

# Dunaikavics

A Dunaújvárosi Egyetem online folyóirata 2021. IX. évfolyam X. szám

Műszaki-, Informatikai és Társadalomtudományok

**ORSOLYA FALUS–KRISTÓF CZUKOR**  
Charity in the great abrahamic religions: heqdes, piae causae and waqf

**ESTELA CRISTINA VIEIRA DE SIQUEIRA ET AL.**  
The informal, non-formal and technological education

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Local to International: The Inhibitive Elements in the Painful Process of Attaining Intercultural Status



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MEGJELENIK ÉVENTE 12 ALKALOMMAL

SZERKESZTŐBIZOTTSÁG

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Felelős szerkesztő Németh István  
Tördelés Duma Attila

Szerkesztőség és a kiadó címe 2400 Dunaújváros, Táncsics M. u. 1/a.

Kiadja DUE Press, a Dunaújvárosi Egyetem kiadója  
Felelős kiadó Dr. habil András István, rektor

<http://dunakavics.uniduna.hu/>

ISSN 2064-5007



## Tartalom

ORSOLYA FALUS-KRISTÓF CZUKOR

*Charity in the great abrahamic religions: heqdes, piaē causae and waqf*

5

ESTELA CRISTINA VIEIRA DE SIQUEIRA-FABRÍCIO PELLOSO PIUCORSKY-RENAN ANTÔNIO SILVA

*The informal, non-formal and technological education of refugee children in camps as effective provision of the universal right to education: a study on gadgets production*

17

ANNA MAĆKOWIAK

*From fascination with new technologies to media addiction*

27

PIOTR JOŹWIAK

*Criminal liability (repressive) of legal persons as a method of fighting with psychoactive substances*

41

CATHERINE ENOREDIA ODORIGÉ

*Local to International: The Inhibitive Elements in the Painful Process of Attaining Intercultural Status*

49

*Galéria*

(Duma Attila fotói)

61





## *Charity in the great abrahamic religions: heqdes, piaae causae and waqf*

**Abstract:** The social problems of the 21<sup>st</sup> century go beyond the performance of governments. There is thus an urgent need for charity and the work of charitable foundations. Religion had always been and still is a fundamental part of creating charity law, even in the face of increasing numbers of atheists and religious critics worldwide. Charity, as a humanitarian act, means voluntary assistance and support to those in need. The most popular Abrahamic religions: Judaism, Christianity and Islam, all created their own forms of charity. The paper aims at presenting the similarities, differences and potential legal – historical interactions among the Christian “piaae causae foundation”, the Hebrew “heqdes” and the Islamic “waqf”, and also provides an overview to the special Anglo-Saxon “trust”.

**Keywords:** Charity; Abrahamic religions; piaae causae foundation; heqdes; waqf.

**Összefoglalás:** A 21. század társadalmi problémái túlmutatnak a kormányok teljesítőképességén. Sürgős szükség van ezért jótékonyagra és a jótékonyági alapítványok munkájára. A vallás mindig is alapvető szerepet játszott a jótékonyág jogi szabályozásának kialakításában, még akkor is, ha világszerte növekszik az ateisták és a valláskritikusok száma. A jótékonyág, mint humanitárius cselekedet, önkéntes segítséget és támogatást jelent a rászorulóknak számára. A legnépszerűbb „ábrahámiai vallások”: a zsidó vallás, a kereszténység és az iszlám, mind létrehozták saját jótékonyági formáikat. A tanulmány célja a keresztény „piaae causae alapítvány”, a héber „heqdes” és az iszlám „waqf” közötti hasonlóságok, különbségek és lehetséges jogtörténeti interakciók bemutatása, valamint betekintést enged az angolszász „trust” jogintézményébe is.

**Kulcsszavak:** Ábrahámiai vallások; piaae causae alapítvány; heqdes; waqf.

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[1] Johnson, M. Todd–Grim, J. Brian (2013): *The World's Religions in Figures: An Introduction to International Religious Demography*. Chichester: Wiley–Blackwell. Pp. 93–108.

[2] Bishara, Hakim (2020): Adjaye Associates Is Building a Mosque, a Church, and a Synagogue in Abu Dhabi. *Hyperallergic*. 6 January, 2020. <https://hyperallergic.com/535763/adjaye-associates-mosque-church-synagogue-abu-dhabi/> (Accessed: 13-10-2020)

[3] Vatican Radio (09/11/2020 17:30): *Document on Human Fraternity for world peace and living together: Full text*.

## Introduction: the Abrahamic Family House

The Abrahamic religions also referred to collectively as Abrahamism, are a group of Semitic-originated religions that claim descent from the Judaism of the ancient Israelites and the worship of the God of Abraham. According to the biblical account, patriarch Abraham is thus the father of the three great monotheistic religions: Judaism; Christianity; and Islam. As estimates classified 55.5% – 3.8 billion people – of the world's population are adherents of an Abrahamic religion. [1]

Amid rising sectarian tensions and religious animosities in the region, one year ago Abu Dhabi has unveiled plans for an expansive interfaith complex, the “Abrahamic Family House”, that bundles together a mosque, a church, and a synagogue. The complex is designed by Adjaye Associates, which was established by the renowned architect Sir David Adjaye. The Abrahamic Family House will be located on Saadiyat Island in the United Arab Emirates' capital city, not far from the new Louvre Abu Dhabi. According to the plans, the centre will include a museum and an education centre in addition to the three temples, which will be connected by a garden. The three temples share a similar silhouette to symbolize unity but vary in their facades and interiors: colonnades for the church; screens for the synagogue; and vaults for the mosque. The construction has already begun and it is expected to be completed in 2022. [2]

The decision to build the complex was set in motion by a meeting between Pope Francis and the Grand Imam of al-Azhar, Ahmed el-Tayeb, during the pontiff's historic visit to the Abu Dhabi on 4 February of 2019. The two religious leaders signed a “Document on Human Fraternity for World Peace and Living Together” [3] which urged politicians and decision-makers “to work strenuously to spread the culture of tolerance and of living together in peace,” and “to intervene at the earliest opportunity to stop the shedding of innocent blood and bring an end to wars, conflicts, environmental decay and the moral and cultural decline that the world is presently experiencing.”

**Illustration 1. Rendering of the Abrahamic Family House in Abu Dhabi with the Louvre Abu Dhabi, designed by Jean Nouvel, visible in the back left. All images courtesy of Adjaye Associates. [2]**



## Religion and Charity

Religion had always been and still is a fundamental part of charity law, even in the face of increasing numbers of atheists and religious critics worldwide.

[4] Charity means assistance and voluntary support to those in need. It is a humanitarian act, often associated with the notion of religion. The word „charity” is originated from the Old English and means: a „Christian love of one’s fellows”. [5]

Aside from this original meaning, charity is etymologically linked to Christianity, with the word originally entering into the English language through the Old French word „charité”, which was derived from the Latin „Caritas”, a word commonly used in the Vulgate New Testament to translate the Greek word agape (ἀγάπη), a distinct form of „love”. [6]

[4] Morris, Debra (2017): *Elasticity of the Boundaries in England and Wales: What Is (And Isn’t) Charitable?* An Opportunity Lost (or Not Yet Fully Embraced)? National Center on Philanthropy and the Law, Conference Proceedings, Social Welfare Organizations: Better Alternatives to Charities? <https://ncpl.law.nyu.edu/wp-content/uploads/2016/08/Tab-G-Morris-paper.pdf> (Accessed: 04-24-2020)

[5] Stevenson, Angus (Ed.) (2010): *Oxford Dictionary of English*. (3rd ed.) Oxford: Oxford University Press. P. 293.

[6] Harper, Douglas et al. (Eds.) (2000): *Online Etymology Dictionary*. <https://www.etymonline.com/word/charity> (Accessed: 29-04-2020)



[7] Smith, Jonathan Z. (1998): Religion, Religions, Religious In: Taylor, Mark C. (Ed.): *Critical Terms for Religious Studies*. Chicago: University of Chicago Press. Pp. 269–284.

[8] Donin, Hayim Halevy (1972): *To Be A Jew*. New York: Basic Books. P. 48.

[9] Panico, Paolo (2016): Private foundations and trusts: just the same but different? *Trusts & Trustees*, 22. (1.) Pp. 132–139.

[10] Brodman, J. W. (2009): *Charity and Religion in Medieval Europe*. Washington: The Catholic University of America Press. P. 1.

[11] Davis, Adam J. (2014): The Social and Religious Meanings of Charity in Medieval Europe. *History Compass*. 12. (12.) Pp. 935–950.

[12] Falus, Orsolya (2016): Islamic Waqfs in Education. *PEDACTA*. 6. (2.) Pp. 51–59.

The most popular “Abrahamic” religions – Judaism, Christianity and Islam – all created their own forms of charity, which, however, resemble each other. [7] The spirit of giving, whether of time, money, or resources, becomes a focal point of activity during their holiday seasons.

## Charity in the Abrahamic religions

In Judaism, “tzedakah” appears as a Hebrew term meaning righteousness but commonly used to signify charity. As, however, it is an act which is commanded by the Torah and so ecclesiastically not voluntary, the practice is not technically an act of charity. Jews give tzedakah, which can take the form of money, time and resources to the needy, out of „righteousness” and „justice” rather than voluntary benevolence, generosity, or charitableness. The Torah requires that 10 per cent of a Jew’s income be given to righteous deeds or causes, regardless if the receiving party is rich or poor. [8]

The recognition of the Christian Church by Constantine was a gradual recognition of the Church as a legal person and thus Church property. Churches, as legal personalities could so be instituted as heirs and receive donations under a will. Justinian admitted also monasteries and foundations (piae causae) for charitable purposes to property, with which these (legal) institutions also acquired legal personality. The establishment of foundations as legal persons in Mediaeval Europe allowed wealthy gentlemen with fear of God to endow monasteries and other organizations pursuing religious or charitable purposes (piae causae) with land and properties, possibly in perpetuity. [9] In medieval Europe during the 12th and 13th centuries, Latin Christendom underwent a charitable revolution. [10] Rich patrons founded many leprosaria and hospitals for the sick and poor. New confraternities and religious orders emerged with the primary mission of engaging in intensive charitable work. The medieval charity was primarily a way to elevate one’s social status and affirm existing hierarchies of power. [11]

The voluntary sector plays an incomparably more important role in Muslim societies. Islam, as a religion, lays considerable stress on pious deeds. Islam, as a way of life, however, spells out the basic principles of the

legal institutions of charity such as zakah, sadaqah and waqf, as well, in order to reach the well-being of the „ummah”. „Ummah” is a common Arabic word meaning „nation.” The term takes on religious connotations in the Qur’an where God is said to have sent to each ummah its own messenger. The messengers given special prominence as recipients of scripture and founders of an ummah are Moses, Jesus, and Muhammad. [12] As the concept of ummah corresponds to our understanding of “nation”, it does not exactly have the same meaning. “Nation is a strictly political concept; it may be defined as a community of peoples possessing a given territory with their own government; while membership in the ummah involves a commitment to a particular religion. To the Muslim way of thinking, “ummah” represents a universal world order, ruled by an Islamic government in accordance with the “Shari’ah”, the Islamic religious law. For example, the basis of the Islamic banking system and Islamic financial products is Saría law, this is why the aforementioned transactions and products are called Saría compatibl. [13] The word “Shari’ah” literally means “the clear path to follow”. [14]

Charity in Muslim states takes different forms, as zakah and sadaqah. Paying zakah – also as the third of the five pillars of Islam – is an obligation for a Muslim when possessing assets that cover a specific amount (“Nisab”) and reaches the time period of a year (“hol”). Since zakah can be compared as a welfare fund or rather a source of funds that will help other Muslims in the society for a better life, therefore, people who possess enough assets can help people who are poor or have less. Technically, zakah is a fixed proportion collected from the surplus wealth and earnings of Muslims. [15] It is then distributed to prescribed beneficiaries and for the welfare as well as the infrastructure of Muslim societies in general. It is paid on the net balance after a Muslim has spent on basic necessities, family expenses, due credits, donations and taxes. [16] In many modern societies, nisab is considered equivalent to a governmentally determined poverty threshold. This is the format that is hardly observed in other religions apart from Islam.

[13] Varga, József–Cseh, Balázs (2018): *The operation of islamic banks on the basis of an EU example*. Köztes Európa: Társadalomtudományi folyóirat: A Vitek Közleményei 10: 1 / 23. Pp. 125–134.

[14] Bakar, Osman (2014): *Islamic Civilisation and The Modern World: Thematic Essays*. Brunei Darussalam: UBD Press. Pp. 51–53.

[15] Varga József (2018): A zakát működése az iszlám pénzügyekben (Mechanism of the Zakat in the Islamic Finance). In: Kovács Tamás–Szóka Károly (Szerk.): XII. Soproni Pénzügyi Napok: „Az áfa elmélete és gyakorlati alkalmazása”: pénzügyi, adózási és számviteli konferencia (XII. Sopron Financial Days: “Theory and Practical Application of VAT”: Financial, Taxation and Accounting Conference): Konferenciakötet (Proceedings). Sopron: Soproni Felsőoktatásért Alapítvány. Pp. 90–95.

[16] Cseh Balázs (2018): Egy vallási adó működésének elmélete a bankrendszerben (The Theory of the Mechanism of a Religious Tax in Banking) In: Kovács Tamás–Szóka Károly (Szerk.): XII. Soproni Pénzügyi Napok: „Az áfa elmélete és gyakorlati alkalmazása”: pénzügyi, adózási és számviteli konferencia (XII. Sopron Financial Days: “Theory and Practical Application of VAT”: Financial, Taxation and Accounting Conference): Konferenciakötet (Proceedings). Sopron: Soproni Felsőoktatásért Alapítvány. Pp. 29–37.

[17] Houtsma, Martinj Theodoor (Ed.) (1913): *The Encyclopaedia of Islam*. Vol. IX. Leiden: Brill. Pp. 59–99.

[18] Ariff, Mohamed (1991): *The Islamic Voluntary Sector in Southeast Asia*. Singapore: Institute of Southeast Asian Studies. Pp. 118–119.

[19] Hennigan, Peter C. (2004): *The Formation of the Waqf in Third-Century A. H. Hanafi Legal Discourse*. Leiden: Brill. Pp. 51–59.

The Muslim institution for a voluntary donation, which literally means “charity” is “sadaqah”, and can be given to people of any religion.

The potential of “waqf” as Islamic foundation [17] can be discerned by the consistent insistence on the non-transferability of the ownership rights of the property. Once a piece of property is donated for a charitable purpose, the owner ceases to have any claims over it, because in Islam all property is said to belong to no one only to Allah. The trustee in the form as a single person or a group of individuals will have to manage the property for the generation of income which is distributed as specified by the donor. [18]

We can see, that philanthropy is a universal anthropological phenomenon, as we find help for those in need in all major cultures, religions and languages. In Arabic, there is “zakah” for obligatory alms, and “sadaqah”, which means charity and philanthropy. In Hebrew “zedakah” equals a traditional, Jewish community-oriented practice of philanthropy. It is the support of the poor to become self-sustaining. In this meaning, it is very close to the Islamic notion where begging is a sin.

## Interreligious Similarities among Heqdesch, Piae Causae Foundation and Waqf

The institutions of the hekdesch, piae causae foundation and waqf show remarkable similarities. [19] There are five basic conformities among the abovementioned legal institutions:

1. All were founded through the relinquishing of property by an individual who dedicated these properties to a particular purpose, e.g. religious, public services, education, etc.
2. With the act of the donation, the owner gives up the control over the institution that he created.
3. The institution created was put under the administration of a trustee selected by the donor.
4. Only the proceeds of the transferred property were to be used to realize the mission of the institution, but the principle capital (foundation assets) had to remain untouched.
5. These institutions were dedicated to God and envisioned as surviving the death of the founder.



The waqf and the piae causae foundation, however, shared a further remarkable similarity as well: both provided the opportunity to limit the circle of beneficiaries to the descendants of the donor. Waqfs and foundations developed in two main forms. The former legal institution could be established as a “waqf khairi”, a charitable foundation for the benefit of everybody; or as a “waqf ahli”, the family foundation for supporting the descendants of the donor. The pious foundation could also be founded for the benefit of the public, as a “charitable foundation”, or as a “fidei commissum”, where the creator secured the transfer of the property from one generation to subsequent ones. [20]

***Illustration 2. Similar legal features of heqdesh, piae causae foundation and waqf***  
(edited by the author)

	HEQDESH	PIAE CAUSAE FOUNDATION	WAQF
THE DONATION OF A PROPERTY FOR A PARTICULAR PURPOSE	+	+	+
THE DONOR GIVES UP THE CONTROL OVER THE INSTITUTION	+	+	+
THE INSTITUTION IS ADMINISTERED BY A TRUSTEE	+	+	+
THE PRINCIPLE CAPITAL REMAINS UNTOUCHED	+	+	+
CREATED “IN PERPETUAM”, DEDICATED TO GOD	+	+	+
CAN BE CREATED FOR THE BENEFIT OF THE FAMILY/DESCENDANTS OF THE DONOR	–	+	+

Since waqf shared many characteristics with piae causae foundation and heqdesh, some scholars [19] suggest that it was started developing based on the former ones.

[20] Adam, Thomas (2017): *Interreligious and Intercultural Transfers of the Tradition of Philanthropy*. In: Liebermann, Julia –Rozbicki, Michal Jan (Eds): *Charity in Jewish, Christian, and Islamic Traditions*. Lanham: Lexington Books. Pp. 45–65.

[21] Walker, Tanya (2016): *Shari'a councils and Muslim women in Britain: rethinking the role of power and authority*. London: Brill. P. 208.

[22] Devichand, Mukul (2018): *Is English law related to Muslim law*. [http://news.bbc.co.uk/2/mobile/uk\\_news/magazine/7631388.stm](http://news.bbc.co.uk/2/mobile/uk_news/magazine/7631388.stm) (Accessed: 09-08-2019)

[23] Cattán, Henry (1955): *The Law of Waqf*. In: Khadduri, Majid–Liebesny, Herbert J. (Eds.): *Law in the Middle East, vol. I., Origin and Development of Islamic Law*. Washington DC: Middle East Institute. Pp. 203–220.

[24] Gaudiosi, M. M. (1988): *The Influence of the Islamic Law of Waqf on the Development of the Trust in England: The Case of Merton College*. *University of Pennsylvania Law Review*. 136. (4.) Pp. 1231–1261.

[25] Çizakça, Murat (2000): *A History of Philanthropic Foundations: The Islamic World from the Seventh Century to the Present*. Istanbul: Boğaziçi University Press. Pp. 11–13.

## The Middle East Repercussions: Trusts

The interaction, however, is also true backwards in legal history. Some law historians argue [21], that a historical connection to Islam is a „missing link” that explains why English common law is so different from classical Roman legal systems that hold sway across much of the rest of Europe. [22] In 1955 Henry Cattán [23] also noted, that the English trust is remarkably similar to and probably derived from the earlier Islamic institution of waqf.

Having lost all contact with Rome, Medieval Europe had to become acquainted with philanthropic endowments through the Islamic waqf system. This is attested to by Monica Gaudiosi, who has initiated an inquiry regarding the origins of English trusts. [24] Gaudiosi first puts to test the conventional wisdom prevailing among the European scholarship that the origin of the English trust rests with the Roman or Germanic laws. She challenges this view by arguing that the trusts developed from a medieval English device for holding land known as the use. Furthermore, considering the Roman fidei commissum first, she reminds us that the linkage between this institution and the English trusts had already been dismissed by the nineteenth century on the grounds that not only were the similarities between the two institutions merely superficial but also, whereas the Roman device was purely testamentary, the early English use seldom arose by will.

The legal institution of a trust established in medieval England has taken a special path, first, the common law countries took over and applied it and then the other states of the British Commonwealth. In contrast, in countries regulated by a civil or mixed legal system, the institution of the trust is primarily artificially introduced due to economic demands. The defining characteristic of a trust is that the settler transfers property (ownership, right) to the trustee and the latter is obliged to manage it for the benefit of the beneficiary specified by the trustee. The property of the trust property belongs to the trustee, but it is obliged to manage it separately from its own property, as the beneficiary also has a right of ownership, but from a civil point of view, at least a right close to the right of ownership. It follows from the construction of the trust that in Anglo-Saxon law this is not a contract, as the trustee acts as a fiduciary and the beneficiary may also take action against

third parties in case of misconduct or unpaid disposal of the trust. In summary, the beneficiary has a contractual claim against the trustee and has a claim in rem in respect of the assets. In the course of the analysis of the trust, it must also be taken into account that, compared to the Anglo-Saxon regulations, other legal institutions and legal constructions corresponding to the functions of the trust have also been established in the mixed and civil law systems. From a functional point of view, in the broadest sense, the legal institutions corresponding to a trust are primarily required to implement asset segregation, to treat the position of the trustee not merely as a contracting party, but as an official position. The beneficiary, however, must also have the legal possibility to take action against third parties in case of misconduct or free disposal of the assets. If a legal relationship satisfies these conditions, it shows significant similarity to the legal construction of the Anglo-Saxon trust.

*The basic points of Gaudiosi and Catan's arguments are as follows:*

Whereas the separation of ownership from usufruct was not a new legal concept, the settlement of the usufruct of the endowed property on successive generations in perpetuity for a charitable purpose was an institution, which was created by the classical Muslim jurists of the first three centuries of Islam. There is no evidence that such a complex system of appropriating the usufruct to varying and successive beneficiaries existed prior to Islam. [23] The emergence of the trust coincides with a period of increased contact between Europe and the Muslim world. Indeed, the Franciscan Friars who are believed to have introduced the use in England were active in the Middle East. Saint Francis, himself, spent the years 1219 and 1220 in Islamic territory.

Jerusalem was a particularly significant point of contact between England and the Muslim world because of the presence there of the Orders of the Templars or the Hospitalers. Since it is well known that these orders had been influential in the development of the Inns of Court in fourteenth-century England, the transmission of legal institutions from the Islamic world to England has already been demonstrated.

More importantly, the similarity between Islamic waqfs and English trusts is striking. Under both systems, the property is reserved and the usufruct is appropriated for the benefits of specific individuals or a general charitable purpose. The corpus becomes inalienable; estates for life in favour of successive beneficiaries can be created at the will of a founder without regard to the law of inheritance or the rights of the heirs and continuity is secured by successive appointments of trustees.

It has been argued that a major difference between the two systems exists: whereas in the English case, the trustee is considered to be the owner of the trust, as opposed to the Islamic waqf where the trustee (mutawalli) acts rather like a manager. In reality, the trustee is no more the owner of a trust than the mutawalli could be the owner of a waqf. The main function of both is to administer the property for the benefit not of themselves but for the beneficiaries as specified by the trust or waqf. [25] Another alleged difference pertains to the duration: the waqf must be perpetual, while a trust, except a charitable one,



[23] Cattani, Henry (1955): *The Law of Waqf*. In: Khadduri, Majid–Liebesny, Herbert J. (Eds.): *Law in the Middle East, vol. I., Origin and Development of Islamic Law*. Washington DC: Middle East Institute. Pp. 203–220.

[25] Çizakça, Murat (2000): *A History of Philanthropic Foundations: The Islamic World from the Seventh Century to the Present*. Istanbul: Boğaziçi University Press. Pp. 11–13.

cannot be perpetual. It must be remembered, however, that in England the trusts could originally be made in perpetuity until the rule against perpetuities came into force. It has been argued, however, that there is one very important difference: the purpose of the waqf or the trust. A trust may be made for any lawful objective, a waqf, by contrast, must be charitable. Charitability is a “conditio sine qua non” for all waqfs including the family endowments as well. [23]

**Illustration 3. Comparative table of waqf and trust**  
(edited by the author based on Çizakça, 2000) [25]

	WAQF	TRUST
motive	religious	no religious motive needed
founder as beneficiary	impossible, only under Hanafi law	possible
objective	for the benefit of the ummah	for any lawful object
property is entrusted to	Allah	the trustee
managers' legal position	the mutawalli is only a manager	the trustee has a right close to that of the owner's
termination	“in perpetuum”(cannot be terminated under any circumstances)	can be terminated as stipulated in the trust deed
revocability	irrevocable	revocable
corpus	immobilised	immobilised
usufruct	used for the benefit of the ummah	used for the objective stated in the deed

## Conclusion

The social problems of the 21st century go beyond the performance of governments. There is an urgent need for charity and the work of charitable foundations. As a result of globalization, problems have also become globalized – so can only be solved by united action. In addition to the migration crisis, which has so far been treated as a global problem, the COVID–19 pandemic also emerged in 2020, which is now affecting the entire population of the planet.

For the suggestion of Pope Francis and at the initiative of the Human Brotherhood Committee, the Pontifical Council for Interreligious Dialogue declared a day of prayer for the cessation of the pandemic on Thursday, May 14, 2020. The Higher Committee of Human Fraternity addressed the “brothers” who believe in the Creator God in thirteen languages. This high-level organization called on all people to make May 14 a day of prayer, fasting, and supplication for humanity. It is important that the Abrahamic religions, which set the moral standards of the majority of mankind pray together and cooperate in charity during the epidemic.

Coordinated work is needed for common charity. To do this, however, we must first get to know each other’s legal culture and legal practice. Therefore, analytical-comparative research in legal theory and legal history seems to be particularly useful.





## *The informal, non-formal and technological education of refugee children in camps as effective provision of the universal right to education: a study on gadgets production*

**Abstract:** The protection of the refugee child and the need for production of educational strategies in contexts of forced displacement and mobility go towards the reports produced by UNHCR on the fact that, in 2016 alone, 3,5 million refugee children did not go to school. Granting children with full access and effectiveness to the universal right to education means they will gain more knowledge about their own development and rights, meaning also that they can contribute more with the reality they live in. Children, in this tender age gap between birth and the age of 18, need to be granted full access to educational support, meaning that this will enhance their development and promote full access to all the axis of rights granted in the 1989 Declaration of the Rights of the Child. In this sense, the present study aims to focus on the informal education of refugee children, and how the creation of an easy, accessible and affordable gadget, such as a tablet, combining technology, innovation and education, as means to achieve the best possible education in the situation of camps, in which the formal education is also important, but so is the engagement of the community in the learning process, as means of integration, which is going to be better explained further.

**Keywords:** Education; refugee Children; refugee camps; technology; innovation.

**Összefoglalás:** A menekült gyermek védelme, valamint az erőszakos elköltöztetés és a mobilitás összefüggésében kidolgozandó oktatási stratégiák szükségessége az UNHCR által készített jelentésekhez vezet, amelyek szerint csak 2016-ban 3,5 millió menekült gyermek nem járt iskolába. A gyermekek számára az oktatáshoz való egyetemes emberi jog teljes hozzáférése és hatékonyságának biztosítása azt jelenti, hogy több ismeretet fognak szerezni saját fejlődésükről és jogaikról, ami azt is jelenti, hogy többel tudnak hozzájárulni a környezethez, amelyben élnek. A születés és a 18. életév közötti védtelen

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[1] UNITED NATIONS. Declaração Universal dos Direitos Humanos. 1948. Available from: <[http://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/por.pdf](http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/por.pdf)> Access on December 09.

[2] UNITED NATIONS. *Declaração dos Direitos da Criança*. 1959. Available from: <<https://www.unicef.org/malaysia/1959-Declaration-of-the-Rights-of-the-Child.pdf>> Access on December 09.

[3] OHCHR. *Convention on the Rights of the Child*. Available from: <<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>> Access on December 09.

[4] OHCHR. *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*. Available from: <<https://www.ohchr.org/en/professionalinterest/pages/protocol-traffickinginpersons.aspx>> Access on December 09.

[5] SIMMONS, Beth A. (2009): *Mobilizing for human rights: international law in domestic politics*. Cambridge: Cambridge University Press. P. 309.

[6] HAPPOLD, M. (2009): *Child Soldiers in International Law*. Manchester: Manchester University Press.

életkorban levő gyermekek részére biztosítani kell az oktatási támogatásokat, ami azt jelenti, hogy elő kell segíteni a fejlődésüket, és lehetővé kell tenni a számukra a gyermekek jogairól szóló 1989-es egyezményben biztosított valamennyi joghoz való teljes körű hozzáférést. Ebben az értelemben a jelen tanulmány a menekült gyermekek informális oktatására összpontosít, valamint arra, hogy hogyan lehet egy olyan könnyű, hozzáférhető és megfizethető eszközt, például tablettét létrehozni, amely ötvözi a technológiát, az innovációt és az oktatást, a lehető legjobb oktatás elérésének eszközeként a menekülttáborokban, ahol a formális oktatás is fontos, de ugyanúgy fontos a közösség bevonása a tanulási folyamatba, mint az integráció eszköze, amellyel a későbbiekben részletesebben is foglalkozunk majd.

**Kulcsszavak:** Oktatás; menekült gyermekek; menekülttáborok; technológia; innováció.

## Introduction

The protection of migrant children – one of the biggest challenges of mass migration – brings us to the development of conventions to protect the rights of any children, as they shall be prioritized in all processes that concern them, since the discussions surfaced, in 1948, with the Universal Declaration of Human Rights [1] and 1959 [2], with the first Declaration of the Rights of the Child. [3] Though the present protection seems to be consistent, as we now protect children (especially refugee children) under the 1989 Convention on the Rights of the Child and the Palermo Protocol [4] on the prevention of trafficking of women and children, it was not always so – in the Nineteenth century, still, children were not at the center of families, that resembled much more small working-units. [5]

It was not until the middle of the Twentieth century that the State became the main protector of infants well-being. As Matthew Happold would address, children were not the average holders of rights for there was firm and general belief that, if they could not fend for themselves,

out of their incapacity to do so, they were also not entitled to hold rights [6] – a reality that has changed dramatically over the course of the past century.

In this sense, also, it is noted that children are not normally – though they sometimes are – volunteer and active actors in the process of migrating [7], following the family's will to leave their place of origin. Also, involuntarily, they fall victims to the perils of the escaping routes, being more exposed to child trafficking, child slavery and sexual abuse [8], and also to the colonial consequences of the standardization of childhood as a happy, tender moment of life [9], that pictures children in need, in humanitarian emergencies and from underdeveloped countries as the infantilized face of a world where the development of globalization has never arrived. The colonial process of trade, conquering, and opening to another cultures, inasmuch as globalization promotes more interaction, it also enables new dynamics of power and authority, beyond borders. [10]

There is a gap between the children in international legislation and commissions and the wide-eyed, malnourished children in humanitarian propaganda, very unlikely to be an innocent pick of iconography. The subjectivity these children are exposed to in images is political, where the historical actor in charge is “the adult viewer”. [11]

Furthermore, globalization marks a new era of deepening of challenges, like extreme poverty, child soldiering, child labor and climate change, for globalization also means the dispersion of power, where States are only one part of the problem. [12] In what Boaventura de Sousa Santos would call as Social Fascism, sacrificing the rights of given minorities is such a stretch to the idea of Democracy, that it would not even render it to be incompatible, for these days, Democracy itself is “trivialized”. [13]

And by sacrificing the rights of minorities, the treatment of the so-called aliens at borders shall be considered, for this

[7] Araujo, N. M. (2015): “Migrantes indocumentados: histórias e aporias” In: Galindo, G. B. (Ed.). *Migrações, deslocamentos e direitos humanos*. Brasília: Instituto Brasileiro de Direito Civil, Grupo de Pesquisa Crítica e Direito Internacional. Pp. 25–34.

[8] UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC). *Global Report in Trafficking in Persons 2018*. Available from: <[https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP\\_2018\\_BOOK\\_web\\_small.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTiP_2018_BOOK_web_small.pdf)> Access on December 05.

[9] Dubinsky, Karen (2012): Children, ideology, and iconography: How babies rule the world. *The Journal of the History of Childhood and Youth*, v. 5. n. 1. Pp. 5–13.

[10] Kaufman, Natalie Hevener–Rizinni, Irene (2002): *Globalization and children: exploring potentials for enhancing opportunities in the lives of children and youth*. New York: Kluwer Academic/Plenum Publishers. P. 4.

[11] Dubinsky, Karen (2012): Children, ideology, and iconography: How babies rule the world. *The Journal of the History of Childhood and Youth*, v. 5. n. 1. Pp. 5–13.

[12] UNICEF: *Children's Rights in a Globalized World: from principles to practice – Final Report*. Available from: <[http://www.hr4dev.be/documents/2008-ICCR\\_final-report.pdf](http://www.hr4dev.be/documents/2008-ICCR_final-report.pdf)> Access on December 10.

[13] Santos, Boaventura de Sousa (2007): Para além do pensamento abissal: das linhas globais a uma ecologia de saberes. *Revista crítica de ciências sociais*, n. 78. Pp. 3–46.

[14] Basilien-Gainche, Marie-Laure (2017): L'Union et les réfugiés. Une Europe sans qualités? *Revue de l'Union Européenne*, n. 613. Pp. 598–601.

[15] Basilien-Gainche, Marie-Laure. Les frontières européennes-Quand le migrant incarne la limite. *Revue du marché commun et de l'Union Européenne*, n. 609. Pp. 335–341. 2017.

[16] Sassen, Saskia. *Guests and Aliens*. New York: The New Press, 1999. Pp.1–6.

[17] UNHCR. Left Behind: Refugee Education in Crisis. Disponível em: <<http://www.unhcr.org/59b696f44.pdf>> Acesso em: 15. apr. 2020.

[18] Idem.

[19] “The literature pertaining to refugee children generally does not take into account the separate stages of growth and development.” In: WILLIAMS, Holly. *Families in refugee camps*. Human Organization, v. 49. (2.) Pp. 100–109. 1990.

[20] Ariés, P. *História Social da Criança e da Família*. Rio de Janeiro: Livros Técnicos e Científicos Editora Ltda., 1981.

purpose. The migrant becomes the personification of the border. The border creates the migrant, not the other way around. And the reality appears as relativizing basic rights that were once promoted by the same countries that nowadays close borders to its outsiders [14], in States that would rather meet their migrants dead than to welcome them [14] – a crossroad of the legal hierarchization of visas that can be seen on articles 78 and 79 from the Treaty of Lisbon, from the European Union, that labels foreigners differently based on their migration status – a paradox of free movement, for goods and services are freely offered, but human beings are not granted the same rights, in a political configuration of frontier. [15]

This brings us back to the previously mentioned idea of how colonialism influences how we view migrant children and migrant adults, in general. As Saskia Sassen would state in *Guests and Aliens* [16], migrants “are not simply the outcome of individuals in search of better conditions”, but are the results of several economic, geographic and historic processes.

In this sense, *the protection of the refugee child* and the need for production of educational strategies in contexts of forced displacement and mobility go towards the reports produced by UNHCR on the fact that, in 2016 alone, 3,5 million refugee children did not go to school. [17] Granting children with full access and effectiveness to the universal right to education means they will gain more knowledge about their own development and rights, meaning also that they can contribute more with the reality they live in. [18]

A lot is said in academia on migration and refuge about the adult refugee. The child, twice as vulnerable – by displacement and by their age, which exposes them to much more abuses while fleeing conflict – is frequently forgotten, while this child is deprived of its legal face and singularity, seen as a mere family appendix [19], an extension of the adult (or a miniature) [20], not a protagonist of integration processes. Outside of school and without access to knowledge, this child's future is uncertain.



And when studies about the education of child in migration [21] and refuge are considered, the literature becomes even more scarce, especially considering that not all children are at a fixed location or are still living in protracted situations, such as prolonged permanence in refugee camps, being unable to be fully inserted in a fixed educational system at the host community – a condition that should not widen the gap between learning and time lost, confronting the language of International Law, which confers education with universal essentiality.

Because children, in this tender age gap between birth and the age of 18, need to be granted full access to educational support, meaning that this will enhance their development and promote full access to all the axis of rights granted in the 1989 Declaration of the Rights of the Child. In this sense, the present study aims to focus on the informal education of refugee children, as means to achieve the best possible education in the situation of camps, in which the formal education is also important, but so is the engagement of the community in the learning process, as means of integration, which is going to be better explained further.

Considering that, the purpose of the present research is to develop an educational app with low cost and high efficiency, aimed at children in alphabetizing age in English, Portuguese or Arabic, in the refugee camps, through the production of a low cost gadget to support an educational app for children between the ages of 4 and 6 years old, and the app shall be aimed to help teachers and families in war torn areas and refugee camps to better educate children; It must access the specificities of learning in war torn regions; The app must be available without internet connection; The gadget that is going to be used to hold the app must have long lasting battery (solar battery, if possible).

For the hypothesis here considered, informal education, as a mechanism for access to the education by refugee children, is a potential solution, embodied in the growing popularization of informal education mechanisms in the private and organizational sectors, in order to confer different dialogues to educational processes [22], in the midst of an increasingly technological and integrated world. Through the analysis of data, the interviews and literature, is it possible to develop an integrated system of education in a low cost gadget to support the education of children in refugee camps?

[21] Migliarini, Valentina (2010): *The Education of Refugee Children: A study on human rights enactment and educational policy discourses in Italy and the UK*. Germany: Lambert Academic Publishing.

[22] To Hannah Arendt, “Education is the point at which we decide whether we love the world enough to assume responsibility for it and by the same token save it from the ruin which, except for renewal, except for the coming of the new and the Young, would be inevitable. And education, too, is where we decide whether we Love our children enough not to expel them from our world and leave them to their own devices, nor to strike from their hands their chance of undertaking something new, something unforeseen by us, but to prepare them in advance for the task of renewing a common world”. In: Arendt, Hannah (1972): *A crise na educação: III e IV. Entre o passado e o futuro*. São Paulo: Perspectiva. P. 247.

[23] UNHCR. *Global Trends: Forced Displacement in 2016*. Disponível em: <<http://www.unhcr.org/globaltrends2016/>> Acesso em: 29. mai. 2020.

[24] SAVE THE CHILDREN. *What is a refugee?* Available at: <<https://www.savethechildren.org/us/what-we-do/emergency-response/refugee-children-crisis/what-is-refugee>> Access on: 17. jun. 2020.

[25] UNHCR. *Refugee Children: Guidelines for Protection and Care*. Disponível em: <<https://www.unhcr.org/protection/children/3b84c6c67/refugee-children-guidelines-protection-care.html>> Acesso em: 29. mai. 2020.

[26] CAMPOS MONACO. Gustavo F. A. (2005): *Proteção da Criança no Cenário Internacional*. Belo Horizonte: Del Rey Editora.

[27] Vigotski. L. S. (2018): *Imaginação e Criatividade na Infância*. São Paulo: Martins Fontes.

[28] Erikson, E. H. (1977): *Childhood and Society*. London: Paladin Grafton Books.

## Refugee Children and Education

Through the 1951 Convention Relating to the Status of Refugee, the informative center of the protection of refuge is granted due to the need to abandon one's place of origin due to the well-founded fear of persecution, due to political opinion, race, ethnicity, religion, in which the individual cannot or does not want to return to the home of origin, or, according to the conceptual expansions of the Organization of African Unity, in 1969, and the Cartagena Declaration, in 1984 (this last one, in the context of Latin American dictatorial regimes in the second half of the 20th century), the concept is also attributed to those fleeing serious and massive human rights violations.

Above all, they are individuals who, involuntarily, have to abandon their places of origin because of the protection of their own lives, one of the pillars of international protection of human rights. However, in addition to the legal concept, they are human beings. And, for the age group proposed here, they are children.

Regarding the protection of children, especially refugee children, there is no mention of this age specificity in the main international refugee protection documents, even though children represent 51% of the total number of refugees in the world. [23]

According to data from the International Organization Save the Children, founded by Eglantyne Jebb, the creator of the original text of the 1924 Declaration on the Rights of the Child, only until 2018 [24], 2 out of 3 refugees in the world were on forced displacement for at least 5 years, with 3 million refugees, in terms of total numbers, having been refugees for more than 38 years.

The numbers are alarming, when we consider the condition of double vulnerability of the child in situations of forced displacement: due to exposure to the common risks of the journey and the fact of being a child, and being even more vulnerable to malnutrition, diseases, abuse, violence and exploitation. [25] This is especially serious for young women and girls.

Considering all this, and parting from the international legal framework of Law protecting children [26], the mental development of Children as in Vigotski [27] and Erikson [28], the need for psychosocial recovery and

the importance of education in Machel [29], the research is invested in the purpose of figuring out best practices of education for refugee children in protracted displacement and refugee camps, as it is now being experienced in Brazil, with Venezuelan refugees in our northern borders, and would much appreciate learning more about long-established successful experiences of education provision in camps, meaning the purpose of the proposed research would be to interview educational staff, from a whole range of institutions, at the camp, to figure out what are the best practices of education, and whether informal education is the best way to deliver educational provisions to children in such situations.

The hypothesis of the present work is that informal education strategies, at least at first, are more effective in guaranteeing the right to education for refugee children in protracted situations of displacement, allocated in refugee camps, since the re-establishment (or the establishment, in the case of children who have already been born in this context) of the educational routine in a community and family context can help in building that child's confidence and assist in their right to development.

The experience of other institutions in research with children and their education, specifically on the psychosocial aspects of the education in childhood, bearing in mind that the ethical approval of research is also important, meaning that having a partner in the field would enhance the possibility of keeping the confidentiality of the names.

As to emphasize the hypothesis here, it must be noted that the present research is going to be developed throughout the interviews, given that these children are both inside or outside of formal educational structures. In this sense, providing informal means of education, encompassing non-institutionalized transmission of knowledge, with the support of the families, with the support of the communities, is the best way to provide the universal access to education.

This will be constructed with the support of literature on informal education and the education of children, founded on the fact that they must be granted the right to be children [30], to be further developed.

[29] Machel, Graça (2001): *The Impact of War on Children*. London: Hurst.

[30] Dallari, Dalmo de A-Korczak, Janusz (1986): *O Direito da Criança ao Respeito*. São Paulo: Summus Editorial.

[31] Creswell, J. W–Creswell, J. D. (2018): *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. London: SAGE Publications.

[32] Brandão, Carlos R.–Streck, Danilo R. (2006): *Pesquisa Participante: A partilha do saber*. Aparecida: Editora Ideias & Letras.

[33] Silverman, David (2014): *Interpreting Qualitative Data*. London: SAGE Publications.

## Methodology and Research Aims

The choice of methodology, an approach of mixed methods [31], but opting for Participant Research [32] as the main one, with the analysis of qualitative information [33], being besides being the one which is believed to bring the best results to the hypothesis proposed, but bearing another reason: bringing out an approach from the global south to international research, bringing out the voice of those interviewed, and not merely repeating data. [32] In order to do so, the research aims are:

- To create a material, based on the interviews, of best practices on the informal education of children in camps;
- To offer international organizations a full prospect on what are the best options for offering education for children in camps;
- To enrich the information on the education of refugee children in academia;
- Specially, the academia in Law, in which the theme is scarce.

The main source of information is going to be presented as the interview of the education professors in the camp, when it comes to looking after the work of the UNHCR, the UNRWA, and NGOs that support the educational system in camps and settlements, in a way that the best practices on informal education can be traced in the best way possible.

The idea is to promote a bond between the interviewer and the interviewed, essentially bringing out the idea of community in the results, with the adoption of Moderate Participation, meaning that none of us is actually a refugee or a teacher, and could not completely comprehend their experience, though observing.

This is intended to be a really personal experience, which would also mean that the research does not meet a near end, but it is lively and long-term evolving, with the purpose to learn from countries where successful experiences have been implemented and to deliver in Brazil the best practices in the education of refugee children in camps. As participant research, the results would also include observation from the researchers and those interviewed, with the care to not consciously diverge from the results gathered in the field.

If possible, as to prevent this intercurrence, a triangulation of results, sending them frequently to the interviewed, so they could confirm the information, would be an important asset (Member-Checking).

On the ethics of the collection of data, the questionnaire, to be developed, needs to be accepted by the parties involved and to go through each countries ethics department of research.

The age gap of children in educational process is going to be between 4 and 9 years old – a period in which the child starts perceiving surrounding realities. If possible, but this is not part of the interviews, to have access to drawings children make when it comes to their connection with education, it would be of extreme importance to the research. The only question addressed to children: how do you feel about school? And then, then would draw the experience, as they please. No intention to develop any kind of psychological analysis on that, just to give them the chance to self express during the process.

In order to better address the theme of the present work, the methodological choice was made after a long analysis of ethnographic research methods, although they are more used in studies in the area of Anthropology. Ethnographic studies are scarce in law - an additional reason for the difficulty of research and the need to specify the methodological approach in detail. Other details not included in this section will be covered during the research.

The objective of choosing an ethnographic method starts from the need to describe reality, based on the interaction between the researcher and the researched community, as a mechanism to rescue the oral history of the observed ones, since observing means understanding the cultural and social dimensions of the studied group, subtracting information, but trying to the maximum not to distort what is seen, the fieldwork being central to the analysis of the proposed theme, when this method is chosen, and the researcher is also a research instrument.

Understanding the complexity of the place of speech in the observation of reality, taking into account that the refugee situation, especially in childhood, is very specific to the people who live it, it should also be considered that, in the hypothesis of the children themselves describing their own reality, however, due to the necessary data collection to conclude a research work that adopts social research, the researcher must assume the posture of narrating what he sees, from the inductive method, of subjective participation, analyzing the events that occur, but also from objective observation, for the collection of information necessary to the hypothesis, but allowing itself to be guided by the induction of the field itself, of the observation itself.

It is also based on a security aspect: the school is one of the main targets in situations of armed conflict. It is a space for politicization and congregation of community members, which exposes them to the risk of attacks. In this sense, informal education also helps, secondarily, in protection.

The clarity of the qualitative results depends, however, on the bibliographic survey on the topic, as social research is based on the operationalization of concepts that, although pre-existing, can provide new results, for new hypotheses, not yet worked on.

What is an additional complicating factor: research on refugee children and their educational aspects is scant, and in law, virtually nonexistent.



Thus, the bibliographic cut must start from a care so that the researcher does not substitute the researched one – again, taking into account the place of speech – so that a colonizing posture is not assumed, which obstructs the observation of its autonomy and singularity.

For this reason, in addition to the commitment to participant observation, a stage of interviews was included in this research, in order to triangulate the results observed with the statements of the observed ones - professionals in early childhood education in refugee camps and they, the protagonists, the children themselves, to enrich the result of qualitative research.

With this information considered, gathering information from all the interviews, and bibliographic research, the team is going to center the experiences in creating a gadget and app to fulfill the educational necessities, the presence of connection, the extension of electricity in the settlement, the possibility of solar based energy provision, presented in each different type of scenario, selecting the target platform, building the algorithms as well as the engine, as to improve the quality of education provision in the camps and settlements.



## *From fascination with new technologies to media addiction (analysis of the phenomenon in relation to different age groups and media education as a form counteracting media addiction)*

**Abstract:** Media addictions, understood as compulsive use of the internet, reaching for computer games or spending many hours in front of a smartphone or TV screen have recently become a huge problem. It was aggravated by the prolonged pandemic. This issue particularly applies to the internet, in everyday language referred to as a boon on the one hand and a curse on the other. The internet facilitates contact between people who are on a daily basis even on two corners of the world, it serves education or work in times of a pandemic, when face-to-face contacts are limited to the necessary minimum. Unfortunately, this has negative side effects in the form of the disappearance of the culture of conversation or escape into the virtual world at the expense of direct interpersonal contacts. This article deals with media addictions and their causes in relation to various age groups. Its aim is also to indicate examples of good practices in the field of media education, which can serve to sensitize young people to the proper reception of media content, not only on the Internet, as well as in other spheres, such as language education.

**Keywords:** Addiction; internet; pandemic; age groups; media education.

**Összefoglalás:** A közelmúltban óriási problémává vált a médiafüggőség, amelyet az internet kényszeres használatának, számítógépes játékok elérésének vagy sok órák okostelefon-használat vagy tévéképernyő előtt ülés idéz elő. Ezt súlyosbította a hosszan tartó világjárvány is. Ez a kérdés különösen az internetre vonatkozik, amelyet a mindennapi nyelvben egyrészt áldásnak, másrészt átoknak neveznek. Az internet elősegíti az akár napi szintű kapcsolatot is a világ két különböző szegletében tartózkodó emberek között, oktatást vagy munkát tesz lehetővé egy pandémia idején, amikor a személyes kapcsolat a szükséges minimumra korlátozódik. Sajnos ennek negatív mellékhatásai vannak a beszélgetés kultúrájának eltűnése formájában, és egyesek a közvetlen

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interperszonalis kapcsolatok rovására menekülnek a virtuális világba. Ez a cikk a médiafüggőségekkel és azok okaival foglalkozik a különböző korcsoportok vonatkozásában. Célja továbbá a médiaoktatás terén bevált gyakorlatok példáinak bemutatása, amelyek a fiatalok érzékenyítését szolgálhatják a médiatartalmak megfelelő befogadására, nemcsak az interneten, hanem más szférákban is, például a nyelvtanításban.

**Kulcsszavak:** Függőség; internet; világjárvány; korcsoportok; médiaoktatás.

## The media and their positive and negative impact on people and interpersonal relations

### REASONS WHY PEOPLE USE MEDIA SPACES A LOT

Every 10 Polish teenagers suffer from nettoholism. Over 38% feel more online than in direct interpersonal contacts. There is a significant relationship between media addictions and family life and among close friends. It is worth paying attention to the research carried out in Great Britain in 2006–2007 – a group of parents agreed that TV sets and computers should not be used in their homes for a limited period of time. Their behavior has changed radically, habits of everyday life have changed (there was no television watching before going to school or spending Saturdays in front of the TV). Parents began spending more time with their children, mainly on various types of games and physical exercises. Children had a greater opportunity to play with their siblings (spending time together increased communication, ended quarrels and fights over TV remote control). Children, despite longing for television and computer games, showed great interest in other forms of spending time. Parents noticed changes in personality of their children (children were more cheerful). It turned out that children can calm down themselves and do not need additional external factors, such as a TV playing in the background. The educational results of pupils who showed earlier difficulties in school improved (more willingness to learn, greater level of concentration on the lesson and while doing homework). Relations between family members have changed – they started to spend more time together.

The media can draw the attention of audiences of all ages, both young children and adults, even those who think that they are not susceptible to media messages. This happens through persuasion and manipulation. While persuasion, understood as the art of convincing someone to something, manipulation is a form of exerting influence on people in such a way that they unknowingly execute the manipulator's instructions.

The reasons for frequent use of media spaces, in particular the Internet, in individual age groups are slightly different. Children and adolescents, belonging to generation Y, digital natives, practically do not

know a world in which there was no free access to the Internet. In the case of young people (children and adolescents) it is often referred to as blurring the border between the real and the virtual world. Young people often adhere to the principle: "What is not reflected online simply does not exist."

The Internet is often used by middle-aged people both as a work tool and a source of entertainment. Thanks to the Internet people can also meet with long-lost friends (from school years) or maintain contacts with family members living on the other side of the world. Both in this age group and among the elderly, there is a fascination with new technologies.

Here is the proof, which appeared in a local weekly in Poland, entitled Panorama Leszczyńska: a statement by a retired professional firefighter, whose passion is collecting fireman's badges from various regions of the world. Presenting his passion and a large collection of patches, he told a journalist representing the periodical that his passion developed when he set up a profile on the Facebook social network. Thanks to this, he made friends among the Polish community in America. Michał Zubaczyk, a retired firefighter from the small town of Święciechowa in the south of Greater Poland, in an article published in the Panorama Leszczyńska weekly, says:

*They are kind people. All I need to do is write a letter or an email asking for two or three patches. After two weeks, an envelope usually comes with many more. [about a couple living in Brooklyn, met thanks to Facebook;] I asked them to ask if the fire department could send me some patches. I was given an envelope filled with emblems, along with a heartfelt letter. [...] I also wrote to 52 Polish embassies all over the world. Out of 22 I got answers, of course with patches, from all over the world. [1]*

Thanks to the Internet, the man found out that he is not the only one who collects patches on firefighting suits. Both this and many other examples from everyday life show that the Internet offers many opportunities, facilitates establishing contacts, but also opens the way to threats. These undoubtedly include, among others, the Internet itself or dependence on its specific content (for example, the frequent use of social media).

Generally, we can talk about various reasons for media addiction. We distinguish among them:

– genetic predisposition;

[1] Maćkowiak, A. (2018): He has an original passion – he collects fireman's badges. *Panorama Leszczyńska*. 12. P. 29.

- social isolation;
- physical or intellectual disability;
- intensification of stressful life situations;
- mood, personality or development disorders;
- fascination with new technologies.

Sometimes addictions overlap, and some become a driving force for others, for example internet dependence and purchase.

We should also pay attention to the stages of addiction:

- 1) Getting to know the medium and mechanisms of its functioning.
- 2) Specialization in addiction.
- 3) Domination of addiction.
- 4) Trap of the addictive cycle, symptoms (anxiety, obsessive thinking about the medium/network, irritability, trouble concentrating, aggression towards people who try to limit the use of the medium on which a person has become addicted).

Various studies show that when it comes to surfing the web, which today is the most used media space, people most often use smartphones (some studies say up to 90 percent of users). This is not a negative phenomenon, unless the user shows symptoms of media addiction. We are talking about situations in which drivers write text messages while driving, and pedestrians while crossing the road, which in extreme cases even leads to traffic accidents.

## MEDIOTYZM

The concept of mediotism is related to media addiction. We understand them as:

- the way of moving in the media world, related to the almost uncritical acceptance of the content we find in the media and acceptance of all these contents in the sense that this diversity testifies to the richness of media content;
- indifference to negative phenomena appearing in relation to contact with the media (addictions, cardiovascular diseases, mental disorders, vision defects, intellectual infantilism, etc.).

We can say a step further about the existence of the mediotic paradox: leaving or distorting important matters in such a way that the recipient sometimes does not even realize that such things has been done.



## HOW TO FIGHT MEDIA ADDICTION

How to fight media addiction? We must show positive examples in the media to children, adolescents and adults. We must also explain to people what manipulation techniques are and that the media make frequent use of them. It is also important to make recipients of media content aware that it is not always a faithful reflection of reality.

Among the positive examples, I would like to highlight three, related to the film sphere. The first one is the movie entitled *Everest*, based on facts. In 1996, there was a trip to the highest mountain in the world, which has taken an unexpected turn. This film shows people who want something more from life, who set high goals. On the other hand, this film production shows that certain projects are not for everyone.

Another example relates to a person Nicholas James Vujicic – born 4 December 1982, motivational speaker suffering from birth defect characterized by the absence of arms and legs. It is worth reading for the movie *The butterfly circus*, in which Nick Vujicic as a media figure shows his life, also functioning in the media, that there is no out of order situation. The film with his participation is a perfect example of a media image that can have a positive effect on another human being. It contains elements of persuasion, but it does not manipulate another human being.

The film affects the emotional sphere, shaping it. It helps to reveal hidden emotions, which is sometimes very important in the therapeutic process, guaranteeing its success. By watching movies, people can identify with the characters presented on the screen, but also evaluate their behavior. The child learns what is right and what is wrong. The cognitive aspect in relation to various fields of knowledge is also important, as well as shaping the sphere of linguistic richness (provided, of course, the film material is characterized by linguistic richness).

Social campaigns play a huge role in fighting media addiction, many of which can be found online, but are also carried out in public space. An example is the campaign with the slogan “Leave your smartphone and live”, which can be found near pedestrian crossings. Leszno, a town with a population of 64,000 in Greater Poland, decided to organize such a social campaign. Its aim is to persuade people who often use smartphones, also when moving around the city, to give up this activity when crossing the road. Such behavior can lead to accidents.

[2] Ogonowska, A.–  
Ptaszek, G. (2016):  
*Media education in the  
era of contemporary  
cultural, social and  
technological changes.*  
Krakow: Impuls. P. 8.

## The role of media education in the modern world

### AT THE SOURCE OF MEDIA EDUCATION

Both in the context of combating media addiction and shaping appropriate attitudes towards media content, media education is important. Although the beginnings of media education date back to the 1930s, when the United States and the United Kingdom began to instruct children and young people in the proper reception of film images that were becoming increasingly popular at the time, it is now necessary to provide young people with tips on how to properly read media content. It is not about indoctrination, but helping to navigate through the maze of various messages. This state of affairs of course applies to the greatest extent to Internet content, although one should not forget about other mass media, including printed periodicals, which will be devoted to more space in this text, and their role. Especially since nowadays most newspapers and magazines also “live” online. As emphasized by Agnieszka Ogonowska and Grzegorz Ptaszek, *at the beginning of the 21st century, along with the dynamic development of the Internet, which initiated media convergence, interactive content consumption, the development of creativity and network cooperation, there was a transition from the mass media communication model to the multimedia communication model (multimedia communication) [2].* Nowadays, the recipient not only has universal access to media content, but also becomes part and co-creator of it in his own way.

Media education is not a separate school subject, nevertheless its elements should and are very often used in school activities, both in the field of humanities and mathematics and natural sciences. Many teachers reach for issues in the field of media education, not fully realizing it. Hence, there is a need to constantly popularize this field among future educators, as well as people already working in educational institutions. It is worth considering issues related to media education in several aspects, paying attention to the functioning of the media in local, national and global terms, as well as positive aspects related to the use of media.

#### THE ROLE OF THE PRINTED PRESS IN THE LOCAL COMMUNITY

It is important, especially in the context of printed work, to pay attention to the reach of the media, with a special division into local and national media. Both press experts and journalists emphasize more and more often that while nationwide periodicals have recently lost many readers who either prefer e-editions or focus on internet news, not resorting to more extensive journalistic forms published in the printed press, in the case of local periodicals do not experience such a large drop in readership.

Why exactly local media (not only in the field of printed press, but also radio, television and the Internet) should play a significant role in media education? They operate closest to the local community and – as has already been emphasized in relation to the press – largely shape the local public opinion. Among the tasks of local media, press experts distinguish, among others, such as: informing about local events and problems, education on various levels of knowledge, promotion of the “little homeland”, entertainment or marketing function. As for the last of the aforementioned areas, despite the fact that advertising campaigns have largely been transferred to the level of proprietary websites and social networks, most economic entities to a greater or lesser extent still use advertising in printed media, especially local ones. Taking these aspects into account, there is no doubt that it is worth using the content taken from local periodicals while implementing elements of media education. Moreover, many press materials are a valuable source of linguistic manipulations, including persuasive or even manipulative. This thesis is confirmed, inter alia, by the analysis of the editions of the Panorama Leszczyńska weekly, which has been published for over forty years in the Leszno subregion (the former Leszczyński province). The periodical is a valuable source material due to the fact that it is one of the longest-published local publications in Poland, and certainly the longest in the Leszno region. Navigating the linguistic and graphic examples taken from Panorama Leszczyńska, which can be used as part of media education, does not require browsing a series of paper. All (including the latest) editions of Panorama Leszczyńska can be accessed free of charge via the Internet as part of the Stanisław Grochowiak of the Leszno Digital Library. [3]

[3] The Digital Library in Leszno was created thanks to funding from the Ministry of Culture and National Heritage. It provides access to over 8,000 objects, including editions of the Panorama Leszczyńska weekly.

[4] Fura, M. (2005):  
The art of seasoning.  
Press. 7. P. 58.

[5] Wojtak, M. (2008):  
Analysis of press genres.  
Lublin: UMCS. P. 18.

# GAME WITH A PRESS TITLE AND THE POSSIBILITY OF ITS USE IN MEDIA EDUCATION

Walery Pisarek calls the press title the display window for a printed statement, and Michał Fura admits that *with a good title, lead or title for the text is like with dishes: if they are poorly seasoned, no one will touch them. [...] They give the text flavor and character.*[4] Currently, among the nominative, descriptive and pragmatic functions fulfilling the title by the title, the latter definitely dominates. Hence, it is worth using titles in the educational space to shape the ability of children and adolescents to critically perceive media content. This is also evidenced by the fact that the modern reader more and more often confines himself to only reading the title, without delving into the content of the article. If he misread the linguistic procedure contained in it or is not aware that the title is playing with the reader, his consciousness will remain distorted (by the text's display window) image of reality or – what is definitely worse – the belief that the image created by the media reflects reality. Language and text games appearing in press titles should be subjected to a deeper analysis as part of media education. In this context, the following titles that are surprising in their form, distinguished by Maria Wojtak, can be cited:

- graphic, in which the modifications consist in the use of a parenthesis, giving the title the form of a double message, isolating an abbreviation from the composition of the letters of another word, ironic or satirical reinterpretation of an abbreviation;
- phonic, using the alliteration or rhyme procedure;
- syntactic, related to the use of broken sentences, appellative or expressive structures, syntactic parallelism, as well as inverse order of components;
- lexical, introducing occasional or regionalism, phraseological allusion, innovation, flow, metaphor;
- styling. [5]

When it comes to the popularity of journalistic material, title ambiguity is an essential key to success. On the one hand, readers expect short and precise information, and on the other, paradoxically, they want a game played with the title. Sometimes the recipient likes to be led by the nose at the beginning, sometimes – colloquially speaking – lowered into the proverbial raspberries, and only then led in the right interpretive direction. The problem begins when such treatments begin to exceed the limits of good taste. One of the tasks of media education is to sensitize

young people to solutions that should arouse social opposition. So that young people would be able to self-reflect, for example with a title such as *The Time of the Gliding Harvest*. [6] It relates to the world gliding championships organized at the airport in Strzyżewice near Leszno. But the question is why the “glider harvest”. In fact, it is not about sports rivalry at all, but a topic not directly related to competition. The title proves the thesis that thanks to such events as the above-mentioned local restaurateurs and hoteliers have a chance to earn more. It is worth considering whether such a title does not exceed the rules of good taste.

#### LINGUISTIC SOLUTIONS USED IN THE LOCAL PRESS

The analysis of media titles in terms of the language measures used in them can diversify the educational space. Moreover, the inclusion of such elements in the school sphere helps to properly sensitize students to the phenomena occurring in the media and supports their proper reception. Let us pay attention to selected language solutions and their functions.

##### *Phonic solutions*

The role of phonics can only be fully discovered when reading a text out loud. In press titles, the most frequently used are vocal instrumentation and its variation, alliteration. Bożena Ostromecka-Frączak aptly draws attention to the fact that the use of vocal instrumentation, which is a peculiar mechanism of the sound organization of a text, characteristic of the poetic language, in press headlines makes them stand out from other texts written in prose. The aim is to arouse readers’ interest by surprising the recipient with a certain distinctiveness of the sound form. [7]

Among the phonic procedures, the rhyme is the most rarely used in itself, perhaps because it is treated more as a domain of uncomplicated rhymed texts. It happens, however, that journalists introduce them into their articles to give the titles a mnemonic character. In some press titles you can find paronomasia, polysndetone, poliptoton, etymological and pseudo-etymological figures, which usually become a tool that builds a pun or a play on words. A title constructed in this way will probably have a multifaceted impact on the reader and when analyzing it, one must

[6] *Panorama Leszczyńska*. 31. (2014). P. 1.

[7] Ostromecka-Frączak, B. (2004): Language sales in the headlines of “Gazeta Wyborcza” In: Wojtak, M.–Rzeszutko, M. (Eds): *In a circle of faithful speech*. Lublin: UMCS. P. 116.



[5] Wojtak, M. (2008):  
*Analysis of press  
genres*. Lublin: UMCS.  
P. 18.

undoubtedly agree with the statement of Maria Wojtak, who emphasizes that this multifaceted impact includes: *capturing the recipient's attention, encouraging to read (and therefore perhaps also to buy a newspaper), conviction to the title and / or text of judgments and opinions, amusement, intrigue, an invitation to solve a communicative puzzle or even to evoke admiration for the beauty and unusual expression.* [5]

### *Graphic solutions*

Compared to other linguistic solutions, the graphic treatments in press titles remain in the minority. When taking up the topic of media education, one cannot ignore such solutions, if only because of their peculiarity. We can observe graphic solutions at various levels, including titles built on the basis of contamination, specific graphic hybrids whose "image" imposes the direction of interpretation. On the other hand, graphic techniques used in press titles, often imposing very divergent interpretative paths, involve the use of parentheses. Properly applied, the titles become ambiguous and their proper reading will depend on reading the text, or at least its key fragments. The graphic(literally) plays also a special role in the titles where the word and iconic elements are combined.

### *Lexical solutions*

In the lexical procedures used in press titles, we can very often see a metaphor that is often recalled during Polish language classes. In the media, however, it is usually introduced to such an extent as to, on the one hand, play a kind of game with the reader, but ultimately not to discourage him in his attempts to understand its meaning. To put it simply: media imagery is easier to perceive and understand. Thanks to this, a conversation about examples taken from its range can be a good introduction to the analysis of more difficult metaphors from the field of literature. In the Panorama Leszczyńska weekly, which has already been mentioned, lexical procedures are built, among others, on the basis of military imagery, which serves to build terror, tension and at the same time understatement.

The lexical richness in press titles is also evidenced by the presence of such treatments as oxymorons, etymological figures, homonyms or neologisms. Colloquial

expressions are also noteworthy examples. Colloquiality in the headlines evokes emotions in the reader, and is often a source of evaluation, which is a specific interpretative hint for the recipient, relating to the issue presented in the article. This line of thinking is related to the hypothesis of the agenda, about which Tomasz Goban-Klas writes in his study on mass communication. *It claims that mass media exert a significant influence [also through the use of colloquial words or expressions at a given moment – ed. A. Maćkowiak] not so much on human opinions, but rather on the directions (ie scope and hierarchy) of thinking. Recipients receive from the media not only up-to-date information on domestic and foreign events, but also acquire convictions about the importance and value of particular problems, e.g. when they show a great political crisis, catastrophe (flood), or stock market crash. Even those who are not affected by it in any way become convinced of the importance of the problem, although they have their own opinion about it.* [8]

The gradation and emotional marking of the title, and thus the entire media message, is the result of journalists reaching for potholes. Commonness has undoubtedly the power of impact, which – acting on the emotions of the recipient and not remaining axiologically indifferent – hyperbolizes the problems that – even in the eyes of people initially uninterested in the subject – become important.

### *Intertextual solutions*

In order to persuade the reader to read the text, journalists in the titles more and more often resort to intertextual treatments. Their commonness in journalistic practice is pointed out by Beata Grochala [9], who understands intertextuality both as a literal quotation and its modifications. After analyzing the material taken from *Gazeta Wyborcza*, he comes to the conclusion that journalists who edit this periodical often, when “processing” a quote from the journalist, reduce a part or replace components. Less frequently, however, they decide to expand the lexical composition of the source text or introduce changes to the grammatical forms of the words it contains. Beata Grochala notes *that the main function of press headlines is to synthetically capture the content of the article, informing the recipient about the most important events described in the article. The titles are primarily intended to interest the reader with the content of the message, catch his attention. Therefore, very often authors use language patterns established in the recipient’s consciousness (either*

[8] Goban-Klas, T. (2009): *Media and mass communication. Theories and analyzes of the press, radio, television and the Internet*. Warszawa: PWN. P. 267.

[9] Grochala, B. (2002): Intertextuality in the headlines of *Gazeta Wyborcza*. In: Michalewski, K. (Eds): *Text in the media*. Łódź: UŁ. P. 222.

[9] Grochala, B. (2002): Intertextuality in the headlines of Gazeta Wyborcza. In: Michalewski, K. (Eds): *Text in the media*. Łódź: UŁ. Pp. 222–229.

*in an unchanged form or introducing some changes in them). These include the titles of literary works, movies, songs, as well as quotes from these works. Thus, it is possible to distinguish a group of headlines in which intertextuality is the basis of the construction. [9]*

Titles built on the basis of intertextual measures are used, among others, in situations where the author – realizing that the topic presented is not the easiest one, has to find a way that will encourage the reader to read it. These include publications on economic or economic matters, which are of interest to specialists, but not necessarily to the general public. Attempts are then made to “familiarize” the recipient with a topic initially sounding not always friendly to him and to show him that one does not need to belong to the circle of specialists to understand certain issues and acquire some specialist and valuable knowledge. The closer to the present day, the more often the titles of journalistic texts are built on the basis of the principle of intertextuality. You can see the same tendency here as in the literature, which is even beginning to be called a culture supermarket.

## Summary

The line between the fascination with new media and media addictions is very fluid. This phenomenon can be seen especially in relation to the Internet, which more and more people, from different age groups, use almost all the time. The desire to be in virtual contact or to be “up to date” with the content posted on the Internet is so strong that sometimes it begins to dominate the common sense approach to life. There is nothing wrong with the fact that the Internet is becoming a window to the world, a tool helpful in education, work or the sphere of contacts with people from all over the world. However, it cannot dominate face-to-face interpersonal contacts.

At this point, a huge role belongs to educators, especially those who deal with issues related to media pedagogy on a daily basis. Their role is to sensitize young people as well as adults to what the proper reception of press materials should look like. In educational activities, the local press comes to the rescue, which – as emphasized – provides many valuable materials worth using during lessons. Such materials include titles of press texts.

The pursuit of originality of titles (some publishing houses even employ people whose only task is to come up with attractive titles) can lead to abuse, especially

when there are no attractive topics and the so-called “cucumber season” is approaching in the journalistic world. Then, even in a short title, there is a high probability of a situation similar to what Sławomir Mrożek described somewhat ironically and caricaturally in his column entitled Information, published in *Gazeta Wyborcza* of April 17, 1997, in which we read:

*Original text:*

„Niemiec zabił” – taki tytuł między innymi zobaczyłem w codziennej gazecie i przeczytałem, o co poszło. Mianowicie o to, że na jednej z tranzytowych dróg doszło do zderzenia między samochodem osobowym marki zachodniej i rejestracji niemieckiej oraz polskim fiatem 126p. Kierowcą samochodu niemieckiego był obywatel Republiki Federalnej Niemiec, a kierowcą fiata 126p obywatel polski. W wyniku zderzenia obywatel polski poniósł śmierć, zaś obywatel niemiecki obrażenia ciała. Z notatki nie wynikało, który kierowca ponosił winę za zdarzenie, być może żaden z nich. Być może winno było na przykład prosię, które wyskoczyło nagle z rowu na szosę. Być może nawet prosię było niewinne. Notatka była krótka, w kolumnie innych krótkich notatek, drobną czcionką. Tylko tytuł czcionką dużą, pogrubioną, dlatego zwróciłem na niego uwagę. Nasuwają się następujące pytania: Czy gdyby obywatel polski doznał obrażeń, a niemiecki zginął, czy wtedy tytuł notatki brzmiałby „Polak zabił”? Czy gdyby ten, który zginął, był w dalszym ciągu Polakiem, zaś tamten, który doznał tylko obrażeń, był Anglikiem, tytuł brzmiałby: „Anglik zabił”? [...] Dlaczego więc tytuł notatki brzmiał tylko „Niemiec zabił”, a nie „Niemiec zabił Polaka”? Otóż dlatego, że choć Niemiec szczególnie lubi zabijać Polaków, to – jak wiadomo – w zasadzie nie przebiera i zabija każdego, kto podleci. A więc w imię obiektywizmu i antyszowinizmu: Ale dlaczego „Niemiec zabił”? Dlaczego akurat taki tytuł, a nie inny, który by nie nasuwał powyższych pytań? Mam nadzieję, że tylko z głupoty i z zamiłowania do efektownych tytułów, tej manii, na którą chorują prawie wszystkie polskie gazety.

*Translation:*

“German Killed” – this is the title I saw in the daily newspaper and read what it was about. Namely, that on one of the transit roads there was a collision between a passenger car of the Western brand and German registration and the Polish Fiat 126p. The driver of the German car was a citizen of the Federal Republic of Germany, and the driver of the Fiat 126p was a Polish citizen. As a result of the collision, the Polish citizen died, and the German citizen – bodily injuries. The note did not indicate which driver was to blame for the incident, perhaps neither of them. Perhaps it was the piglet that suddenly jumped out of the ditch onto the road. Perhaps even the piglet was innocent. The note was short, in a column of other short notes, in fine print. Only the title in large, bold font, which is why I noticed it. The following questions arise: If a Polish citizen was injured and a German was killed, would the title of the note read “Pole killed”? If the one who died was still a Pole, and the one who only sustained injuries was English, would the title be: “The

Englishman Killed”? [...] So why was the title of the note only “German killed” and not “German killed a Pole”? Well, because although the German especially likes to kill Poles, as you know, he basically does not pick and will kill anyone who flies. So, in the name of objectivity and anti-chauvinism: But why did “the German kill”? Why such a title and not another one that would not raise the above questions? I hope it’s just stupidity and love for glamorous titles, that mania that almost all Polish newspapers suffer from.

Unfortunately, linguistic creations similar to the one described by Sławomir Mrożek appear too often in contemporary journalistic materials, which proves that sometimes the media – instead of focusing on describing and commenting on reality – try to create it by exceeding their competences. The title, as well as the whole text, can provoke, well when it combines such elements as brevity and attractiveness, but it is unacceptable for it to over-interpret the image of reality. For this reason, it is important to analyze press materials as part of media education. Educators cannot “take offense” at the media or assume that it is a sphere that should not be associated with the educational space. Education for the proper reception of media content and the proper use of media messages seems to be one of the priorities of education today.



## *Criminal liability of legal persons as one of the methods of fighting against doping in sport, especially in amateur sport* [1]

**Abstract:** Undoubtedly designer drugs are a major challenge of the 21st century. For more than ten years natural persons and their partnerships have applied new methods of introducing psychoactive substances on the market under false legal pretences. There is no need to convince anybody how dangerous designer drugs are and how huge profits (frequently illegal) are related to drug trafficking. Each country needs to seek various, new methods of combating this phenomenon. This article presents a general proposal to apply penalties and other punitive measures typical for repressive law (criminal law). The issue of legal highs affects various levels and spheres of everyday life. Sport is not unaffected by this phenomenon either. This is particularly evident in amateur sport. The application of criminal liability to legal persons can be an effective means of combating psychoactive substances and doping in sport.

**Keywords:** Designer drugs; psychoactive; drug trafficking; repressive; criminal law; doping in sport; amateur sport.

**Összefoglalás:** Kétségtelen, hogy a dizájner drogok jelentik a 21. század egyik legnagyobb kihívását. Természetes- és jogi személyek hosszú évek óta megújuló módszereket alkalmaznak a pszichoaktív anyagok kereskedelmében. A jogalkotási csúcs a mindennapi élet különböző szintjeit és szféráit érinti. A sportot sem hagyja érintetlenül ez a jelenség. Ez különösen nyilvánvaló az amatőr sportban. A büntetőjogi felelősség jogi személyekre (például fitnessközpontokra vagy edzőtermekre) történő alkalmazása hatékony eszköz lehet a pszichoaktív anyagok és a dopping elleni küzdelemben a sport terén.

**Kulcsszavak:** Designer drogok; pszichoaktív szerek; kábítószer-kereskedelem; megelőzés; büntetőjog; dopping a sportban; amatőr sport.

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[1] I would like to emphasize at the outset that I was delighted to accept the invitation to have the article on the criminal liability of legal persons as a method of fighting against psychoactive substances, which appeared in the book M. Rajcsányi-Molnár-I. András-I. P. Németh (Eds.), *Sustainability fields*, Dunaújváros 2021, Pp. 43–50. also published in a revised form in the journal “*Dunakavics*” published by the University of Dunaújváros. As one of my scientific activity areas is sports law, I decided to dedicate the article precisely to the criminal liability of legal persons as a method in the fight against psychoactive substances in sports, mainly amateur sports. Of course, some of the theses contained in this article will be a reminder of the comments made earlier in the book *Sustainability fields*.

[2] T. Srogosz, Prawo (2016): *Międzynarodowe i unijne wobec nielegalnego obrotu narkotykami*. Częstochowa. P. 25.

[3] Juliusz Makarewicz – born on 5th May 1872 in Sambor, died on 20th April 1955 in Lviv. He was a Polish lawyer, an experienced professor of criminal law of Lviv University, in 1925–1935 Polish senator. He was also the main author of codification of Polish criminal law, criminal code of 1932, often referred to as Makarewicz's code.

[4] J. Makarewicz (1906): *Einführung in die Philosophie des Strafrechts auf entwicklungsgeschichtlicher Grundlage*. Stuttgart. P. 452.

## Introduction

The first mention of intoxicants dates back to the Middle Ages. In ancient times taking drugs was usually related to religious or healing ceremonies [2]. Drugs have been a huge problem in a lot of countries for many years.

Although the matter of fighting with drug addiction has not yet been definitively solved, and it is doubtful whether it will ever be – in the last several years each country has been struggling with the new phenomenon i.e. designer drugs. This problem has appeared practically in all European countries as well as in other parts of the world.

The issue of legal highs affects various levels and spheres of everyday life. Sport is not unaffected by this phenomenon either. In the article on the criminal liability of legal persons, I have presented some general proposals for solutions that, in my opinion, can help improve the effectiveness of the fight against legal highs. Some of these solutions can also be used to fight against doping in sport. The problem of psychoactive substances is inextricably linked to the issue of doping in sport. The vast majority of psychoactive substances is considered to be performance-enhancing drugs. The scale of this phenomenon is particularly evident in amateur sport. Before presenting proposed solutions for fighting against doping in amateur sports, it is worth recalling the basic premises on which the criminal liability of legal persons should be based as a method of the fight with psychoactive substances.

## Criminal liability of legal persons *sensu largo*

The issue of criminal liability of legal persons has been of interest in the law studies for years. Interestingly, this issue was researched both in Poland and Hungary by scholars dealing with criminal law already 100 years ago. One of the most prominent Polish professors of penal law, Juliusz Makarewicz [3], in his book written in German, included in the European criminal law canon, stated that it was possible, considering the contemporary regulations in Poland, to execute criminal liability of legal persons. [4] He also believed that such a liability should not be excluded by lawyers, since it is feasible

to introduce it through particular legal regulations. In other words, there are no obstacles to introduce into the legal system of a particular country the criminal liability of legal persons.

Even more serious and critical studies into this area have been conducted in terms of the Hungarian penal law. As early as in 1922 prof. Ervin Hacker [5] published a book, whose title may be translated from Hungarian as: „*The associations capacity and criminal liability – Study within the substantive criminal law*”. [6] In the same year he also published a small brochure regarding the ability of associations to be subject to criminal liability. [7]

Nowadays, both in Poland and Hungary there are regulations which allow holding legal persons criminally liable. In both countries it has been regulated by separate acts. In Hungary the issue is regulated by an act on measures applicable to legal entities under criminal law from 2001 [8], but in Poland by the Act of 2002 on the Liability of Collective Entity for Prohibited Act under penalty of a fine. Interestingly, the Hungarian criminal code of 2012 mentions the criminal liability of legal persons, but the specifics are regulated in a separate act. Similar solutions also function in other European countries. [9]

In Poland and Hungary different regulations have been introduced than for example in France, where the issue of criminal liability of legal persons has been regulated in the criminal code since 1992.

Basically, both in Poland and Hungary it is not possible, or at least extremely challenging to bring to justice those legal entities that benefit from dealing designer drugs. It needs to be highlighted that this draft does not only refer to the Polish or Hungarian legislation, but aims at proposing particular, general solutions which may successfully be implemented – considering appropriate rules of law – in the majority of European legal systems.

[5] Erwin Hacker – born in Bratislava on 23rd March 1888, died in Miskolec on 27th December 1945. He was one of the most prominent figures of Hungarian criminal and criminological literature, as well as an outstanding lawyer, criminologist and a teacher of law. He studied law at Practical Law Academy in Bratislava and at the Budapest University, where he did a PhD degree in law in 1909. He started publishing at a very young age. In many of his publications and books he dealt with various fields of criminal science, among others, criminal statistics, criminology and prison issues. As one of the first, he highlighted in Hungarian doctrine, even the Central European one, the issue of prosecuting legal persons. Moreover, he strove to present that criminal law was becoming international.

[6] Haver, E. (1922): *Az egyesületek büntetőjogi cselekvőképessége és felelőssége: tanulmány az anyagi büntetőjog köréből*. Pécs: Grill Károly Udvari Könyvkereskedése. P. 228.

[7] Haver, E. (1922): *Az egyesületek büntetőjogi cselekvőképessége és büntethetősége*. Budapest. P. 15.

[8] Toth, D. (2019): The theories and regulation of criminal liability of legal persons in Hungary. *Journal of Eastern-European Criminal Law* no. 1. P. 178–188. Nagy, Z. A.: *Some problems of the criminal liability of legal entity in criminal dogmatics*. <https://www.law.muni.cz/sborniky/dp08/files/pdf/trest/nagy.pdf>

[9] See more about the verdict of TS of 12. 07. 2012. C-79/11, POSTĘPOWANIE KARNE PRZECIWKO MAURIZIOWI GIOVANARDIEMU I INNYM, ZOTSIS 2012, 7. I-448. Vermeulen, G.–De Bondt, W.–Ryckman, C. (2012): *Liability of legal persons for offences in the EU*. Antwerpen-Apeldoorn-Portland 2012.

[10] Most frequently it was PLN 5000 (approx. 1100 euro), since this is the minimum amount to establish a private limited company in Poland.

## Legal and penal measures which may facilitate fighting with psychoactive substances

Striving to create a new model of outlawing legal highs, it is worth implementing certain legal solutions, which may be regarded as examples of criminal liability of legal entities *sensu largo*. Within this kind of liability, in a broad meaning of this notion, there are all legal measures, which are not imposed in legal court proceedings, but which, due to their level of repression, resemble punishments and punitive measures prescribed in the criminal law, precisely in the criminal code.

Firstly, administrative penalties, which exist in the majority of legal systems in the world, need to be mentioned. Their main feature is the fact that they are not usually imposed by courts in criminal procedure, but by public administrative bodies in the administrative procedure. Frequently, in their severity they exceed penalties or punitive measures of the criminal code. For instance, pursuant to Art. 52a paragraph 1 of the Polish Act of 29 July 2005 on Counteracting Drug Addiction: ‘Anybody, who against regulations, produces and trades on the territory of Poland substitute substances, is subject to penalty of between PLN 20 000 (approximately 4400 euro) and PLN 1 000 000 (approximately 220000 euro)’. Financial penalty is imposed by the national sanitary inspector proper to the place of producing or dealing substitute substances. This decision requires immediate execution (Art. 52a paragraph. 2). While establishing the level of the financial penalty mentioned above, the national sanitary inspector takes into consideration especially the amount of manufactured or distributed substitute substances. Since in the Polish legislation system the word ‘Who’ is used, it may theoretically mean that those penalties may be imposed both on legal and natural persons. Practically, however, the penalties are imposed on natural persons, who personally deal, most frequently sell legal highs, not on copartnerships on behalf of which the dealers have been acting.

Frequently, the copartnerships trading designer drugs have a very low share capital [10], therefore executing the imposed penalties is impossible. Those copartnerships are usually registered in a country different from the one where they actually operate, which inhibits imposing on them the administrative penalties.

European legislation offers a wide range of instruments facilitating prosecution of crimes committed abroad. The international co-operation among various law enforcement authorities functions quite well. It is worth listing institutions such as

the European arrest warrant. Yet, there is still lack of such solutions in terms of executing administrative fines. [11]

Independently of described difficulties, it is worth highlighting that executing liability in forms of administrative penalties imposed on legal persons may occur to be an effective element of counteracting legal highs. It refers to all those situations when such copartnerships under false pretence of legal activity (for instance sell souvenirs or collector's items) in reality trade designer drugs. Administrative penalties may prove to be a more effective and faster way of executing liability then in case of criminal procedure. They allow imposing and executing financial penalties on legal persons who frequently reap high rewards from selling psychoactive substances.

Another interesting solution which may facilitate counteracting legal highs is the ban on running a certain type of business activity by a copartnership which is suspected of dealing legal highs. Frequently, the regulations of the Code of Criminal Procedure allow issuing a preventative measure in a form of a ban on business activity when the suspicion of committing a crime is justified. The institution eligible to issue such a measure is usually the public prosecutor, most often the prosecuting attorney, conducting the investigation or inquiry. In case of judicial proceedings the court is usually eligible to act this way.

Personally, I believe that in order to effectively counteract legal highs, it is worth granting such a statutory right to certain public administrative bodies. This strategy may prove effective for several reasons. Firstly, it is often very difficult to instantly prove that selling such substances is a crime, especially when this business is run under false pretence of other business activity. Furthermore, counteracting legal highs requires immediate actions.

It seems that public administration bodies, both government and local government ones, are able to take more immediate actions, and at the same time are more effective in this respect. Some doubts may concern the fact whether public administration institutions ought to have competence to make such decisions. It needs to be remembered that the freedom of business activity is one of the most significant values in every democratic country of the rule of law. In the majority of legal systems it is also the value guaranteed by the constitution of each state. For instance, pursuant to Art. 22 of the Constitution of Poland: 'Limiting the freedom of business activity

[11] Obviously there are rules and regulations which facilitate European administrative co-operation, but they are not so elaborate as the regulations describing criminal procedure and the co-operation in criminal cases among different countries. For instance, in the Polish administrative code the excerpt entitled 'European Administrative Co-operation' consists of only 7 articles.

is allowed only pursuant to the Act and only due to significant public interest'. It seems, however, that the necessity to act quickly and the risk posed by legal highs on life and health means that the requirement referring to limiting the freedom of business activity and some constitutional rights and liberties shall be fulfilled. Enabling public administration bodies to fight with psychoactive substances may be perceived as 'significant public interest', which needs to occur for the freedom of business activity to be limited by an Act.

Similarly to the case of administrative penalties, the proposed measure ought to be applied by public administration bodies. This measure, however, can be called a punitive measure *sensu largo*, since in its repressiveness it resembles penalties or measures prescribed in criminal law *sensu stricto*. Probably, in the world there is no criminal code which would allow to punish a culprit by ruling a ban of business activity or performing the profession if the culprit has abused, while committing a crime, his position or profession or has shown that further holding his position or performing his profession may pose risk on significant goods protected by law.

Obviously, the opponents of introducing into particular legal systems such solutions could claim that they prescind from the assumption according to which in the country of the rule of law, the bodies eligible to impose such severe measures are only state courts. Such an accusation, however, is unjustified since introducing the proposed solution into legal regulations of a country should entail court supervision and monitoring of such decisions if issued by public administrative bodies. In each legal system there are solutions which mean that the state resigns from its rulership in terms of 'power to punish' and passes its competences to, other than courts, public administration institutions, but simultaneously limits to a great extent 'the discretion' of the institution issuing the decision, among others through introducing court control of decisions issued in this way.

## How to fight with doping in amateur sport

The issue of doping, including that involving the use of designer drugs, in sport, is the subject of many wide-ranging scientific studies. The issue of using doping in amateur sport is much less frequently discussed. However, many users are also young people who think of improving their body shape or winning amateur competitions, where doping controls are rare. Among the many different methods of combating doping in sport, the discussed criminal liability of legal persons may also be one of the ways to overcome this phenomenon. Under this type of liability, there can be disciplinary responsibility of sports clubs for doping used by their athletes. This issue is regulated in detail in Article 11 of the World Anti-Doping Code (WADC). Where more than one member of a team in a team sport has been notified of an anti-doping rule violation in connection with an event, the ruling body for the event shall conduct appropriate target



testing of the team during the event period (art. 11.1. WADC). The consequences of doping in team games can also be borne by the club whose players have doped. If more than two members of a team in a team sport are found to have committed an anti-doping rule violation during an event period, the ruling body of the event shall impose an appropriate sanction on the team (e.g., loss of points, disqualification from a competition or event, or other sanction) in addition to any consequences imposed upon the individual athletes committing the anti-doping rule violation (art. 11.2. WADC). What's more the ruling body for an event may elect to establish rules for the event which impose consequences for team sports stricter than those in article 11.2 for purposes of the event. Similarly, an international federation may elect to establish rules imposing stricter consequences for team sports within its authority than those in article 11.2. This shows that some countries, the anti-doping committee and sports federations have effective measures to fight against doping in sport.

As has already been pointed out, this is far worse in amateur sport. I would therefore like to propose that a discussion be held on this subject. The aim is to enforce criminal liability against the athletes themselves and against legal persons (e.g. fitness centres or gyms) that allow psychoactive substances to be used on their territory. This particularly applies to situations in which the owners or employees of specific gyms themselves deal various kinds of psychoactive substances allegedly designed to improve the performance of their trainees. Criminal liability should also be imposed on entities that do not deal psychoactive substances but allow others, often other trainees, to sell them.

Enforcement of liability against legal persons (entrepreneurs or companies operating gyms) is relatively rare. Some attempts have been made in this regard in Belgium and Scandinavian countries (Denmark, Norway, Sweden). In Denmark, for example, the condition of running a gym is the conclusion of a contract with the Danish Anti-Doping Agency, under which anti-doping controls can also be carried out in gyms among the staff working out there.

Enabling public administration bodies to impose fines on gyms that knowingly or even unintentionally violate anti-doping regulations may prove an effective means of fighting against this phenomenon. Similar results may also be achieved by temporarily or, in extreme cases, permanently closing down a facility where dealing flourishes. It can be assumed that public administration bodies may prove equally effective in combating psychoactive substances in amateur sport as anti-doping agencies in professional sport.

Of course, it must not be forgotten that the vast majority of gyms in many countries operate in accordance with the rules and principles of promoting physical development, focusing not on doping but on the sport. However, it is a matter of definitively eliminating those entities that allow training and effort to be replaced by stimulants. It must not be the case that 'bad apple' influence the perception of those who act in accordance with the law and aim to promote a healthy lifestyle.



## *Local to International: The Inhibitive Elements in the Painful Process of Attaining Intercultural Status*

**Abstract:** This paper chronicles the variety of impediments in the leadership process of attaining international standards of workplace relationships. As the world has moved to the predicted global village. Staying confined to the nuances of one's own monolithic culture is insufficient for today's expert. As such people who find themselves in fields transcending cultural boundaries must de-bug, unlearn, learn, and adapt to new cultures, to survive in the global village. Increased interactions with culturally diverse populations mean a daily encounter with people from different cultural backgrounds who may proffer solutions to problems differently from the familiar and express emotions differently from how we know it. Our cultures are programmed social systems with the intention to eliminate randomness in our social spaces and create predictability that produces in us the assumptions of expected behavior in most situations. These shapes our thoughts overtime, driving systems and actions; reaching a level of banality that presupposes static processes of actions. Interculturalism when it comes knocking places a demand on these comfortable social programming that we found ourselves. Demanding a debugging of our hitherto comfort zone and journeying through the painful stretch to becoming intercultural. This paper captures the highs and lows of the process of intercultural adaptation.

**Keywords:** Culture; mental programming; intercultural communication; social intelligence unlearning and action learning.

**Összefoglalás:** Ez a tanulmány a munkahelyi kapcsolatok nemzetközi normáinak elérése terén mutatkozó vezetési folyamat akadályainak sokféleségét mutatja be; ahogy a világ az előre jelzett globális faluba költözött. A saját monolitikus kultúrájának árnyalataihoz való korlátozás a mai szakember számára nem elegendő. Mint ilyen embereknek, akik olyan területeken találják magukat, amelyek túllépik a kulturális határokat, tanulniuk kell,

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[1] Lorenz, K. (1967): *On Aggression*. London: Methuen.

[2] Morris, D. (1968): *The Naked Ape. A Zoologist study of the human animal*. New York: McGraw-Hill.

[3] Hofstede Geert, (2001): *Cultures Consequences: Comparing Values, Behaviours, Institutions and Organizations Across Nations*. Thousand Oaks-London: Sage Publications.

tanulniuk és alkalmazkodniuk kell az új kultúrákhoz, hogy életben maradjanak a globális faluban. A kulturálisan sokszínű népességgel való fokozott interakciók napi találkozást jelentenek a különböző kulturális háttérrel rendelkező emberekkel, akik a problémák megszokottól eltérő megoldásait nyújthatják, és másképp fejezhetik ki az érzelmeiket, mint ahogyan mi ismerjük. Kultúráink programozott társadalmi rendszerek, azzal a szándékkal, hogy kiküszöböljék a véletlenszerűséget a társadalmi terekben, és kiszámíthatóságot teremtsenek, amely a legtöbb helyzetben feltételezi a várható viselkedést. Ezek a viselkedések alakítják gondolatainkat a túlóra, a vezetési rendszerek és a cselekvések terén.

Az interkulturalizmus, igényt támaszt ezekre a kényelmes társadalmi programozásokra, amelyekre magunk találtunk. Ez a cikk az interkulturális alkalmazkodás folyamatának magas- és mélypontjait rögzíti.

**Kulcsszavak:** Kultúra; mentális programozás; interkulturális kommunikáció; társadalmi intelligencia elsajátítása és cselekvés-tanulás.

## Introduction

The cultures into which we are born or belong to hands us the lenses by which we view the world. As has been discussed in several works of literature relating to the natural biological sciences we as humans possess basic universal levels of mental programming, which is common to all, a biological operating system which produces a range of expressive behaviors laughing, weeping, sleeping, associative and aggressive behaviors. [1], [2] The terming of these biological behaviors' as universal programming seems apt because it is common to all individuals regardless of location and stature. However, there is also the collective (group) programming of the mind in the literature [3] categorized as culture manifesting itself in collective and individual values, the purported display and spatial distribution of peoples, tribes and cultures [4] existing in superficial ways as symbols, heroes and rituals as well as more concrete endeavors shaping our social interactions within a group. Intercultural encounters demand highlighting culture-dependent differences in thinking and acting which is not always a welcome intervention. [3] Notwithstanding global capitalism in which local and larger spatial arenas experience transformation in undetermined direction

and unintended consequences which emanates from inventions such as colonial capitalism, with its dislocating effects on existing societies. [4] Communication challenges in sphere transcending national boundaries such as the aforementioned are best tackled through an awareness of the risk our cultural mental programming can portend in these spheres. Addressing the elements in our mental programming that supports our survival and ease of transaction in our cultural origins, unfortunately, these enablers for successful living are the main challenges that make this journey to interculturalism unwelcome.

Culture as a discourse, cuts across disciplines. Disciplines across the social sciences have varying definitions of culture; of the anthropologist school, Kluckhohn [5] defines culture as consisting of patterned ways of thinking, feeling and reacting, acquired and transmitted mainly by symbols, constituting the distinctive achievements of human groups, including their embodiment in artifacts; the essential core of culture consists of traditional (i.e. historically derived and selected) ideas, especially their attached values (p. 86). A cross-disciplinary perspective of culture by Kroeber and Parson [6] defined culture as transmitted and created content and patterns of values, ideas and other symbolic- meaningful systems as factors in the shaping of human behavior and the artifacts produced through behavior (p. 583). Hofstede [3], narrowing Kluckhohn [5] more extensive definition declares culture as a collective programming of the mind that distinguishes the members of one group or category of people from another. [3] Referring to the mind as comprising of the hand, head and heart, with the thinking head, heart -feeling and the hands for performing. Guilford [7] sees culture as a representative of a human collectivity what personality is to the individual. Notions of locality or community referring to both demarcated physical space and clusters of interaction fostering the emergence of common identities through the intersection of its involvement in a system of hierarchically organized spaces with its own cultural construction as a community or locality. [4] The interactive aggregate of common characteristics that influence human groups response to their environment. Culture is a shared learned behavior which is transmitted from one generation to another for the purpose of promoting individual and social survival, adaptation growth and development, having both internal- values, attitudes, beliefs, cognitive, affective sensory styles, conscious patterns and epistemologies and -external artifacts roles and institutions representation (Samovar and Porter 2001: 33 cited in Rochel and Roká 2008: 30).

[4] Gupta, A.-Ferguson, J. (1992): *Beyond "Culture" Space, identity and the politics of difference*. Pp. 6–23.

[5] Kluckhohn, C. (1951): The Study of Culture. In: Learner, D.-Lasswell, H. D. (Eds): *The policy sciences*. Stanford: Stanford University Press. Pp. 86–101.

[6] Kroeber, A. L.–Parson, T. (1958): The Concept of Culture and Social Systems. *American Sociological Review*, 23. Pp. 582–583.

[7] Guilford, R. (1959): *Personality*. New York: McGraw-Hill.

[3] Hofstede Geert, (2001): *Cultures Consequences: Comparing Values, Behaviours, Institutions and Organizations Across Nations*. Thousand Oaks–London: Sage.

[8] Beamer, L.–Varnier, I. (2001): *Intercultural communication in global workplace*. Boston: McGraw-Hill– Irwin.

[9] DeVito, J. A. (2007): *The Interpersonal Communication Book*. Boston: Pearson.

[10] Bourdieu, P. (1980): *Le sens Pratique*. Paris Editions De Minuit.

[11] Rokeach, M. (1973): *Beliefs, attitudes and values*. New York: Free Press.

Culture is the coherent, learned, shared view of a group of people about life's concerns that ranks what is important, furnishes attitudes about what things are appropriate and dictates behaviors. [8] A relatively specialized lifestyle of a group of people consisting of their values, beliefs artifacts and ways of behaving and communicating. [9]

## Mental Programming: The Gift from the Family Tree

Mental programming is the progenitor of the social system's existence to eliminate randomness. Controlled at the neuro-physiological center of our brain, resulting from several pieces of information transferred and stored up in the brain. A social phenomenal transfer of collective programming the software of the mind collectively orchestrated without an actual conductor Bourdieu [10] cited in. [3] The criteria for qualification of this programming process are to be born into a group or find a place in the group by means of migration. Functioning effectively in that social environment requires a journey of programming by institutions, comprising the family, educational institutions, political institutions, the legislature and the society in general. These institutions collectively equip us for our life needs primarily to meet the demands of that society, just so people can dwell more effectively together. An enculturation process absorbed in the activity of learning one's culture beginning from infancy until these processes become internalized and habitual. Alongside culture which presupposes a collectivity [3] are values which can be held both individually and collectively, held both explicitly and implicitly distinctive of individual or group characteristics. Having a perennial belief that specific codes of conduct or end-state of existence are personally and socially preferred to alternative modes of conduct or end-states of existence. [11]

Cultures are collective norm of a social group, the mental software shared by the majority and values collectively and individually constructed supports mechanism for the maintenance of stability in societies, leading to the development and maintenance and of institutions in a society. These institutions further reinforce the social norms and ecological condition that birthed them in the first place. The collective reinforcements in form of values, symbols, heroes and rituals lead to national culture and national modes of perceiving and taking action which



becomes the lenses by which we see the world. These collective norms have positive implications for the society, nevertheless, when it clashes with other cultures our subjectivity becomes evident. Producing negative elements like culture shock, stereotypes, cultural relativism, ethnocentrism and possibly racism.

[4] Gupta, A.-Ferguson, J. (1992): *Beyond "Culture" Space, identity and the politics of difference*. Pp. 6–23.

## From National Character to National Stereotypes

Inkeles and Levinson (1997) define national character as the relatively enduring personality characteristics and patterns that are modal among the adult members in a society. The description as modal is made possible due to common mental programming across populations in the society and regardless of individual values, cultural traits are relatively collective. We may want to apply caution in consenting to the description of national cultures as modal due to the several disputations proffered by scholars. Bateson (1942) argues that national character has gone redundant on the ground that historical and current condition of a nation can explain differences in behavior, citing undermining of learning as the reason for this disputation. Secondly, he attacks disputations on the ground of heterogeneity of nations as being the good reason for non-categorization of nations as having a national character, asserting that with polymorphous national populations, so long as their parts interact, they thus influence each other. Heterogeneity of populations becomes irrelevant in checking the pulse of the national character of a nation, due to the presence of common institutions which make interaction unavoidable and reinforcements of common behavior, the national character becomes inevitable, taken literally to mean the disposition built into the personality of individuals who make up a society such dispositional qualities across population which make up a nation. Inkeles and Levinson (1997; vii) contends that many would rather believe it does not exist or better still feel that discussing it runs the risk of racism. Gupta & Ferguson [4] points to external influence that brings about the industrial production of culture, such as entertainment, and leisure may seem to achieve something approaching global cultural distribution, which paradoxically, leads to the invention of new forms of cultural difference and new forms of imagining community. Inferring a transnational public sphere has rendered any strictly bounded sense of community or locality obsolete. Regardless of global cultural forms

that is evident across social spaces our former cultural programming of each society essentially takes the responsibility of how we perceive and act to life challenges which is the result of our programming. Inkeles and Levinson (1997) Convinced about its existence, asserts that this programming process produces in us the normative reasoning for viewing the world around us. This observation suffices for the statement below made by Hofstede:

*When a person X makes a statement about the character of a population or population group Y his or her own or another, this statement always contains information about X but whether it contains valid information about Y remains to be proven.*

Hofstede made the above claim from the statement made by English 18th century philosopher David Hulme (1742/1964).

*“The Chinese have the greatest uniformity of character imaginable”. “The English of any people in the universe have the least of national character, unless this very singularity may pass for such”.*

Hulme saw the Chinese from the lenses of the English to which he belonged. In the search for scientific validation about population or population groups (Y) Hofstede provides us with four criteria by which information about a population can be acceptable, otherwise, it will become mere stereotypes. Firstly, it should not be judgmental rather be descriptive, secondly, there should be validated across sources, it should apply to a statistical majority and finally, it should possess characteristics that distinguish it from other societies. Institutional cognitive programming in which we have been embedded takes us through an apprehensive process that shapes our behaviors beliefs and attitude leading us to unconscious biases by which we process unconscious attributes with social identities and influences how we view race, ethnicity, age, gender, sexual orientation, and weight

## The Transition Inhibitors

Awareness about being in a mentally programmed state may never be visible unless we encounter other cultures. Engaging other cultures mean that we clash with the inhibitive elements which can be socially tortuous for the individual. The encounter tends to make false the programming that one has learnt from childhood. It attempts to take out our lenses and replace them with new ones. This is often met with resistance, that only conscious efforts stem from self and other awareness can be the deliverer from the damned.

We examine here the inhibitors and scholarly perspectives regarding them. **Culture Shock** commonly the first experience that comes with travelling out of one's comfort zone or habitual place of residence to live in another culture. Coined by Kelervo Oberg an anthropologist; descriptive of the effect associated with the

tensions and anxiety of entering into a new culture, fused with the sensation of loss, confusion, and powerlessness resulting from the forfeiture of the familiar cultural norm and social ritual. [12] This leads to certain reaction such as homesickness, antagonism towards the host culture, and the wider the gap in cultural differences from the host culture the greater the culture shock (Hochel and Roka 2008.) Persons who among their core values is diversity are more likely to be less affected by culture shock because they would have imbibed a skill of being less judgmental. (Ibid).

**Ethnocentrism** is at the peak of the challenge of transition according to Hofstede it is similar to egocentrism descriptive of the period in a child's life before he can accept the point of view of another. Only the child's perspective is relevant, the period of NO! The name for the view of things in which one's own group is the center of everything and all others are scaled and rated in reference to it. [13] Ethnocentrism is typical of when one negatively judges the ways of other's culture by the standards of his/her own culture. The biggest barrier to overcoming culture shock (Hochel and Roka 2008: 18) the biggest barrier to effective cross-cultural communication believing their own culture is the right and natural ways and others are judged by this. (Ibid). Individuals are not the only ones guilty of this crime, once upon a time social science was guilty of this, even in the present day for disciplines with less cross-cultural contact there still exist elements of ethnocentrism. It is in disciplines like Anthropology that had early encounters with cross-cultural research that ethnocentric attitude in science research came to the fore. [14] Culture lenses teach its members that their way of life is natural and correct. They, therefore, develop a sense of cultural superiority that tend to see people from other culture who do things differently as wrong. [15] This can be worse for people who have remained embedded in their own cultural environment. Long time experiences thus produce negative emotional reactions to cultural differences that make people unwilling to understand disparate cultural beliefs and values. Hochel and Roka discuss degrees of ethnocentrism, ranging from mild- judging based on dressing tied to sanitation to as strong-as deserving of death because they have a different religious practice from the familiar. This leads to **prejudice**, which is a predisposition to feel, think, or act negatively towards members of another group. This prevents perceiving encounters as individuals, they are rather seen as members of a group that is abhorred. (Ibid). Prejudice is a strong inhibitor to intercultural communication, operating in conscious and unconscious ways that only self-awareness provided for in emotional intelligence can help to surmount. It operates unconsciously as making

[12] Neuliep, J.W. (2006) *Intercultural communication: An ontexual approach*. Thousand Oaks: Sage.

[13] Summer, W. G. (1940): *Folkways*. Boston: Ginn.

[14] Faucheux, C. (1976): Cross Cultural research in experimental social psychology. *European journal of social psychology*, 6. Pp. 269–339.

[15] Lustig, M. W.–Kester, J. K. (1999): *Intercultural competence: Interpersonal communication across cultures*. New York: Longman.

[3] Hofstede Geert, (2001): *Cultures Consequences: Comparing Values, Behaviours, Institutions and Organizations Across Nations*. Thousand Oaks–London: Sage.

[16] Hall, B. (2005): *Among cultures: The challenge of communication*. Belmont: Thomson.

a Human resource manager decide against hiring a person, not based on the person's level of competence, but rather on a preconceived notion about the group the person belongs to, for which he already has a negative stereotype. Moving in the direction of tolerance, accepting and appreciating differences through learning about other cultures with an open mind [16] (Hochel and Roka 2008) is the antidote. **Cultural relativism** Judging a culture by its standard is cultural relativism. Here the value of the person(s) in case of deontological approach in the sphere of ethics, ideology or theology or value of the researcher in case of phenomenological research impacts the ways of perceiving, observing, describing, classification and predicting reality. [3] The only way out of it is being clear and explicit about one's value and exposing ones work to the work of other researchers with a different value system. Cultural relativism becomes apparent in the study of cultural differences among human groups and categories that feel, think, and act differently. (Ibid). Cultural relativism affirms that no culture has the absolute criteria for judging other culture as 'low' or 'noble' but can only reserve these forms of judgement to its own activities and group because its members play the roles of observers as well as actors (Levi Strauss and Éribon 1988: 229, cited in Hofstede 2001).

Cultural relativism may presuppose normlessness, in reality, it does not it only call for caution against judgement when societies other than one's own are involved in the observation or scrutiny. It does not require us to abandon all judgements, rather for us to understand a culture as if we were insiders and then look at the behaviors of people from that point of view (Hochel and Roká 2008). Applying the norm of a giving group in judgement against another is an error, rather an information about the norm of the society being scrutinized, their roots and consequences as well as cultural differences between societies should precede judgment if we must judge. Gone are the days of the imposition of one's cultural norm by experts and development assistants to induce changes in societies of assignments. [3] Today's pathway to successful agreements is through compromise resulting from negotiation where differences in viewpoints are exposed and options with more merits can be applied in a given situation.

The complex nature of culture transcends geographical proximities and similarities in structural, a biological makeup of groups regardless of Caucasian skin color vanilla looking with straight hair across Europe differences still are apparent. Or the chocolaty kinky hairs in Africa presenting a picture of uniformity of people much more diversity exist in cultural differences as well as in Asia and the Middle East.

Hall [16] recommends the way out as transcending the limits of individual cultures by first recognizing and accepting the multiple hidden dimensions of unconscious cultures existing in every culture.

[8] Beamer, L.–Varner, I. (2001): *Intercultural communication in global workplace*. Boston: McGraw-Hill–Irwin.

## Social Intelligence and Intercultural Communication

Undermining intercultural challenges to communication can be at one's peril. [8] emphasizes the focus on the decoding process from the receiver end, which is subject to signals, social values and cultural variables do not present at the sender's end of the communication. Hochel and Roká (2008: 20) cites the success of the American Marshall plan which supported the rebuilding of Europe after the 2nd world war most probably as a result of similar cultures between both, America and Europe, however, other well-intended projects elsewhere in Asia and Africa were unsuccessful because cultural factors were not properly fathomed in the development plans. Citing poor training by the foreign service etched from anthropologist's macro-level aspects of culture such as family structure, economic and political systems, and undermining micro-level personal interactive skills much needed by participants. These failures led to the demand for and establishment of training courses in intercultural communication (Ibid).

Cultural theories and intercultural communication theories suffice in giving us direction on how to approach intercultural communication. Hochel and Roká (2008: 22–24) analysis various theories of intercultural communication. Beginning with the *face negotiation theory* which emphasis the image a person prefers to project and maintain in an interaction. Developed by Stella Ting-Toomey helps in explaining differences in behaviors between persons from individualistic (societies that emphasize individual goals and needs over group needs) society and those from collectivist society (one that emphasizes goals, needs of the group over the individual). In face negotiation theory those from individualistic societies are more concerned about their personal image, while those from collectivist usually stand up for the image of the group using indirect, avoiding or obliging conflict resolution style to preserve harmony in the group. (Ting-Toomey and Chung 2005) also discusses insights into management differences between members of the ingroup and those of both collective and individualistic situations. Anxiety management

[17] Gudykunst, W. B. (2003): *Cross cultural and Intercultural Communication*. Thousand Oaks: Sage.

[18] Edgoose, J.–Quiogue, M.–Sidhar, K. (2019): How to identify, understand and unlearn implicit bias in patient care. *Fam Pract Manag*. 26. (4.) Pp. 29–33.

[19] Rank, O. (1932/1989): *Art and Artist: Creative Urge and Personality Development*. W.W. Norton.

[20] Revans, R. (1980): *Action learning: New techniques for management*. London: Blond & Briggs.

[21] Waddill, D. D.–Marquardt, M. (2003): Adult learning orientations and action learning. *Human Resource Development Review*. 2. (4.) Pp. 406–429.

style emphasizes skillful management of anxiety and uncertainty allows for effective communication. Presupposes that the major concern of group (in and out) when they meet is to reduce the level of anxiety and uncertainty and be able to predict the behavior of the outgroup members. While individualistic depend on themselves, collectivist depend on group roles to reduce uncertainties. [17]

## Unlearning the Learned

*If you are distressed by anything external or internal, the pain is not due to the thing itself, but to your estimate of it; and this you have the power to revoke at any moment”*

*Marcus Aurelius 167 A.C.E*

Across disciplines are researches that present biases in spheres of engagement, with the recommendation to unlearning these biases that impede the objective communication and delivery of services. [18] Unlearning involves separation from one's self-concept, in which one has been culturally conditioned to conform to familial, group, occupational or organizational allegiances or breaking out of one's shell from the inside is a separation that is so hard not only because it involves persons and ideas that one reveres but because the victory is always at the bottom and in some form won over a part of one's ego. [19]

This definition of Rank is crucial to the task of unlearning process as it does not make light the process of unlearning by highlighting revered ideas and persons. Mental programming is not a light issue, as it could be all that we know from birth for some, but when exigency is placed on the individual to unlearn learned processes and lifestyles, conviction and commitment becomes new phrase for the persons involved. The originator of action learning Professor Reginald Revans discusses his encounters with a talented group of scientists several of whom had won Noble prizes, reflecting and expressing their ignorance sharing experiences of several ignorant actions and communally reflecting to learn. Revans [20] action learning gained grounded theoretical underpinnings in the work by [21] where they demonstrated the link between action learning and adult learning theory. Cross session of scholars across fields of sciences and organization and regions have written and applied action learning in fields of endeavor.



Notable among these is Kramer Robert [22], [23], [24] who pioneered the action learning in administrative processes in the US government and the European Commission in Brussels and Luxembourg, as well as other states in Europe. He applied Otto Rank's theory of artistic creativity and unlearning a therapeutic process of taking an individual through the process of learning more creative ways of thinking, feeling and being in the here and now and unlearning self-destructive ways of feeling in the here and now. Here and now becomes relevant to the transcendent spaces that are now the individuals most recent realities away from his/her local settings to more intercultural spaces where inhibitors have no place nor function. Otto Rank did compare unlearning to breaking out birth process, separating from internal mental objects, institutions beliefs and assumptions, restrictions of culture, social conformity and received wisdom. Unlearning would mean exposing oneself to critical inquiry and learn to emancipate from what we know and learn to unlearn.

Emotional intelligent theories can also be on hand to support unlearning impeding habits to intercultural communication. According to (Salovey and Mayer 1990) Emotional Intelligence – “is the ability to monitor one's own and other's emotions, to discriminate among them, and to use the information to guide one's thinking and actions. Freedman and others conceptualize it as a way of recognizing, understanding, and choosing how we think, feel, and act. It shapes our interactions with others and our understanding of ourselves. It defines how and what we learn; it allows us to set priorities; it determines most of our daily actions correctly. Research suggests it is responsible for as much as 80% of the “success” in our lives”. Goleman [25] encapsulates it in four element Self-awareness which is about recognizing when we are experiencing a feeling or an emotion, why you are experiencing the emotion, labelling the emotion and manage it and then choose how to behave: /other awareness and self-regard and other regard are processes of acquiring skills that bring active learning into organizational relations

With evidence today about neuroplasticity emerging research show that the brain can be trained, training influences brain structure and brain function however the choice is ours to either be a fly stuck un sundew leaves or a fluid mountain stream. [26]

[22] Kramer, R. (2007a.): Leading Change Through Action Learning. *The Public Manager*, 36. (3.) Pp. 38–44.

[23] Kramer, R. (2007b.): How Might Action Learning Be Used to Develop the Emotional Intelligence and Leadership Capacity of Public Administrators? *Journal of Public Affairs Education*, 13. (2.) Pp. 205–230.

[24] Kramer, R. (2008): Learning How to Learn: Action Learning for Leadership Development. In: Rick, Morse (Ed.): *Innovations in Public Leadership Development*. Washington DC: M.E. Sharpe and National Academy of Public Administration. Pp. 296–326.

[25] Goleman, D.– Boyatzis, R.–Mckee, A. (2002): *Primal Leadership. Learning to Lead with Emotional Intelligence*. Boston, Massachusetts: Harvard Business School Press.

[26] Goldin, P. (2008): *Neuroscience of Emotion*. [video] <https://www.youtube.com/>

[25] Goleman, D.– Boyatzis, R.–Mckee, A. (2002): *Primal Leadership. Learning to Lead with Emotional Intelligence*. Boston: Harvard Business School Press.

[27] Beamer, L. (1992): Learning intercultural communication competences. *The Journal of Business Communication*.

## Conclusion

Learning may be a difficult process but more challenging is unlearning in which we have to confront breaking out birth processes and roughing one's ego against which the alternative would be to stay in our comfort zones. Comforts are over-rated, supporting conformity that maintains the statuesque which can impede where we want to go in our career, communication, institutional development, educational institutions, social science research, workplace relationship and other intercultural pathways. However, keeping our eyes on goals to be achieved and the benefits there-off can bolster the journey to redemption. Intercultural communication is basically for the achievement of goals and objectives if goals must be attained then proper communication must be established, the end result of communication is how the receiver perceives it and until one becomes empathic enough to attempt to see how communication is perceived from the receiver's point of view, which presupposes different values and way of seeing and perceiving from the way we see it. We must be empathic enough to be willing to see through the eyes of others giving acknowledgment to the fact that all cultures are equally valid in the way they are organized and explain human experience. [27] This supports efforts to overcoming our natural biases to be able to achieve communication which itself is culture (Samovar et al 1981). The five-level learning process model by [27] which first acknowledges diversity organizing information according to stereotypes, posing questions to challenge the stereotypes, analyzing communications episodes and generating meaning in 'other culture' messages. This learning model supports encoding and decoding with the intent of achieving deductive meaning in message exchange in intercultural communication. Once this process has been experienced new cultural encounters are subjected to this scrutiny against one's biases till we get to the end product of generating in other cultures messages. Regardless of how difficult this may seem, because changing habits is of course hard work; creating a vision of oneself- where one would be with the new skill a few years down the line can support reversal of decades of habits that resides in heavily travelled highly reinforced neural circuitry built up over years of repetition of that habit. [25] Successful intercultural communication are achievable with the acknowledgement that it is process-oriented and a commitment to journeying through the process.

# *Galéria*

*Duma Attila fotói*





























