 2, 5, 7, 132) [Konstytutsiia 1996]. Thus, on May 21, 1997, the Law of Ukraine "On Local Self-Government of Ukraine" was adopted by the Verkhovna Rada [Zakon 1997]. The

next important step was the adoption of the Law of Ukraine "On Local State Administrations" dated 9 April 1999 [Zakon 1999]. The first stage of decentralization started with the Decree of the Cabinet of Ministers of Ukraine "On approval of the Concept of reforming local self-government and territorial organization of power in Ukraine" dated 1 April 2014 [Rozporiadzhennia 2014]. Adoption by the Verkhovna Rada of Ukraine on August 31, 2015 of the Resolution "On preliminary approval of the bill amending the Constitution of Ukraine on decentralization of power" [Postanova 2015] was another important step.

2. STRUCTURE

The reform of Polish society was made possible by the transformation changes in the Republic of Poland that occurred during the "third wave" of democratization. In the process of transition from a socialist society to a democratic one, Poland underwent institutional changes, which reflected democratic transition.

Category of "democratic transition" was first introduced into scientific discourse by American political scientist D. A. Rustow ("TraCSOts to Democracy - Toward a Dynamic Model"). Democratic transition is one of the types of systemic transformation of a society which main purpose is to change the old institutional order and build new democratic institutions. There are following democratic transition theories among the most popular ones: liberal, according to which civil society institutions play the most active role in transformation processes, and state – centered (conservative), where the leading role belongs to the state [Rastou1995: 5].

Poland is characterized by a liberal type of democratic transition, following the American model, which is accompanied by the dominance of political freedoms and civil rights. The principle of checks and balances, the absence of an official ideology, an active civil society and constitutional changes are relevant for such a model.

With a liberal form of democratic transition, civil society is able to resolve conflicts and control citizens' behavior without resorting to mechanisms of public coercion. This form of democratic transition has been characteristic of Poland throughout the path of European integration: from the time of establishing diplomatic relations with Europe in 1989 to 2004, which became the year of full membership.

In the early 1990s, diplomats of the Republic of Poland embarked on a rapprochement with the European Economic Community. The main tenets of change were the demands of improving economic development, the standard of living and the place of Poland on the world stage. After 1989, European politics became a priority of Poland's foreign policy. This focus was not exclusively in the EEC: the main aim of the Polish political elite was to establish contacts with Western European organizations as soon as possible and to finally abandon the communist past.

Political preconditions for Poland's accession to the European Union track back to the days of the activity of the independent trade union organization, Solidarity. American political scientist, sociologist, and statesman Zbigniew Brzezinski emphasized

that Solidarity´s activities were an exceptional phenomenon in the history of the twentieth century, which triggered the decline of communism, the internal crisis in the USSR, and the collapse of the communist system in Poland. British historian Norman Davies, who says that the emergence of Solidarity relates with the time when Poland played a major role in the communist world [Brzezinski 1998], shares his view. The government and Solidarity agreed on political and economic changes that led Poland to move towards democracy and a market economy. A transitional National Assembly (the Seimas and the Senate) was also formed, triggering reforms. New government started democratic transformation and changes in socio-political system. In the first instance, everything related to "socialism" was abolished, and conditions were created for Poland to become a Western type parliamentary state. One of the main reforms of the democratization process in Poland was decentralization.

Decentralization is the process of redistributing or dispersing the functions, authorities, people or things of central government, including both political and administrative sides. There are several levels of decentralization: political, administrative, financial, fiscal, economic. It is worth mentioning that decentralization serves as a method of governance aimed at developing territories and local democracy. In the context of decentralization, the following methods are used: financial deregulation aimed at forming financial autonomy of a certain territory; the method of delegation of authority used to delegate powers of state authorities to local authorities; the method of deconcentration, which means the distribution of performance of functions of the state within the system of executive power. That means, deconcentration involves the transfer of the power of decisions to bodies that are not subordinate to the central authorities.

The changes that began in 1989 started with political and administrative decentralization and went through two stages. In the first stage, the changes resulted from the reform of the political system, which led to disappearance of the monopoly role of one political party. In the early 1990s, Professor Jerzy Regulski, the Commissioner of the Government for the Implementation of Self-Government Reform, described the ideology of the reform in this way: "The function of the state is not to manage, but to create stable and secure frameworks for the activity of individuals, businesses or social groups. Because development is not the result of the state activity, but the sum of the results of the activity of individuals or organizations. The state can simplify or complicate this development… The state is obliged to do only what it is obliged to do… The state should be decentralized according to the principle of "assistance". [Fund 2003].

The basic principle of decentralization proclaims Part 1 of Art. 15 of the Constitution of the Republic of Poland (1997): "The territorial structure of Poland guarantees the decentralization of public power. Self-government is not hierarchical. Self-government structures must be complementary, not overlapping. Neither the county nor the provincial self-government supervises the district self-government." [Constitution

1997].

As a result of the reform, 2478 gminas (the basic units of territorial self-government at the local level) were created in Poland. At the middle regional level, there were 373 povits (including 65 povits that have the status of designated cities - povits cities). At the regional level, 16 voivodships were formed after the reform (49 before). The key element in this process was the Law of the Republic of Poland "On the Self-Government of the Voivodeship" dated 5 June 1998 [Ustawa 1998]. According to the European Union classification, it corresponds to the NUTS-2 regions. The newly formed voivodships shaped a regional community of self-government within respective territories. After the reform, the average Polish voivodship numbered approximately 2.4 million inhabitants and occupied an area of approximately 19.5 thousand km2. [Shchersn 2006: 138].

Administrative decentralization in Poland facilitated the development of local self-government, improved the quality of life of its citizens and, after the accession of the state to the EU, enabled newly created administrative-territorial units to become equal partners in international cooperation. The contractual system of relations between the regions and the central government was institutionalized in 2000 because of the Law "On Principles of Supporting Regional Development", after ten years of new territorial development [Kaminska 2014].

The decentralization reform in Poland was a consistent continuance of the process of society democratization and made the institutional way in the context of the implementation of the Association Agreement with the European Union. Instead, in Ukraine, the decentralization reform started due to the need to fulfill the conditions for European integration. In Ukraine, the decentralization process began in 2014 with the adoption of the Concept of Local self-government reform and territorial organization of government, Law "On Cooperation of Territorial Communities [Zakon 2014], "On Voluntary Association of Territorial Communities" [Zakon 2019]. This process allowed to form a substantial effective and capable local self-government institution at the grassroots level – Amalgamated territorial communities (ATC) – in accordance with the provisions of the European Charter of Local Self-Government.

The common feature of decentralization reform for Ukraine and Poland is an identical three-tier system: oblast - voivodship, rayon – povit, hromada – gmina. The basic unit is the gmina, which includes one or more settlements. It is the territorial keystone for the implementation of local self-government by residents of settlements located on the territory of the community and the formation and activity of local self-government bodies.

Ukraine, like Poland, applies the basic principles of decentralization defined by the European Charter of Local Self-Government. Following principles can be considered the most important of the European Charter (fundamental to the formation of a European model of government at subnational territorial levels):

• Recognition of the principle of local self-government in domestic legislation, and

in the constitution, if applicable (Article 2).

- The realities of local self-government, reflected in emphasizing the substantial (and not any arbitrarily determined state) scope of public affairs, regulation and management which are empowered to exercise local self-government (Article 3).
- The responsibility of local self-government, as the capacity of the relevant authorities to regulate and manage local affairs - is only within the limits of state legislation (Article 3).
- Defining the nature of local self-government as a public authority acting on the one hand, of the local population (territorial community) (Article 3) and, on the other, is derived from sovereign state power, since the main powers and functions of local self-government are determined by the Constitution or by law (Part 1, Article 4).

The system of local governance of Ukraine and Poland defines local self-government as a subject of public authority, establishes a balance between centralization and decentralization in the state governance system, consolidates the existence of a management model based on two subsystems: local self-government, which is based on the functioning of the principle of decentralization and a government administration that operates on a centralized basis. The key difference between the local government system in Ukraine and Poland is the presence of a state administration (prefect institute) in Ukraine at the "oblast" and "rayon" levels. While in Poland there is no state administration at the "povit" level, but only at the voivodeship level the voivode institute functions.

Poland's advantage in carrying out decentralization was that administrative-territorial reform and local self-government at the basic level (gmina) were separated in time (1970 and 1990). Gmina's main task was to meet the most important human needs. Appropriate infrastructure was created for this purpose and budget reform was implemented. When establishing an administrative structure in Poland, formation of a basic territorial level of government at the gmina level was ensured foremost.

In accordance with the Law "On the Self-Government of the Voivodeship" dated 5 June 1998, the next stage of reform took place on January 1, 1999 [Ustava 1998]. In addition to local governments, gmina, povits and voivodships appeared. The main purpose of bringing in such a structure was to avoid overlapping of powers between government and self-government bodies. This division provided equal access for all residents to special public services, guaranteed the possibility of an effective regional development policy and using the EU regional policy instruments.

The povit is the second level of local government. Unlike Gmina, it performs the public tasks assigned by law. The povit, like gmina, is a legal entity, and its independence is subject to judicial protection. Tasks and functions of the povit are complementary to the functions of the gmina. In contradistinction to, the povit does what the gmina cannot perform.

The voivodship is responsible for conducting regional policy and creating a compre-

hensive regional development strategy. This policy consists of providing conditions for economic development, building social and technical infrastructure, finding and combining public and private funds, supporting education and science, ensuring cooperation between science and industry, protecting environment and cultural heritage.

The situation is more complicated in Ukraine, where reform of administrative-territorial and local self-government started at the same time. In addition, the administrative-territorial reform at gmina level was compulsory in Poland, and in Ukraine until January 1, 2020, the process of embodiment of territorial communities is based on the principle of voluntariness.

The characteristic results of the reform implementation in Ukraine are determined by the constant number of oblasts, fragmentation of territorial communities, especially at the lowest level of government - small towns, townships and villages. The oblasts and rayons in Ukraine have administrative structure similar to the Polish voivodships and povits, characterized by the dualism of the authorities at these levels. On the one hand, there are the representative bodies of regional and district councils, which are elected by the population of the respective administrative and territorial units. On the other hand, the executive authority, which in accordance with Art. 118 of The Constitution of Ukraine are implemented by local state administrations in oblasts and rayons, cities of Kyiv and Sevastopol. In accordance with the current Constitution, the Verkhovna Rada of Ukraine adopted the Law of Ukraine "On Local State Administrations" dated 9 April 1999 [Zakon 1999].

In Poland, where the decentralization reform had been successfully implemented, the presence of a consolidated "reform headquarters" of representatives of parliament, government, experts and non-governmental organizations played a significant role. One of these institutions was the Government and the Government Office for Local Self-Government Reform, headed by Jerzy Regulsky, the Reform Commissioner. At the same time: "Government" subordinated directly to the Prime Minister, "Management" - to the structure of government. In-parallel to the Senate was the Committee on Local Self-Government. The Local Democracy Development Fund operated in the public space [Krat, Sofiy 2017: 16].

There are large number of reform-management centers, which are poorly coordinated and are lacking level of reform management at the regional level. In Ukraine, the President of Ukraine has the following coordination and advisory centers in his capacity: The International Advisory Council (replacing The International Reform Advisory Council), The National Reform Council (NRC), The Executive Reform Committee, The Project Office. The Verkhovna Rada, in the context of decentralization, he coordinates The Committee on State Building, Regional Policy and Local Self-Government, The Advisory Council on Local Self-Government; forms an expert group on legislative support for decentralization of power and reform of local self-government, The Parliamentary Office of Local Self-Government. The Cabinet of Ministers also has its own

sphere of influence on reform. It creates a group of strategic advisers to support reforms in Ukraine and provides the activity of the reform implementation office under the Prime Minister of Ukraine. Special committees and reform offices are under the Ministry of Regional Development (Ministry of Community and Territory Development), the Ministry of Finance, the Ministry of Economic Development, the Ministry of Infrastructure, the Ministry of Ministry of Agrarian Policy, the National Agency of Ukraine for Civil Service.

Existence of many centers responsible for implementation of the reform in Ukraine is explained by the fact that in the autumn of 2016 a large financial support of the European Bank for Reconstruction and Development amounting to EUR 8 million was provided. Initially, there were four ministries (The Ministry of Finance, The Ministry of Economy, The Ministry of Infrastructure and The Ministry of Ministry of Agrarian Policy) receiving financial aid.

Another significant difference between the implementation of the reform in Ukraine and Poland is that in addition to these management centers, there are serious players in Ukraine, the so-called "centers of influence", which have significant regional support, financial support for international technical assistance projects and their own vision of decentralization issues and poorly coordinated activity. The following can be examples of centers of influence: The All-Ukrainian Association of Local Self-Government Bodies, The Association of Cities of Ukraine, The Ukrainian Association of District and Regional Councils, The All-Ukrainian Association of Rural and Settlement Councils. The hierarchical decentralization in Ukraine is also accompanied by the regional level, where the responsibility for implementing the reform rests with the deputy heads of regional state administrations. On June 4, 2016, the Cabinet of Ministers of Ukraine adopted the Resolution "Some Issues of Activities of Oblasts, Kyiv City State Administrations" developed by the Ministry of Communities and Territories of Ukraine. It provides for the introducing additional position of the deputy head of local state administration for implementation of local self-government reforms. [Rozporiadzhennia 2014]. According to this document, public administrations within the budget had to resolve the issue of introducing the post of deputy head of the respective local state administration, who would be entrusted with the authority to implement local government reforms. As of 2019, in the oblasts this issue is resolved in different ways, in some - this position was introduced, in others - the issue of decentralization was overseen by the first deputy head of the regional state administration. The regional reform offices, which were founded in April 2015 according to a memorandum between the Ministry of Regional Development of Ukraine and the All-Ukrainian Association of Local Self-Government Bodies "Association of Ukrainian Cities" within the Dialogue project, are managing and coordinating the reform process in Ukraine at the regional level.

From 2016, the reform offices activity continued to 2020 under the U-LEAD with Europe Program: Local Empowerment, Accountability and Development [U-LEAD 2016].

In 2016, the reform offices were reformatted into separate units of the Center for Local Self-Government Development, created on the basis of a Memorandum between the Ministry of Regional Development, the Ukrainian Association of District and Regional Councils, the All-Ukrainian Association of Village and Settlement Councils and the GIZ project.

However, our borrowing from the Polish experience is not the only contribution of Poland to the development of Ukrainian decentralization. Poland became one of the first countries, which arbitrated Ukraine's European integration aspirations on the international stage in 2014:

On March 31, 2014, the first Polish experts arrived in Ukraine to assist in the implementation of local self-government reform:

Marcin Święcicki – the Head of the Polish expert advisers group on self-government reform and decentralization in Ukraine, deputy of The Sejm, former mayor of Warsaw.

Wojciech Misiąg – professor, Advisor to the Head of the Supreme Chamber of Control of the Republic of Poland, Deputy Minister of Finance on Self-Government Finance in Leszek Balcerowicz's Government.

Andrzej Porawski – director of the Bureau of the Association of Polish Cities.

Grzegorz Kubalski – expert of the Association of Polish Counties.

Markian Zheliak – coordinator of the Polish-Ukrainian decentralization reform task group.

Signing of the Memorandum of Cooperation in Support of Local Self-Government Reform in the framework of the State visit of the President of Ukraine to the Republic of Poland in Warsaw on 7 December 2014 can be considered as a significant event. For the purpose of implementation of this cooperation, The Advisory Group on Local Self-Government Reform in Ukraine was formed under the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine (now the Ministry of Communities and Territories), which included Polish and Ukrainian experts in the field of constitutional law and local government [Krat, Sofiy 2017: 4].

The next step was the initiative of the Visegrad Group leaders (V-4 at late 2014) to provide technical and advisory assistance to Ukraine in political, macroeconomic and sectoral reforms. V-4 has divided the areas of assistance for Ukraine: Poland supports Ukraine in the field of decentralization and reform of authority at the regional level, as well as in the sphere of administration and civil service; Slovakia assists in energy and energy security; Czech Republic aids Ukraine in the field of civil society reform, education, as well as the media; Hungary supports in the field of economic development of the country, small and medium entrepreneurship, as well as the implementation of the foreign trade agreement.

Polish experts emphasize that Ukraine can find difficulties not inherent in Poland, since there are already three levels of self-government until the reform implementation. Problems arise at the stage of distribution of funds between the three levels of local government. "In Poland, 75% of all decentralized funds are spent by communi-

ties and only 25% by povits and voivodships. This became possible, because the first stage of reform in Poland was in comfortable terms, factually "from scratch," – mentioned by Andrzej Porawski [Decentralization 2014].

The decentralization reform in Ukraine has significant results at the present stage of implementation. At the beginning of 2019, 876 ATCs were created. However, the election of the ATG governing bodies, which is a prerequisite for starting the ATC functioning, was held in only 806 ATC. The rest were awaiting the 2019 elections (including 45 ATCs in which the 2018 elections did not take place due to imposing of martial law in its respective locations). In general, according to the approved long-term plans, 1,289 ATCs should be created. More than 3,700 base-level territorial communities (cities, villages, settlements), or 33.9% of all territorial communities in the country (excluding occupied territories) have joined to functioning amalgamated territorial communities. Most of the ATCs function in the Dnipropetrovsk (62), Cherkasy (54) and Zhytomyr (53) oblasts. The smallest number of ATS is in the Transcarpathian oblast (6), which is also an outsider in other indicators of the formation of an ATC (due to the long absence of an approved plan for the creation of an ATC) [Decentralization 2019].

It should be mentioned that decentralization in Ukraine has a tendency to fall behind the schedule of ATC creating. In turn, Polish experts claim that this process will accelerate after 2020, when the principle of voluntarism will cease.

CONCLUSIONS

The decentralization reforms in Poland and Ukraine have different starting conditions and implementation mechanisms. Poland, in the context of carrying out its reforms, took as its basis the French model of decentralization, and Ukraine, in turn, borrowed a Polish model that is not fully inherent in the Ukrainian system.

In contradistinction to Poland two reforms started at the same time in the beginning: administrative and territorial system reform at the basic level (amalgamation of communities) and reform of local self-government (redistribution of powers and resources for the benefit of the amalgamated communities). The reform process in Ukraine has some complexity, as administrative structure reform at the level of the ATC is based on the principle of voluntariness, which is the basis of the Law "On Voluntary Association of Territorial Communities". The process of forming ATC is slow. However, initially, both in Poland and in Ukraine, decentralization reform was strongly influenced by political forces, which delayed the reform in Poland for four years. In Ukraine it leads to delaying the reform of the administrative and territorial system, which in turn, slows down local self-government reform because of the presence of many decision-making centers.

The year 2020 is expected to be a key year in the formation of a basic level of local self-government (as to the date of completing this study). As of October 2019, 887 ATCs were created, however, the decentralization reform is ongoing and running be-

hind the government schedule. However, there is already a critical mass of citizens who have seen the benefits of creating an ATC and the new authorities desire to quickly complete the reform is traced. Therefore, Ukraine is at a new stage of reform, when both the lower and the upper parts are mostly ready to move from the principle of voluntariness to full amalgamation of communities all over Ukraine at the same time. Therefore, decentralization reform in Ukraine tends to completion and holding new 2020 local elections in the new ATCs.

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REVIEWS

Review of the book entitled "Health planning and crisis management during the first wave of the pandemic. The case of Italy and Poland - comparative study"by Daniela De Foresta and Anna Dziadkiewicz.

The global number of the infected and the deaths of the SARS-CoV-2 coronavirus is still growing. So far, in Poland, 568 138 persons fell ill, 8 045 died and 219 371 recovered. In Italy, at least 960 700 confirmed cases of coronavirus have been recorded, according to the Italian Department of Civil Protection. Since the beginning of the pandemic, 41 750 people died.

Thus, the topic presented by the authors is not only important, but above all, it is still relevant, because we are living in the center of the global pandemic. The feature that distinguishes the work submitted for my review from the other books available on the market is its topicality, multidimensionality and interdisciplinarity.

A central idea in La Foresta and Dziadkiewicz's book is not to attempt to predict what will happen in the next months of the pandemic - whether a vaccine will be invented and thus the threat will disappear completely and the world will go back to 2019 and early 2020, whether the virus will mutate and become even more deadly. This seems right, because none of them are virologists, but they are also not futurists. They are therefore adopting a rather convenient option - to describe and analyse the current situation.

Thanks to such a choice, they are aware that they will not be criticised for possible misconduct, but on the other hand, making such an extensive and multidimensional analysis of the current state of affairs, the reader waits until the last page to find out what the authors think about the future of the world in the autumn of 2020 and the following months. Surely, if they were tempted to make an assessment, even a vague one, and it would turn out to be true, they would achieve enormous success.

Meanwhile, when reading a book, you get the impression that it is devoid of emotion. At the same time, the fact that, when writing about the the SARS-CoV-2 coronavirus pandemic, the authors have managed to maintain an enormous level of objectivity deserves respect. This is not easy, especially when describing the present, in which we witness thousands of people dying every day, with no hope of a quick cure.

It can therefore be seen that criticism of the content is also worthy of recognition. What prevails? It is not difficult to notice: topicality, interdisciplinarity, objectivity and perspective. In addition, a reviewer of such a book has an easier task than the authors - he has a broader perspective, he knows what the world looks like during the second and even, as some say, third wave of the pandemic. This makes it necessary to avoid criticism and try to see the world from the authors' perspective - from

spring and early summer 2020. It is therefore all the more important to note how difficult the task has been undertaken by the authors.

It should be noted that this multidimensional approach to the subject results from the authors' profession. One of them is a political scientist and has approached the issue of the pandemic from its political dimension, whereas the other is an economist and thus has looked at the issue of the pandemic through the economic and the social prism.

The book, like Taleb's bestseller "The Black Swan: The Impact of the Highly Improbable", states that a pandemic as a negative and unpredictable event called "The Black Swan" depends on the observer: for example, what may be a Black Swan surprise for a turkey is not a Black Swan surprise for its butcher. Hence the objective should be to "avoid being the turkey", by identifying areas of vulnerability in order to "turn the Black Swans white".

As the authors write: the work aims to evaluate, through a territorial comparison of two European countries, i.e. Poland and Italy, the impact of the law enforcement policies, the social attitudes, as well as the ways of dealing with the crisis, with regard to different spheres of life. From this perspective, the territorial response to the health crisis as well as the effectiveness of the different health planning models implemented in selected regions. This aim has been achieved by the authors.

Interestingly, although the authors describe two completely different countries - Mediterranean Italy and Poland, which is at the heart of Europe, come to similar conclusions. Based on the analysis carried out, in both cases, it can be seen that the increased magnitude of the restrictive measures resulted in a decrease in the number of coronavirus infections and a reduction in the load on healthcare-providing facilities.

The more or less homogenous demographics, characterized by high average density but lower dispersion of the population and strong concentration in the large urban areas surrounded by large buffer zones of low density, constituted a protective factor, in addition to the relatively low economic dynamics reflected by the lower territorial mobility and in the reduced international connectivity. Finally, the peculiar distribution of economic sectors allowed minimized travel during the lockdown, which ultimately reduced the spread of the virus.

Looking at the attitudes of the population - despite a different culture and lifestyle, people in both countries have behaved similarly. They started to take care of themselves, help others, engage in charity actions. In a capitalist, consumption-oriented world it is not so obvious. Meanwhile, it turns out that, regardless of latitude, in the face of danger and harm, people display similar attitudes. This shows that humanity and dignity are not fading away. This inspires hope and shows that, in the face of many 'black swans', people can unite and survive.

To sum up, it is worth noting that the authors carried out a detailed analysis of the content available, studied the reports and statistics available, in terms of local, re-

gional, national and global levels. It was not easy, because getting reliable information out of the fake news was often a challenge.

The role of a reviewer, however, is to identify any shortcomings. Forecasts for subsequent pandemic periods are missing. Even if such forecasts would prove wrong, it would be worthwhile to discuss the future of the economy and the social situation of citizens in both countries. The above comments do not affect the positive assessment of the position reviewed.

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Kudryashova E. V. Pravovoe regulirovanie strategicheskogo planirovaniia v sfere gosudarstvennykh finansov: monografiia =Legal regulation of strategic planning in public finance: monograph. Moscow: Institute zakonodatelstva i sravnitelnogo pravovedeniia. Infra-M. 2019 (in Russian) www.dx.doi.org/10.12737/monography_5bc0b21960f611.53732882

I

Academic books published by the Institute of Legislation and Comparative Law under the Government of Russia (Instytut zakonodatelstva i sravnitelnogo pravovedeniia - hereinafter "the Institute") always present cutting-edge research in the social sciences. The academic community enjoys a detailed study of the most sophisticated problems under this title, which is known and recognized throughout the world. The new monograph "Legal regulation of strategic planning in public finance" is published in the Institute's publishing series. Not surprisingly, the monograph takes up one of the most discussed topics - strategic planning and sustainable finance.

The identity of the Institute's scholarly publications is a comparative approach, based on an expanded range of sources from around the world. This new monograph is in that tradition. A broad list of references and numerous examples from legislation and social practice attest to the book's depth and noteworthy research. The variety of sources in different languages: English, German, Spanish-should also be mentioned here.

II

Interdisciplinary research is generally more complex and multifaceted in nature. 1 The new monograph is a multidisciplinary analysis of strategic planning. Shaping the concept of legal regulation of strategic planning, the researcher crosses the disciplinary boundaries of law, politics, economics and other social sciences.

The Soviet understanding of planning as the fundamental basis of the state disappeared with political and economic reforms in the early 1990s in Russia, the former Soviet republics, and the former socialist bloc countries. State planning received an ideological connotation and was abandoned for decades. It became popular to claim that the market economy should solve all socio-economic problems and lead society in the right direction. Because of this ideological pressure, the basic issues of state planning were difficult for scholars to appreciate.

In the early 21st century, public administration in Russia, as in many other countries in the post-Soviet area, adopted a more balanced approach and began to de-

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1 Tobi, H, Kapen J.K. Research design: the methodology for interdisciplinary research framework Qual Quant (2018) 52 Issue 3 Pp. 1209-1225 https://doi.org/10.1007/s11135-017-0513-8;

velop nationwide strategies. Russia found its vector of socio-economic development. National priority projects were the first experiments in setting goals and funding programs. State programs evolved into the primary instruments of public finance and public management.

Strategic planning and its legal aspects are still under-appreciated and under-researched. We have not been able to identify at least ten basic books on strategic planning that specifically focus on legal aspects. The book "Legal regulation of strategic planning in public finance" to some extent fills this gap in the scientific literature.

Monograph on strategic planning in public finance is a continuation of earlier publications of E. Kudryashova. Her first monograph on strategic planning was published in 2013 a year before the federal law "On strategic planning in the Russian Federation" came into force. In 2014, she participated in the international study "Development of strategic and public management" and wrote a chapter on state planning and budgeting in the Russian Federation. It was one of the first international anthologies with a chapter on the Russian experience in the era of strategic management. Not only several articles on strategy and performance budgeting have been published.

The book "Legal regulation of strategic planning in public finance" consists of theoretical and empirical chapters.

In the first chapter, we were introduced to the historical origins of public finance planning and its relationship with socio-economic planning. The concept of planning has developed since the beginning of the 20th century throughout the world, and in particular in the Soviet Union. The author emphasizes the influence of the historical context on modern strategic planning in Russia, while pointing out that the contemporary paradigm of state planning is different. The first chapter, devoted to history, prepares the reader to understand the new paradigm and its significance for socio-economic development.

The next two chapters are devoted to contemporary concepts of public management underpinned by the rule of law and the basic principles of legal regulation of strategic planning in finance. The author draws attention to the role of planning for the sustainability of economic and financial systems.

The second chapter focuses on the concept of public management and here the achievements of other social sciences are discussed.

Finally, the author shows how the theoretical principles are used in different spheres of public finance: budget, public spending, financial markets. The theoretical approach is thoroughly tested in different spheres of finance.

The last chapter is full of interesting examples and conclusions. I have one reservation, however. The paragraph on financial markets contains debatable ideas about the status of the central bank. The author points out that according to the federal law "On strategic planning in the Russian Federation" the Central Bank of Russia has become part of the strategic planning system. In the course of reasoning, the author considers the participation of the Central Bank in the strategic planning system as a step towards limiting the independence of the Bank of Russia. It is believed that

this is a general trend in the development of central banking. It is true that since the crisis of 2008 the independent status of central banks has been criticized, and it has even been predicted that the independence of central banks around the world will be set aside. This claim can be described as strange and debatable. The legislative reality shows us otherwise. The Constitution of Russia precludes any interference with the independent status of the Bank of Russia. After the last constitutional reform in Russia in 2020, the constitutional provision on the independence of the Bank of Russia remained intact. In the last decade, the Central Bank of Russia has made serious efforts to curb inflation, but this has not violated the Bank of Russia's independent policy. One omission requires comment. The book mentions only Russia and the experiences of individual countries. Meanwhile, contemporary strategic planning is increasingly becoming a matter of integrative unions, such as the European Union, the Eurasian Economic Union. The author does not offer insight into the transnational level of strategic planning, although she could have done so. Several considerations of the transnational dimension can be found in the articles.

However, the points made above are far from real problems. This book is extremely interesting and important in the field of financial law. The expanded concept of legal regulation of strategic planning strengthens and enriches the theory of law. The book is among the most valuable on this subject. The presented concept of legal regulation of strategic planning deserves scientific discussion.

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Matthew S. Shugart and Rein Taagepera: Votes from Seats. Logical Models of Electoral Systems, Cambridge University Press, Cambridge, 2017.

In 1989, the book "Seats and Votes: The Effects and Determinants of Electoral Systems" by Rein Taagepera and Matthew S. Shugart was released. It fit into the tradition – initiated by Rea (1967)–of a quantitative approach in the methodology of studies over political consequences of electoral systems. Whereas the studies hitherto ventured mainly took advantage of the instruments of descriptive statistics or of regression analysis, Taagepera and Shugart rather tried to build propositions in the form of general mathematical formulas – with these formulas being based on a wide array of empirical data – relating only a small number of variables to each other. The most important conclusions of that book were to recognize a district magnitude as the decisive factor and to formulate the so-called Generalized Duverger's Rule, which within one elegant mathematical equation related to one another the two following variables which were both crucial for Duverger's (1954) theory and hitherto poorly operationalized: the effective number of parties (N) and the effective magnitude (M). "Seats and Votes" quickly became one of the most important works setting directions in quantitative studies over electoral systems. The very authors of the book deemed the proposed quantitative approach comparable with respect to its impact on a specific discipline to the one exerted by Rosetta Stone on archeology.

Almost 30 years later, the same authors published the book under the title "Votes from Seats", with the title bearing a striking resemblance to the previous one. The hasty reader might jump to the conclusion that cunning authors, while altering the order of eponymous concepts, did so in order to mask a merely refreshed and, at best, supplemented with a new set of empirical data but in fact an old tried and trusted edition of "Seats and Votes". Quite the contrary! Although it must be conceded that the latest book by Shugart and Taagepera remains firmly rooted within the methodological paradigm inaugurated in 1989, while substantively encompassing virtually the same problems and theoretical categories, it would be quite a stretch to accuse the authors of exaggerating when they uncompromisingly state in their conclusions that "we have practically nothing to cite from that book, and hardly any similar graph or equation to reproduce".

"Votes from Seats" constitutes a completely novel approach to the issues tackled therein although the reader following the authors' successive publications would not deem the former as innovative as one might judge it to be at first glance. The book consists of 17 chapters divided into five parts. In chapter 1, based mainly on Polish parliamentary elections in 2015, what was illuminatingly demonstrated was both the complexity and weight of the relation between an electoral system and a party

system as well as what the book is about and what shall appear in the forthcoming chapters. Part I "Rules, Tools, and Context" (Chaps. 2-6) contains a description of fundamental theoretical categories analyzed in the subsequent part of the work, coupled with fitting empirical examples, including the division – so weighty for further considerations – of electoral systems into simple and complex ones. This part is written in such a manner that it could successfully constitute a guidebook for amateur researchers of electoral systems or for students of political science.

Part II "The Interparty Dimension of Assembly Politics: the Seat Product Model" (Chaps. 7-10) is the most important part of the entire book research-wise. What is demonstrated therein is the role of the Seat Product Model - the product of mean district magnitude (M) and the size of the assembly (S) - for predicting the effective number of seat-winning parties in the national assembly (Ns). The model obtained via logical deduction thus irrevocably supplanted Generalized Duverger's Rule in its version as we have known it since 1989. This is an unassailable and important theoretical contribution to electoral studies. Granted, the empirical tests conducted by the authors satisfactorily confirmed the applicability of this model also to so-called complex electoral systems. Yet, when its predictions are confronted with actual data concerning particular cases, the model ceases to look so persuasive. For instance, out of 9 democratic parliamentary elections conducted after the collapse of communism in Poland, only twice there occurred a significantly high fit between the predictions of the model and reality. In all the remaining cases, the divergences oscillated around 1 effective party and for the first fully free elections dating back to 1991 – which due to their context and idiosyncrasies explains the error made by the theoretical model – the divergence amounted to as much as 6,33!

In Chapter 8, there appears another important novelty, that is, the effective number of vote-earning parties, which reconceptualizes the formula M+ 1 put forward by Cox (1997) as a generalization of famous Duverger's Law. The end of this chapter contains vital – especially in the light of the title of the book – considerations on the impact of original political culture on the choice of district magnitude on the one hand and on votes distribution on the other.

Part III "Bringing the President In" (Chaps. 11-12) analyzes the relations between presidential elections and parliamentary ones in the systems with a strengthened role of the president. Here, one can find important and completely novel determinations that can predict the trend in the effective number of presidential candidates based on the assembly electoral systems. The authors prove that a key variable in this case is the time between these two elections. Part IV turns attention to the "The Intraparty Dimension of Representation" (Chaps. 13-14). Part V "What Can We Expect From Models of Electoral Systems?" (Chaps. 15-16) in turn shows that the Seat Product Model may successfully serve to predict more complex electoral systems such as non-classical majority systems, Mixed Member Proportional or PR formulas with nationwide threshold. Finally, Chapter 17 contains Conclusions of the book and

a set of "best practices" for electoral-systems designers, which can be summarized in the form of the maxim: if you want to predict how an electoral system will work under ever-changing socio-political conditions, just keep it simple.

A fundamental research tool which enabled to discover new empirical dependencies was the consistent application of Quantitatively Predictive Logical Models by the authors. This interesting research approach combines the accuracy of deductive inference with subjecting to statistical testing thus obtained predictions in order to either confirm them or possibly correct them. Shugart and Taagepera very clearly postulates such a methodological route as opposed to a traditional statistical approach based on testing regression models constructed without adequate logical foundations and aimed only at the confirmation of directional interdependencies between variables. QPLM, however, is not a new conception. The first signs of this approach – not sharpened at that time, though – appeared in the book dating back to 1989. In subsequent years and in his successive publications (mainly: 1999a, 2008, 2011) Taagapera consistently developed, improved and promoted the above approach, which was evinced also in the subtitle of the presently reviewed book.

Its sharply elaborated methodological accuracy as well as its good predictive power give grounds for regarding QPLM as a distinct research method not only in political science but also, more broadly, in social sciences. Unfortunately, due to the lack of space, this review cannot make room for a detailed characteristic of either the method itself or of the criticism leveled at it.

What can by no means be deemed innovative is the mutual relation – exposed in the very title of the book – between votes and seats, with the said relation going significantly beyond the intervention of an electoral system transforming votes into seats. These theses have been already broadly discussed not only in the subject-matter literature (among others, Ordeshook and Shvetsova, 1994; Cox, 1997) – with this fact being, of course, noted by the authors in their book – but also by Taagapera (2007) over a decade earlier. However, one cannot help having an impression that this issue was treated by the authors rather superficially. This fact in turn only strengthens the arguments made by those who accuse the research perspective presented in "Votes from Seats" of institutional reductionism placing too much weight on mechanistic effects of electoral systems, and particularly on such variables as an average district magnitude, parliament size or the effective number of parties, which is a consequence of the two previous variables. This in turn leads to the formulation of an objection pertaining to overestimating the role played by N as a key dependent variable of electoral system and (at the same time) the most important parameter describing a format of party systems. After all, the number of parties is not the only consequence of electoral systems and, more importantly, it can be operationalized in various ways. Granted, N is the most frequently employed category in comparative studies over party and electoral systems. Still, it suffers from major flaws which might lead even to measurement distortions once we deal with a series of political parties of unequal siz-

es. The drawbacks of the index under scrutiny gave rise to many attempts at finding more adequate measurements (see: e.g. Grofman and Kline, 2011). Such an attempt was also made in the past by Taagapera (1999b), while "supplementing" Ns by dint of the index of inversion of the largest parliamentary faction.

To summarize, in spite of being vulnerable to those few critical objections, "Votes from Seats" – both with respect to its methodological, theoretical and empirical aspect – is an exquisite book, written in a razor-sharp, albeit accessible, language, while recapitulating and synthesizing the research conducted by both authors. The book also abounds in instances of persuasive and honest self-criticism. The book should become a must-read on the shelf of every researcher of electoral systems. I am also convinced that the book will be – in line with the wishes expressed by the authors themselves – an inspiration for many researchers searching for novel solutions combining logical sharpness with empirical testability in their studies not only over electoral or party systems but also over the problems in other areas of political science.

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