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Relation of the Perception of Work Environment with Job Satisfaction: The Case of Teachers in High Schools in the Municipality of Prishtina

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Abstract

Many researchers have put the work environment in the spotlight, anticipating that a positive environment would be valuable for enhancing employee satisfaction, which motivates them to be more efficient. The purpose of this research was to test the relationship between the perception of work environment and job satisfaction in high schools in the Municipality of Prishtina. The survey included 154 teachers in these schools. The results obtained in this study, for each dimension of the work environment, were analyzed according to the relevant theoretical framework. From the empirical results, it was found that there is a correlation between work environment and job satisfaction. These results indicate that there are positive correlations of sets of relationship dimensions, personal growth / goal orientation, and system change / maintenance with job satisfaction.

Keywords: *work environment, job satisfaction, perception, teacher.*

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Introduction

Although the role of teaching is crucial for the education of future generations and for the society in general, it is important to pay special attention to teachers. Also, job satisfaction is an important concept, not only for the individuals, but also for the well-being of society. Job satisfaction is one of the factors that ensure good performance in teaching and school productivity. However, what leads to job satisfaction?

Many researchers have explored the perception of the work environment in correlation with the job satisfaction. However, it is important to further research this issue, with focus on the educational system of societies in transition. Such a context to explore this issue is offered in Kosovo.

Job satisfaction indicates how an employee feels about his or her job (Wefald, Reichard, & Serrano, 2011). Locke (1976) described job satisfaction as a positive and pleasant emotional state that an individual has for his/her job. Kalleberg (1977) argued that job satisfaction is an employee's usual attitude about his/her job. The employee balances his/her satisfaction or dissatisfaction in different parts of the job and ultimately forms a general conclusion about the job: satisfied or not. The concept of work environment according to Mehboob and Bhutto (2012) includes physical, psychological, and social aspects. Moos and Billings (1991) defined working conditions as the socio-psychological characteristics of the work environment, respectively, employees' attitude toward work tasks and interpersonal communication.

In our country there is a vacuum in research on the relationship between perceptions of the work environment and the job satisfaction, especially in the field of education. Therefore, a substantial analysis of the work environment, including many of its dimensions, would provide us with a clear picture of the current situation and how it affects job

satisfaction among teachers. Thus, the conclusions and recommendations from this research will be of great relevance for managers of school institutions and organizations in general, as they will provide relevant information that is important for enhancing school performance.

Job satisfaction

There are different definitions for job satisfaction. Some definitions focus on job satisfaction as a central feeling, and do not share it with individual components, whereas others take into account each of the factors that influence overall job satisfaction. Thus, according to Locke (1976), job satisfaction is a satisfaction or a positive emotional state, which is related to the job that a person commits. According to Vroom (1964), job satisfaction is an orientation of the emotions that employees possess towards the role they perform in the workplace. Whereas, according to Leap and Crino (1993), job satisfaction is described as the employee's feelings toward his/her job, the rewards he/she receives, and the characteristics of the social, organizational, and physical environment in which he/she performs his/her work activities. Also, job satisfaction is a combination of psychological, physiological, and environmental circumstances, which give a person reason to truly understand that he is a satisfied employee (Hoppock, 1935).

Intrapersonal comparison theory determines the level of satisfaction between what a person wants and what he or she really gets from the job. The lower the difference, the higher the level of satisfaction will be (McCormick & Ilgen, 1980).

The process of interpersonal comparison speaks about persons who are compared to others but who do similar work. From the observation of others, they come to a conclusion about

how truly satisfied they are. Further they compare themselves with others in order to draw a conclusion that is associated with the corresponding feelings of satisfaction or dissatisfaction (Salancik & Pfeffer, 1977).

Working environment

By the end of 1970, in the literature researchers had identified various dimensions of or indicators for the work environment to define or describe it. A meta-analytic review has found that different terminologies are used in the literature when referring to the work environment, e.g., psychological climate, organizational climate, working conditions, or organizational culture (Aneela, 2012).

A good working environment is a prerequisite for individuals to be able to do their job in an ideal, safe, healthy and comfortable way (Sedarmayanti, 2003). Therefore, many studies classify work environment into toxic environment and favorable environment (Akinyele, 2010; Yusuf & Metiboba, 2012; Assaf & Alswalha, 2013). The working environment includes working conditions such as temperature, humidity, ventilation, lighting, noise, workplace cleanliness as well as adequate tools and equipment.

Mehboob and Bhutto (2012) presented a comprehensive concept of the working environment and included the physical, psychological, and social aspects that mark the working conditions. The work environment encompasses all aspects that act upon and respond to an employee's body and mind.

According to Moos (1994), the work environment refers to the psychosocial characteristics of the work environment and is characterized by how individuals relate to each other (the relationship domain), personal growth goals, on which an environment is oriented (personal growth or goal orientation)

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and the amount of structure and openness to the change that characterizes it (the domain of system maintenance and change). Namely, he suggested that the work environment should include factors such as: involvement, team cohesion, supervisor support, task orientation, work pressure, autonomy, clarity, innovation, physical comfort, and managerial control.

Moos (1986) developed a theory and named it "the socio-ecological model", which suggests that the way the environment is perceived tends to affect the way we behave in that environment. From the perspective of this model, the perception of the environment in which individuals live and work tends to have a significant impact on attitudes, behaviors, and physical and psychological health. To explain the development and outcomes of the work environment, the model explains the interaction between the five so-called systems: organizational system, personal system, work stressors, coping responses, and individual adaptation or outcomes. The organizational system consists of physical characteristics, organizational policies and structures, suprapersonal factors of duty and work, and the work climate. Personal factors include characteristics, including employee's job position and level of experience, social and demographic background, and personal resources, such as self-esteem, expectations, job preferences, and so on (Moos, 1986).

One of the advantages of using the Moos's model emphasizes its usefulness in identifying environmental strength (Flarey, 1991). The socio-ecological approach of Moos occupies a prominent place because this model was expanded to operationalize the construction of the work environment and has provided a measurement for many aspects that have so far been widely used in literature (Belicki & Woolcott, 1996; Straker, 1989).

Moos's approach carries a much broader view of constructs that explain the work environment (Moos, 1990), offering a wide range of psychosocial factors of the work environment. The Moos's model has prompted massive research, and most studies that have investigated the impact of work environment outcomes have used its model (Chan & Huak, 2004; Goddard et al., 2006; Hemingway & Smith, 1999; Karsh, Booske, & Sainfort, 2005; Long, 1993; Salyers & Bond, 2001; Westerman & Cyr, 2004; Westerman & Yamamura, 2007; Wilber & Specht, 1994; Wu, 1998).

Based on the concept of Moos (1986) theory about working environment conditions, we will explain according to the classification how this study addresses this variable, namely relationship domain, personal growth domain or goal orientation, as well as domain of system maintenance and changes.

The relationship domain

The relationship domain values how committed employees are to their work, how friendly and supportive they are to each other, and how supportive the managers are to employees. It includes three factors: involvement, cohesion among co-workers, and support from supervisors.

Involvement

The degree of involvement measures the extent to which employees are concerned and committed to their work. For example, how challenging the work is, how proud people are of the organization and their efforts in what they do.

Coworker cohesion

The Coworker Cohesion scale taps the extent to which employees are friendly and supportive of one another. For example: people's efforts to help a new employee feel comfortable, their interest in each other, and how honest they are about their feelings.

Supervisor support

Supervisor support values the extent to which management is supportive of employees and encourages them to be supportive of one another. For example: how often supervisors compliment an employee who does something well, how often they give full credit to the ideas contributed by employees, and whether employees feel free to ask for a raise.

Domain of personal growth or goal orientation

The domain of personal growth or goal orientation focuses on the emphasis on independence, job performance, and job requirements. It includes factors such as autonomy, task orientation, and work pressure. All three factors contribute to a description of the goal orientation of the work environment. Autonomy and task orientation also touch on the domain of personal growth.

Autonomy

The autonomy scale measures the extent to which employees are encouraged to be self-sufficient and to make their own decisions. For example: how much freedom employees have to do as they like, how much they are encouraged to make their own decisions, and whether people can use their own initiative to do things.

Task orientation

Task orientation taps the degree of emphasis on good planning, efficiency, and getting the job done. For example: how much attention people pay to getting work done, how often things get "put off until tomorrow", and how efficient and task-oriented the workplace is.

Work pressure

Work pressure assesses the extent to which the work pressure and time urgency dominate the work environment. For example: how much time pressure needed to keep working, how often it seems to be an urgency about everything, and whether people can be affording to relax.

System maintenance and change domain

The domain of maintenance and system changes assess the work settings emphasis on rules and policies, on variety, and innovation; they also tap the pleasantness of the physical setting. Factors or dimensions in this area are clarity, control, innovation, and physical comfort.

Clarity

Clarity in tasks indicates to what extent employees know what to expect in their daily routine and how explicitly rules and policies are communicated. For example: How well the activities are planned, how clearly the responsibilities of the supervisors are defined, and how well the details of the assigned jobs are explained to employees.

Managerial control

The managerial control scale assesses the extent to which management uses rules and pressures to keep employees under

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control. For example: how much emphasis is placed on the following policies and regulations, whether people are expected to follow the rules in doing their work, and how closely supervisors watch employees.

Innovations

The innovation scale measures the degree of emphasis on variety, changes, and new approaches. For example: whether doing things in a different way is valued, whether new and different ideas are tried out, and whether the workplace is one of the first to try out a new idea.

Physical comfort

Physical comfort assesses to what extent the physical surroundings contribute to a pleasant work environment. For example: How good the lighting is, how stylish and modern the workplace appears, and whether the colors and decoration make the workplace warm and cheerful to work in.

Environment and job satisfaction

Organizations with supportive cultures (O'Reilly et al., 1991; Peters & Waterman, 1982; Schein, 1990), ethical climate (Ulrich et al., 2007; Victor & Cullen, 1988), and innovative work environments (Amabile et al., 1996) promote employees' ethical behavior, creativity and performance. A favorable work environment enhances satisfaction, commitment, and performance (Kristof-Brown et al., 2005; Vancouver & Schmitt, 1991). A favorable work environment enhances the role of clarity and organizational commitment (Hunt et al., 1989), and reduces the role of conflict and the role of ambiguity (See & Chen, 2006), and at the same time promotes employee morale that leads to higher job satisfaction (Stansfeld & Candy, 2006).

On the contrary, in an unfavorable environment, hard-working workers leave and find another job while mediocre employees stay (Opkara, 2002).

Similarly, Okonkwo and Obineli (2011) describe that good working conditions provide greater physical comfort for teachers and boost their morale. On the other hand, very bad conditions create frustration and regret, as well as a high sense of discontent. In support of this, many public-school teachers lack motivation and job satisfaction due to low salaries and poor working environment, so in an inspiring workplace we also find inspired workers (Obineli, 2013).

Whereas, a recent study which included 2,000 educators from California, found that 28 % of teachers who left before retiring would return to work, if the working conditions would have been improved. Money stimulation has been found to be less effective in enticing them to return to work (Futernick, 2007).

Among other things, job satisfaction becomes an important issue because of its relationship to employee productivity (Janz, 2003) and performance Leblebici (2012). So, to improve employee productivity and performance, companies need to pay attention to employee satisfaction, because higher levels of job satisfaction lead to higher employee productivity and performance.

Other researchers also found an association of the work environment and the job satisfaction. Roelofsen (2002) described that a comfortable work environment reduces complaints and the level of absenteeism among employees who are satisfied with their work, so organizations should be able to create a favorable work environment. Heartfield (2012) in his research found that the work environment influences job satisfaction, and it is not based solely on material benefits, so an organization with a positive communication climate and

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positive social interaction also increases job satisfaction. Furthermore, Muhammad et al. (2015) in their study examined the relationship between work environment and teacher satisfaction in a private university, and concluded that there is a positive and strong relationship between those two. It has been proven that the employer-employee relationship has a greater impact on teachers' job satisfaction. Management policies and teachers' freedom also have a significant impact on teachers' job satisfaction, while teachers' involvement and relationship with co-workers have a lower impact on job satisfaction.

Research hypotheses

H1: Work environment perception is positively correlated with the job satisfaction.

H2: There are relationships between the set of relationship dimensions and the job satisfaction.

H3: There is a correlation between the set of dimensions of personal development and goal orientation with the job satisfaction.

H: 4 There is a correlation between the set of dimensions of change and system maintenance with the job satisfaction.

Representative group

This research included teachers from all high schools of the municipality of Prishtina. The representative group was composed of 154 high school teacher-participants in Prishtina. 53 or 34.4% were males, 99 or 64.3% were females and 2 or 1.3% teachers did not place their gender in the questionnaire. From these teachers, 50 or 32.5% had completed basic studies, 102 or 66.2% had completed postgraduate studies, and 2 or 1.3% did

not indicate the level of their education. 127 or 82.5% of the teachers were married, 26 or 16.9% were not married and 0.6% or 1 teacher did not indicate the marital status. Regarding the place of residence, 18 or 11.7% of the participating teachers lived in rural areas, 135 or 87.7% of teachers lived in urban areas and 0.6% or 1 teacher did not indicate the residence. In terms of age, the youngest teacher participating in the research was 24 years old, while the oldest teacher was 64 years old, and the mean value of teacher's age was 41.53, with a standard deviation of 10.40. Regarding the age group, 26 participants were aged up to 30 years, 49 participants were aged 31-40, 41 participants were aged 41-50, 34 participants were aged 51-60 and 4 of them were aged over 60. In terms of teaching experience, 37 participants had a teaching experience of up to 5 years, 71 participants an experience of 6-15 years, 30 participants an experience of 16-25 years, 13 participants an experience of 26-35 years and 3 teachers had an experience of over 35 years.

Data collection procedure

Prior to applying the questionnaires, permission was obtained from the Department of Education of the Municipality of Prishtina, as well as from school principals, in which the teachers who were included in the study sample were selected. The application of the questionnaires was made during the 2018-2019 school year. The structured questionnaires were distributed to the teachers and, before starting the questionnaires, the teachers were informed and provided with the necessary instructions on how to complete the questionnaire. In order not to impede the teaching process, in cooperation with school principals and research participants, the research was organized after the end of teaching classes, in

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a suitable physical environment to complete the questionnaires. It took approximately 25 minutes to complete these instruments. A total of 154 questionnaires were completed.

Implementation of questionnaires also has its limitations, as in many cases participants do not want to cooperate, are not honest in their answers, partially fill out questionnaires just enough to complete them, etc. To overcome these problems, most of the questionnaires were filled out in the presence of the researchers in order to guide participants on how to complete them.

Research instruments

Two standardized research instruments were used for this research. One instrument was used for measuring teachers' perceptions of the work environment (WES/R-Work environment scale-real form (Moos, 1994), while the second instrument, the Brayfield-Roth scale, was used for measuring teachers job satisfaction (Brayfield & Roth, 1951).

The WES-Work environment scale consists of 10 dimensions, each of which has 9 questions, with a total of 90 questions. For each question/variable, two scales are given: true and false. Cronbach's alpha for this measuring instrument is 0.87. The second instrument, the Braffild-Roth scale, consists of 18 questions, with 5 Likert scales: I strongly disagree, I disagree, I hesitate, I agree, and I completely agree. Cronbach's alpha for this measuring instrument is 0.80.

In addition to these two measuring instruments, the questionnaire also included various demographic questions such as: age, gender, marital status, education level, urban or rural residence, and work experience.

Results

The results are presented for each dimension, and the comparison of the results for the dimensions to each other. Results related to teacher job satisfaction are also presented, as well as the link between the work environment and job satisfaction. Also, through various statistical tests, teachers' differences based on personal data and perceptions of work environment and job satisfaction are presented.

The descriptive statistics are presented in Table 1. The minimum possible value was 9 and maximum 27, and the predicted mean value was 18. Based on the results of the mean value for each dimension, it can be observed that the highest mean value is in the task clarity dimension, $M = 23.77$, followed by dimension inclusion with $M = 22.5$, task orientation, $M = 22.14$, autonomy dimension, $M = 21.25$, cohesion dimension, $M = 20.9$, physical comfort dimension, $M = 20.45$, supervisor support dimension, $M = 20.25$, innovation, $M = 19.9$, control, $M = 19$, and work pressure, $M = 17$.

It is noted that generally teachers have no objection to the work environment, since the lower average is about 17, which means that they have a moderate positive perception of the work environment.

Table 1. Descriptive statistics

		Mean	The standard deviation	Minimum	Maximum
1.	Work environment perception (dimensions)				
1.1.	Involvement	22.50	3.13	9.00	27.00

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1.2.	Cohesion	20.89	3.56	9.00	27.00
1.3.	Supervisor Support - support	20.25	3.24	11.00	25.00
1.4.	Autonomy	21.25	3.31	13.00	27.00
1.5.	Task Orientation	22.15	3.04	11.00	27.00
1.6.	Work Pressure	16.97	2.79	11.00	23.00
1.7.	Clarity	23.77	3.61	9.00	27.00
1.8.	Control	19.01	2.72	10.00	24.00
1.9.	Innovation	19.88	3.81	9.00	27.00
1.10.	Comfort	20.45	4.11	9.00	27.00
2.	Job satisfaction	4.18	0.43	2.89	5.00

Mann-Whitney nonparametric test was used to test the differences between male and female teachers regarding the dimensions of the working environment. Based on the findings of this research, it can be concluded that there are no differences in perceptions of work environment and job satisfaction between female teachers and male teachers (Table 2.).

Table 2. Differences in perception of the working environment based on gender

		Gender	M	Z	p
1.	Involvement	M	70.70	-1.22	0.22
		F	79.61		
2.	Cohesion	M	77.73	-0.26	0.80
		F	75.84		
3.	Supervisor Support	M	82.59	-1.28	0.20
		F	73.24		
4.	Autonomy	M	83.64	-1.49	0.14

		F	72.68		
5.	Task Orientation	M	72.67	-0.81	0.42
		F	78.55		
6.	Work Pressure	M	84.02	-1.57	0.12
		F	72.47		
7.	Clarity	M	75.43	-0.22	0.82
		F	77.07		
8.	Control	M	79.01	-0.53	0.60
		F	75.16		
9.	Innovations	M	81.12	-0.96	0.33
		F	74.03		
10.	Comfort	M	68.13	-1.74	0.08
		F	80.98		

Kruskal-Wallis Test was used for testing differences in perceptions of the work environment by age groups. Such differences are found in the dimension of involvement, support from supervisors, and innovations.

Concerning teachers' perceptions of involvement there were differences between the mean values for teachers of different ages, presented in Table 3. The highest mean value, $M = 93.44$, was from the age group 31-40, followed by the mean value of age group 41-50, $M = 75.76$, the age group under 30, $M = 72.33$, of the age group 51-60, $M = 63.25$ and the lowest mean value was for teachers over 60 years of age ($\chi^2 = 11.74, p < .05$).

Based on the results, there are age-related differences in teachers' perceptions of supervisor support. The highest mean value for this dimension is the average of teachers aged up to 30 years, $M = 91.27$, then the mean value of the age group 41-50 years, $M = 85.06$, the mean value of teachers aged 31-40 years, $M = 84.7$, the mean value of the teachers aged over 60 years and the lowest mean value related to this dimension was reached by teachers aged 51-60 years, $M = 49.50$ ($\chi^2 = 19.81, p < .05$). This

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indicates that there are differences in perception of this dimension by age groups.

Regarding innovations, the highest score for this dimension is the mean value of teachers up to 30 years old, $M = 86.79$, followed by the mean value from teachers' age group 41-50, $M = 83.73$, the mean value of the age group 31-40, $M = 83.86$, the mean value from the teachers over 60 years old, $M = 60.38$, and the lowest mean related to this dimension were achieved by teachers aged 51-60 years, $M = 56.46$, ($\chi^2 = 11.19$, $p < .05$). This indicates that there are differences in perception of this dimension by age groups.

Table 3. Differences in perception of work environment by age group

		Age group	N	Mean	χ^2	p
1.	Involvement	Up to 30 old	26	72.33	11.74	0.02
		31-40 old	49	93.44		
		41-50 old	41	75.76		
		51-60 old	34	63.25		
		Over 60 old	4	54.88		
2.	Cohesion	Up to 30 old	26	71.87	7.11	0.13
		31-40 old	49	80.51		
		41-50 old	41	89.15		
		51-60 old	34	66.49		
		Over 60 old	4	51.50		
3.	Supervisor Support	Up to 30 old	26	91.27	19.81	0.00
		31-40 old	49	84.70		
		41-50 old	41	85.06		
		51-60 old	34	49.50		
		Over 60	4	60.25		

		old				
4.	Autonomy	Up to 30 old	26	83.83	1.76	0.78
		31-40 old	49	79.79		
		41-50 old	41	77.05		
		51-60 old	34	69.74		
		Over 60 old	4	79.00		
5.	Task orientation	Up to 30 old	26	63.50	6.20	0.18
		31-40 old	49	88.51		
		41-50 old	41	75.62		
		51-60 old	34	74.87		
		Over 60 old	4	75.25		
6.	Work Pressure	Up to 30 old	26	84.44	0.93	0.92
		31-40 old	49	75.79		
		41-50 old	41	77.88		
		51-60 old	34	74.94		
		Over 60 old	4	71.25		
7.	Clarity	Up to 30 old	26	74.56	6.95	0.14
		31-40 old	49	88.73		
		41-50 old	41	77.62		
		51-60 old	34	66.15		
		Over 60 old	4	54.25		
8.	Control	Up to 30 old	26	80.62	2.40	0.66
		31-40 old	49	81.67		
		41-50 old	41	78.95		
		51-60 old	34	67.53		
		Over 60 old	4	76.00		
9.	Innovations	Up to 30	26	86.79	11.19	0.02

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		old				
		31-40 old	49	83.36		
		41-50 old	41	83.73		
		51-60 old	34	56.46		
		Over 60 old	4	60.38		
10.	Comfort	Up to 30 old	26	75.04	3.34	0.50
		31-40 old	49	83.53		
		41-50 old	41	81.21		
		51-60 old	34	67.93		
		Over 60 old	4	63.00		

The nonparametric Kruskal-Wallis test, was used to test the differences between teachers' experiences and work environment perception. The results are presented in Table 4.

The mean values obtained regarding differences based on teaching experience and perception of supervisor support, such as for teachers with up to 5 years' experience, $M = 85.96$, teachers with 6-15 years' experience, $M = 86.79$, for teachers who have 16-25 years' experience, $M = 63$, for teachers having 26-35 years' experience, $M = 39.12$, and for teachers having experience over 35 years, $M = 64.5$, $\chi^2 = 18.26$, $p < .05$, showed that there are differences in the perception of support provided by the supervisor based on the experience of the teachers.

Regarding differences based on teaching experience and perception of task orientation, these mean values were obtained: for teachers with experience up to 5 years, $M = 70.16$, for teachers with 6-15 years' experience, $M = 80.91$, for teachers with 16-25 years' experience, $M = 89.85$, for teachers with 26-35 years' experience, $M = 49.23$ and mean value for teachers having experience over 35 years, $M = 86.33$, $\chi^2 = 9.76$, $p = 0.045 < 0.05$. The results showed that there are differences in teachers' perceptions based on teaching experience and task orientation.

Concerning differences between experience and the perception of innovation in teaching, these mean values were obtained: for teachers with experience of teaching up to 5 years, $M = 87.45$, for teachers with 6-15 years' experience, $M = 82$, for teachers with 16-25 years' experience, $M = 67.3$, for teachers with 26-35 years' experience, $M = 47.54$ and for teachers having over 35 years of teaching experience, $M = 78$, $\chi^2 = 10.26$, $p < .05$. The results showed that there are differences in the perception of workplace innovations between teachers with different teaching experience.

Table 4. Differences in perception of the work environment based on work experience

		Experience	N	Mean	χ^2	p
1.	Involvement	Up to 5 years	37	77.64	4.53	0.34
		6-15 years	71	82.92		
		16-25 years	30	75.08		
		26-35 years	13	57.38		
		Over 35 years	3	58.83		
2.	Cohesion	Up to 5 years	37	73.68	7.87	0.10
		6-15 years	71	84.07		
		16-25 years	30	80.68		
		26-35 years	13	52.65		
		Over 35 years	3	45.00		
3.	Supervisor Support	Up to 5 years	37	85.96	18.26	0.00
		6-15 years	71	86.79		
		16-25 years	30	63.02		
		26-35 years	13	39.12		
		Over 35 years	3	64.50		
4.	Autonomy	Up to 5 years	37	80.42	6.76	0.15
		6-15 years	71	78.80		
		16-25 years	30	81.28		
		26-35 years	13	48.65		

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		Over 35 years	3	98.00		
5.	Task Orientation	Up to 5 years	37	70.16	9.76	0.04
		6-15 years	71	80.91		
		16-25 years	30	89.85		
		26-35 years	13	49.23		
		Over 35 years	3	86.33		
6.	Work Pressure	Up to 5 years	37	74.03	1.10	0.89
		6-15 years	71	80.46		
		16-25 years	30	76.27		
		26-35 years	13	71.15		
		Over 35 years	3	90.00		
7.	Clarity	Up to 5 years	37	74.55	6.81	0.15
		6-15 years	71	82.64		
		16-25 years	30	82.18		
		26-35 years	13	52.35		
		Over 35 years	3	54.33		
8.	Control	Up to 5 years	37	82.34	5.22	0.27
		6-15 years	71	80.82		
		16-25 years	30	75.13		
		26-35 years	13	52.77		
		Over 35 years	3	70.00		
9.	Innovations	Up to 5 years	37	87.45	10.26	0.04
		6-15 years	71	82.09		
		16-25 years	30	67.30		
		26-35 years	13	47.54		
		Over 35 years	3	78.00		
10.	Comfort	Up to 5 years	37	78.35	6.91	0.14
		6-15 years	71	80.42		
		16-25 years	30	82.63		
		26-35 years	13	47.19		
		Over 35 years	3	77.83		

Concerning differences in perceptions of work environment based on the education level, the findings of this research indicate that there are no significant differences.

Regarding the job satisfaction questionnaire, 154 teachers responded. The rating on this questionnaire was from 1 to 5, but the minimum score for teachers was 2.89, while the maximum score was 5. The mean value was 4.18, with DS = 0.43. The mean value was relatively high, while the standard deviation was indicative for a very good grouping of responses around the mean.

With the exception of marital status, no significant differences in job satisfaction by gender, age group, work experience, and education level were found.

Mann-Whitney U test was used to compare differences in job satisfaction among teachers based on marital status. Mean values are as follows: for married teachers, $M = 80.50$, and for unmarried teachers, $M = 59.92$ ($z = -2.16$; $p < .05$). The results showed that there were differences in job satisfaction between married and unmarried teachers. According to these findings, married teachers are more satisfied with their work.

Hypothesis testing

The empirical results of this study show that there is a correlation between work environment and job satisfaction, $r = 0.40$, $p < .05$. This finding suggests that there is a correlation between work environment and job satisfaction. This confirms the first hypothesis of this research.

The relationship between the set of dimensions of relationship with job satisfaction was examined. The findings confirm the second hypothesis of this study that such a correlation exists ($r = .30$, $p < .05$).

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A relationship was found between the dimensions of personal development and goal orientation and job satisfaction ($r = 0.24$, $p < .05$). This significant finding confirms the third hypothesis of the present study.

The results show that there is a correlation between the set of system change/maintenance dimensions and job satisfaction ($r = 0.44$, $p < .05$). This finding indicates that there is a relationship between clarity, supervisor control, innovations at school, and physical comfort with job satisfaction. This confirms the fourth hypothesis of this research.

Discussion

The findings of this research show that there is a positive relationship between perception of work environment and job satisfaction. Many empirical studies have found that the work environment, or perception of the work environment, has a positive relationship with job satisfaction. Heartfield (2012), in his research, found that the work environment affects job satisfaction and is not based solely on material benefits. An organization with a positive communication climate and a positive social interaction also enhances job satisfaction (Heartfield, 2012). Similarly, in their research, Muhammad and his colleagues examined the relationship between work environment and teacher satisfaction at a private university and concluded that there is a positive and strong relationship between those two (Muhammad et al., 2015). One study emphasizes that a favorable work environment enhances satisfaction, commitment, and performance (Kristof-Brown et al., 2005; Vancouver & Schmitt, 1991). The results showed that there were significant differences in job satisfaction by marital status. Similarly, Fresco, Kfir and Nasser (1997) state that married female teachers tend to be more satisfied than both

unmarried partners, their counterparts, and male teachers. Possible reasons for these differences are that women generally occupy lower status positions, have lower expectations, and are more satisfied with work, while men (more than women) see teaching as a low position for career (Crossman & Harris, 2006). Whereas, in a study conducted by Ngimbudzi no significant differences were found in the relationship between job satisfaction and marital status (Ngimbudzi, 2009).

The findings of this research show that teachers generally have no objection to the work environment and have a relatively positive perception of the work environment. The problem of perceptions of the work environment, including many dimensions in itself, has attracted the attention of many researchers, so Wu (1998) found that high school teachers in England and Wales reported above average score on dimensions of the work environment, including: involvement, coworker cohesion, task orientation, and clarity of tasks, but above average also results for work pressure and manager control. The findings of the study further showed that teachers reported below average scores on support from supervisor, autonomy, and physical comfort. Similarly, Margall and Duquette (2000) in their study found that nursing students had high levels of involvement and cohesion with coworkers and moderate levels of supervision and autonomy. They also emphasized the importance of task orientation and clarity in the work environment.

Conclusions

The findings of this study show that teachers perceive the work environment at above average or moderate level, so there is no negative perception of the work environment. The findings of this study show that there is a positive correlation between

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perception of work environment and job satisfaction among high school teachers in Prishtina Municipality. Specifically, correlations were found between each set of dimensions of work environment perception (dimension sets for: 1. relationships, 2. personal development and goal orientation, and 3. system changes and maintenance) and job satisfaction. These findings confirm the hypotheses of this study. Also, this empirical study found differences in different sets of perceptions of the work environment as well as job satisfaction based on age group, work experience, and marital status.

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Philosophy in the Epoch of Alternative Facts: An Invitation from East Asia

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Abstract

The primary aim of this essay was to elucidate the unique philosophical concept of “the non-interpretive”, which Masaya Chiba, one of the most prominent philosophers in East Asia, formulated mainly by bridging the theories of Quentin Meillassoux and Graham Harman, who have generally been reckoned as two of the most pivotal proponents in the contemporary philosophical movement dubbed Speculative Realism. In order to achieve the aim, the first part clarified the chief arguments and doctrines of Meillassoux’s Speculative Materialism and Harman’s Object-Oriented Philosophy. Thereupon, the second and main part investigated how Chiba invented the concept, what it precisely meant, and what insights it could offer for us. The concluding section summarized the chief arguments of this paper and sketched a worldview which we could adopt in order to survive the turbulent epoch of alternative facts and post-truth.

Keywords: *Philosophy, Speculative Realism, Quentin Meillassoux, Graham Harman, Masaya Chiba*

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Introduction: Purpose and Context of the Study

The paramount objective of this essay is dissecting the philosophical concept of “the non-interpretive”, which was invented by the Japanese philosopher Masaya Chiba. Supposedly, both the philosopher and the concept are not familiar outside of Japan. Hence, in order to properly situate this study in a wider context and to clarify why the concept deserves an explication, let me begin this introduction with a big question: “What should philosophers do?” Myriads of our ancestors have supplied their own answers since antiquity; some (e.g., Leibnitz, 2014; Whitehead, 1978) regarded it as exploring the fundamental principles of the world, while others like Quine (2013) averred that it should be logical analysis of language. Besides those stances, not a few philosophers have adopted a view that a task of philosophy was *to seek a novel worldview*. The French philosopher Merleau-Ponty (2006) spelled out the crux of this type of position, remarking: “True philosophy consists in relearning to look at the world” (p. xxiii). Put differently, one of the philosophers’ jobs is *to provide a new perspective*.

In this sense, such figures as Foucault, Derrida, and Deleuze were genuine philosophers. As standard-bearers of post-structuralism, a sweeping intellectual movement of the last decades of the twentieth century, they constituted immense contributions to revisions of diverse preconceptions that had been naïvely harbored for a long while. Though those post-structuralists tackled a variety of matters, one could deem it to be a commonly accepted fact that substantial emphasis was laid upon the notion of *difference* (Sajed, 2013; Schouten 2010), and that an orientation toward *relationalism* was widely shared (Murdoch, 2005; Sampanikou, 2017). Furnishing standpoints on which one can ponder issues with a different mindset, the arguments of those philosophers proved to be mighty

instruments to criticize an ideological regime and a dogmatic discourse, helping to correct social discriminations against minorities and to disseminate ethics characterized by words like co-existence, relationship, and diversity.

Whereas their cogent theories begot beneficial consequences for society, it has been pointed out that those who perverted them caused unignorable injurious effects (Ryan, 1989; Taylor, 1994). The most grievous of them is the absolutization of *relativism*. Relativism denotes an idea that “knowledge, truth, and morality exist in relation to culture, society, or historical context, and are not absolute.” (“relativism”, 2002, p. 1146); as one can facilely fathom out, a relativistic thought is quite useful as a tool to scrutinize existing, biased conventions. However, when it is exploited as a theoretical foundation for an illogical insistence, it can be awfully malefic, for, if each person has his/her own measure of all things, all normative criteria must be deprived of their authenticity. It means that one is required to grant equal rights to all evaluative statements, whether it is delivered on the basis of scientific evidence or made out of fanaticism. It is often maintained that we now live in such a *post-truth* world where there is no absolute truth (Hasian, 2018; Reinhoud, 2019).

Of course, philosophers have not turned a blind eye to this critical state in which one daily encounters arbitrary, *alternative facts*, namely “pseudo-information, presented as fact to entice a willing listener or reader into emotional connection with the writer or speaker” (Geiser, 2019, p. 9). In actuality, theories which strive to set forward a remedy for the situation have begun to gain traction recently, and one can adduce three conspicuous movements materializing in the philosophical sphere: New Materialism, New Realism, and Speculative Realism. Contra post-structuralist, relativistic approaches, which were indubitably *epistemological*, their denominations

manifestly bespeak that they all have an *ontological* inclination in common, which implies that an interest in *the real* and *hard reality* is mounting. The thinkers who have exerted probably the most significant impacts are Quentin Meillassoux and Graham Harman, who are usually held to be belonging to the camp of Speculative Realism. Their singular ideas have exercised marked influences not only on philosophy but also humanities in general.

These newfangled philosophies have affected the intellectual scene of the Far East too, and books which handle them have been produced in these years (see Shimizu, 2017; Imori, 2019). No one will gainsay that Masaya Chiba, who translated Meillassoux's masterpiece *After Finitude* with two peers, has contributed most to the promulgation of Speculative Realist theories in Japan and is the leading expert on them. Having studied Meillassoux's and Harman's philosophies since 2011 and written a number of papers more or less inspired by them (e.g., Chiba, 2012a; 2015; 2016), he has evolved his own philosophy which, albeit reflecting some influence of post-structuralism, has carved out an unconventional niche for itself. The cardinal keynote of Chiba's thought is, in a word, *non-relationality*. Certainly, non-relationality has been treated by a few eminent philosophers of the past like Badiou (2009); still, it was rarely a prime issue for a philosophical inquiry. The Japanese philosopher signalizes himself in that he has continued paying his primary heed to the apparently nihilistic topic since his doctoral dissertation (viz., Chiba, 2012b). One should be mindful that Chiba has never intended to bring forth pessimistic contentions by thematizing non-relationality. Rather, what his philosophy has endeavored to do is exploring and advancing a new perspective.

Chiba's method of achieving this aim is peculiar—namely, by creating original philosophical concepts that can

operate as lenses through which to critique the world from an uncommon slant. Amongst them, the concept of “the non-interpretive” appears to be possessing a promising potential to renovate our worldview by enabling us to be aware of the ubiquity of non-relationality in the world, to positively acknowledge the otherness of different beings, and thus to willingly embrace a surprise that another existence may give to us at any moment. This is why this paper has set a dissection of the concept as its foremost goal.

To attain the objective, the remainder of this paper is composed of three sections. The first section clarifies the chief arguments and tenets of Meillassoux’s and Harman’s philosophies since they offered vital impetus to Chiba’s creation of “the non-interpretive”. Thereupon, the second and main section investigates how Chiba invented the concept, what it precisely means, and what insights we can gain from it. The concluding section gives a rundown of the whole discussion, and then sketches a worldview that one can adopt to live through the turbulent epoch of alternative facts and post-truth.

Speculative Realism: Meillassoux and Harman

As I observed just now and as Chiba (2016b) himself indicated, he achieved the invention of “the non-interpretive” principally with the aid of perceptive arguments which he learned from two novel philosophies grouped under the generic label of Speculative Realism, though other thinkers who are not reckoned as its major constituents (e.g. Laruelle and Malabou) had also exerted some influence. The two Speculative Realists whose ideas offered Chiba the most substantial inspiration for the formulation of the concept are Quentin Meillassoux, the originator of Speculative Materialism, and Graham Harman, the Iowa-born mastermind of Object-Oriented Philosophy

(OOP). In the light of the circumstances, below I will provide a brief review of the marrow of their philosophical systems.

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For a starter, let us check out the term Speculative Realism, the meta-category that covers the Speculative Materialism and Object-Oriented Philosophy among its branches. We should note that it is an uncommonly extensive classification, so that the theories reckoned as being under the banner often differ remarkably from one another, say, in the agenda, in the primary objectives, and sometimes even in the fundamental principles. For example, there are some (e.g., Brassier, 2007) who advocate a nihilistic materialism, whereas others (e.g., Grant, 2006) pursue a vitalistic model.

Still, there is a handful of shared elements that loosely unite the batch of those sundry theorists. The most crucial of them is the will to refute, in Davies' (2017) phrase, "the dominant paradigm in post-Kantian philosophy" (p. 51), which Meillassoux (2008a) identified as "correlationism", scilicet, "the idea according to which we only ever have access to the correlation between thinking and being, and never to either term considered apart from the other" (p. 5). By contrasting it with other stances in philosophy, Harman (2011a) offered a limpid explanation of the common adversary for Speculative Realists:

What all have in common is their rejection of ... 'correlationism'. Whereas realists assert the existence of a world independent of human thought and idealists deny such an autonomous world, correlationism adopts an apparently sophisticated intermediate position in which human and world come only as a pair and cannot be addressed outside their mutual correlation. (p. vii)

This challenge to correlationism is, in fact, the very reason why Speculative Realism gathered huge momentum soon after its advent and has become a sensation, for, as Sparrow (2014) astutely stated, correlationism has been “the default attitude...of most continental, as well as some analytic, philosophy since Kant (p. 86), and, in Brassier’s (2007) words, “the reigning doxa of post-metaphysical philosophy” (p.50); in a nutshell, Speculative Realists have flung down the gauntlet to a presupposition of virtually all philosophies from Kant’s transcendental idealism to post-structuralist thoughts.

Some may want to ask why Speculative Realists consider correlationism so problematic that it should be disclaimed, remembering that those who would be reckoned as being trapped in it have pulled off undeniably respectable accomplishments. True, correlationist philosophers, unconsciously positing that “there is neither human without world nor world without human, but only a primordial correlation or rapport between the two” (Harman, 2011c, p. 78), have ever improved our knowledge of the world as it relates to us and vice versa, and we should not disesteem those feats like the corrections of inequalities fostered by social constructionism, for which post-structuralists – archetypical correlationists – purveyed effective theoretical devices.

Yet we should not overlook problems pertaining to it, and two of them are especially serious. The first is anthropocentrism. Meillassoux (2008a) revealed that, as long as one, whether implicitly or explicitly, accepts correlationism, he/she cannot literally understand a scientific statement describing a primeval occasion which happened before the emergence of human consciousness, while Harman (2010) showed that correlationism should, wrongly, incapacitate us from discussing interactions between existences “unless some human observer is on the scene to witness these interactions”

(p. 156). In short, all shapes of correlationism are, by privileging the human-world relation, bound to require a philosopher to focus on human-centered matters, interdicting him/her from philosophizing any reality in itself. The second and gravest problem is, as I intimated in the introduction, the radicalization of relativism; this is a natural consequence of an extreme form of correlationism, because it, alleging that each single subject can never gain access to reality beyond his/her experience of it, enjoins the subject to equate reality as it is experienced.

As Morton (2013) asserted with vehemence, the excessive predominance of correlationism and the attendant anthropocentric and relativistic bend in philosophy ought to be redressed now. Hence, along with the endeavor to confute correlationism, Speculative Realists aspire to “a return to speculating the nature of reality independently of human thought” (Le Grande, 2019, p. 3). To express it in another fashion, a philosopher who can be tagged as a Speculative Realist is purported to work to “decenter humans as the ultimate arbiters of what can be said to exist and have experiences” (Dudley, 2014, p. 329), and to “think beyond human finitude” (Ellis, 2018, p. 141). Briefly, Speculative Realists have sought to reinstate existences and phenomena that are not necessarily related to humans as proper themes for a philosophical exploration. Needless to say, both Meillassoux and Harman have pursued this target, and, as the segments below will clarify, each of them has demonstrated interesting axioms in the course of refining his own system.

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Keeping the commonality in mind, we should then identify the singular qualities which differentiate Meillassoux and Harman. In truth, they have more differences than similarities. One of them is the scale on which each of them has theorized to

invalidate correlationism. Allow me to quote their words which convey the gist of their orientations: for the former, what philosophers, after a lapse of scores of years, should do again is “to think a world without thought—a world without the givenness of the world” (Meillassoux, 2008a, p. 28), while the latter deems it necessary “to bring the things-in-themselves back into discussion” (Harman, 2011b, p. 171). To sum up, what has interested Meillassoux is the *world* without humans, whereas Harman’s OOP has been concerned with existences in general, which he has called *objects*, namely, in a lucid paraphrase, “individual entities of various scales” (Campbell et. al., 2019, p. 122). If there were ample room for discussion, I would fain elucidate their argumentations. Still, they are too convoluted to be thoroughly explicated by hundreds of words; wherefore the passage below expounds on only the cardinal theses which the two theorists substantiated with logical references.

Since the publication of his groundbreaking opus *After Finitude* in 2006, Speculative Materialism of Meillassoux has intrigued dozens of thinkers in both public and academic circles, and the past decade or so has seen a profusion of writings that dealt with it. In a breviloquent phrase, Speculative Materialism is the philosophy of *absolute contingency*. Though the ways in which people have interpreted Meillassoux’s thoughts vary considerably from each other, one can affirm that the proposition which has aroused people’s interest most is what he termed “the principle of unreason”, wherewith he issued a wondrous assertion: There is no reason for anything to be or to remain the way it is; everything must, without reason, be able not to be and/or be able to be other than it is” (Meillassoux, 2008a, p. 60). What decisively sets Meillassoux apart from religious gurus and dogmatic metaphysicians is that he succeeded in setting forth this glancingly preposterous thesis

with quite persuasive reasoning and coherent vindications (see Meillassoux, 2008a, pp. 50-81). Extremely simply put, Meillassoux, though limiting the scope of his discussion to the world and its laws, demonstrated that both ostensibly stable items are utterly outside of our hermeneutic grasp and *absolutely contingent*, and thus, that no one can deny a possibility that they could transform at any moment into any form.

Meanwhile, being a prolific writer, Harman has produced lots of works concerning OOP, which he first advanced in his doctoral dissertation published in 1999, and the philosophical system has indeed been greatly polished up and enlarged upon since that time. Nevertheless, without a doubt, the most crucial pillar, or, as Harman (2005) termed it, “a single basic tenet” (p. 20) of OOP has been unchanged; it is the concept of “withdrawal”, which Harman (1999) formulated with convincing solidity through an inventive construal of Heidegger’s famous tool-analysis (see pp. 103-216). Therewith he has proved that every single one of existences cannot be “reducible neither upward nor downward” (Harman, 2010, p.36), i.e. to its parts nor to its whole, and goaded us to heed, in a word, the inexhaustibility that is inherent in every entity. Mind that not only humans are unable to know every property of a being; instead, he has averred that “things withdraw from contact with each other in their mutual inexhaustibility” (Harman, 2013, p. 126). In sum, Harman has demonstrated that every one of the existences in the world, from an elementary particle through a chair to Jupiter, always retains and remains something *absolutely unknown* and *unknowable*.

Though I admit that the explanation above is patchy and in no way sufficient to bring the genuine spirit or comprehensive overtones of Speculative Materialism and OOP, let me repeat the most consequential point. In substance,

Meillassoux and Harman, by emancipating philosophy from the manacles of correlationism, have dealt a smashing blow to the human-centric tendency which has afflicted most philosophers for these two centuries and forcefully negated immoderate relativism that wayward post-structuralists has propagated. Given that their original arguments have stimulated people around the world and engendered new ideas in various spheres other than philosophy, one can deem Meillassoux and Harman to be authentic philosophers. Upon this basis, I will move on to the prime topic of this project: the anatomization of Chiba's "the non-interpretive".

The Non-interpretive

In the anterior section, we have taken a rough survey of the basal creeds of the two camps of Speculative Realism which acted as the vital catalysts for Chiba's creation of "the non-interpretive". Ahead of a detailed inspection of the concept, its purport ought to be clarified to make the following exposition more digestible. Chiba (2016b) once defined it in a memorably laconic manner as "what is absolutely non-relational to any interpretation" (para. 32); to couch it in more colloquial terms, it stands for what no one can ever make sense of, what is entirely outside of any understanding at all, and "what exists just there, being intrinsic to itself" (Chiba, 2015, p, 118). On first hearing, not a small number of people would adjudge the notion to be quite bizarre. What one would count as more eccentric is that the philosopher even went to maintain that everyone, everything and every phenomenon is, in one sense, "the non-interpretive", which he, in one sentence, enigmatically described as "an ontological schizoid or a psychopath" (Chiba, 2015, p. 125). I concede that many will have difficulty in

fathoming its significance; still, the concept contains, as I will evince, tremendous potential to expand our horizons.

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First off, let us examine how Chiba shaped “the non-interpretive” in his 2015 essay as a result of his study into Speculative Materialism and Object-Oriented Philosophy. Whereas one cannot dispute that Meillassoux and Harman had served as the most consequential guiding lights for the invention, it goes without saying that what he did in forging the unique concept was neither to plagiarize their ideas in an incautious manner, nor to amalgamate some of them into a linsey-woolsey. To cut a long story short, what he did was to ingeniously bridge what Meillassoux and Harman had demonstrated by identifying their fundamental common denominator as an orientation toward the *absolute non-relation*; he observed: “Both Meillassoux and Harman recognize the ‘absolute non-relation’ as the linchpin of their argument for things-in-themselves” (p. 114).

It would be natural for one to demand an additional explication as to why Chiba alleged that the absolute non-relation could be reckoned as the commonality between Meillassoux and Harman, and those who are conversant with the precepts of the two thinkers may suspect whether such an attribute can really be singled out as a shared strand of them, for their theories, as has been pointed out (Morgan, 2017, p. 162), will impress one as dissimilar from one another except for the intent to confute correlationism, namely “a recalcitrance to the habit of presuming that the world exists only insofar as humans exist to produce it” (MacCormack, 2014, p. 159). For instance, aside from the difference I alluded to in the previous section, they diverge on their paramount motive for philosophizing: Meillassoux’s *ultima Thule* was, though not

evident in *After Finitude*, to warrant the possibility that God, albeit being absent at present, may sometime come to the world and realize divine justice by resurrecting the dead who died horrible deaths (see Meillassoux, 2008b), whilst Harman's overt purpose has been to flatten the ontological status of all beings in the universe (see Harman, 2005; 2011d; 2018).

Truth be told, Chiba's dialectics with which he detected the absolute non-relation as the common element is, potent that it is, nothing less than an acrobatic masterstroke. Paying little attention to the specific Holy Grails of the two philosophers, he focused on drawing apodictic lemmas from the rationales wherewith they had demonstrated the validity of their contentions. Let me restate the underlying logic of Speculative Materialism and Object Oriented Philosophy; the former cogently attested to the reality that the world and the current set of natural laws (e.g. physical and logical) could suddenly, at any moment, due to the absolute contingency, viz. according to the principle of unreason, change into another form; meanwhile, by resorting to his extended notion of withdrawal, the latter proved that every one of the entities in the universe was, being similar to the infinite and absolute Other in the Levinasian sense, unable to be, in the crisp words of Whicker (2014), "exhausted by any list of its features, parts, capacities, uses, or any relation to any other objects" (p. 146). Even if compelled to do so, most people could hardly espy a way to connect them.

And yet, this is where Chiba revealed an astounding discernment. Let me get directly to the key point; though one would find his discussion in the essay intricate a bit, one can assume that Chiba put forward two propositions in essence: the first was that Meillassoux's demonstration of the unreason/contingency of the world as well as of its laws could be seen as proof that they were ultimately *non-relational* to

anything, and the second was that the incessant withdrawal of every object, which Harman substantiated with his reinterpretation of Heidegger's tool-analysis, should entail that each object must be, in a way at the least, *non-relational* to one another. Having glossed the two distinctive theories in this wise, he knit them together in the light of the key phrase the *absolute non-relation*. The following passage conveys the marrow of his judgement in a condensed style: "Meillassoux's *The Great Outside* [i.e. the domain of Kantian noumena] is absolutely non-relational to the correlation between our thought and the world. According to Harman, each one of the things is absolutely non-relational [with each other]" (Chiba, 2015, p. 114).

A natural conclusion which will ineluctably arise from coupling Meillassoux's and Harman's systems with the absolute non-relation as the central link is, as repetitious as it may sound, that, to the extent that this world itself, the laws, the phenomena, and the existences in it possess the *absolute non-relationality* as one of their inscapes, each single one of them is essentially beyond any relation, to wit, unable to be reduced to or spelled out by its bundle of relations. Certainly, the next step that Chiba took to the formulation of "the non-interpretive" does not look a bold one; however, it is a critical move. In precis and in substance, he insisted that *being non-relational should involve being non-interpretive*; to reword it more legibly, he was of the following opinion: that all the existences are literally non-relational, or more specifically, ultimately closed to themselves, must mean that each and every one of them should evermore keep an unreachable sphere like an impenetrable bedrock which categorically shuts out any attempt by others to access it; Chiba (2015) figuratively represented the realm as a "stone-secret", which, mark my words, "absolutely forces the relinquishment of *interpretation*" (p. 118). The sentences below

eloquently impart how Chiba fused Meillassoux and Harman, and then derived “the non-interpretive” therefrom:

Both the world in Meillassoux’s sense and an object in Harman’s sense are what are unfathomable, and no one can know what they will become or do. As for the reality that one cannot know what will become of an object or what it will do, one can do nothing except feel unrest, because *any interpretation of it is bootless*. (Chiba, 2015, p. 119)

Now one can comprehend why “the non-interpretive” has had those meanings I briefed above, how it is supported theoretically, and why it can be asserted that all creation is “the non-interpretive”. To summarize, by synthesizing the logical deductions of Harman and Meillassoux, Chiba first demonstrated that everything, in the broadest sense of the word, owns the absolute non-relationality among its quiddities, whereupon he made a leap of reframing being non-relational as being non-interpretive; hence, he concluded, all the existences were “the non-interpretive”.

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As anyone would apprehend with ease, Chiba’s argumentation is structured in a decently intelligible and rigorous manner, and few will venture to disprove the whole logic. Nonetheless, quite a few will feel like posing some questions of other kinds: Why did Chiba propound the concept which appears to be nihilistic? What new perspective will we acquire by acknowledging that everything and everyone is “the non-interpretive”?

Admittedly, in the paper Chiba advanced several suggestions that were more or less related to one another; yet, the spatial limitation does not allow me to enumerate them one by one. Let me get right down to brass tacks instead. He did not aim to set forward a pessimistic thesis by absolutizing the non-relationality/non-interpretiveness. His aim was, in the

minimum amount of words possible, to revolutionize our worldview, that is, to challenge our preconceptions and set up a new perspective from which one can reconsider oneself, others, and the world. This condensation will come across one as mundane; still, I trust that his inviting exhortation will be found really worth hearkening.

First, although you would have already realized this, we should be attentive to the fact that Chiba by no means recommended us to renounce all efforts to understand, i.e. interpret, other entities and incidents. In lieu, he urged us to adopt a twofold approach to society, stating: “Society can be considered in a bifold way – interpretively/non-interpretively” (Chiba, 2015, p.122). Let me encapsulate his argument. On one hand, it is undeniable that we, as social beings in a classical phrase, live with various types of bond and daily try to make sense of our experiences with others, implicitly presupposing that the universe is made up of relations, mutual access is possible, and we coexist; this outlook on the world, which can be described as an interpretive approach, will indeed impress one as a fairly moral and commonsensical one.

Yet, on the other hand, many will consider it also irrefutable that the mechanism of the world at large cannot be explicated in that interpretive way alone, as Chiba (2015) astutely illustrated: “Each one of us is, to put it in extreme terms, a *discrete stone*. In the face of each other’s fundamentally never penetrable stone-secret, we are driven to bafflement ad nauseam” (p. 125). By evincing that we and all others are “the non-interpretive” deep down, Chiba brought home to us the necessity to augment our worldview, or to reanalyze what the *unknowable* indicates in reality, by internalizing the non-interpretive perspective; it enjoins one to admit that “absolute secrets exist disjunctively; they are things and beings that are absolutely disrelated from causality and moral law, and

unilaterally emit their unique power which one cannot describe except as having come *ex nihilo*" (Chiba, 2015, p. 126). The titles of the third and fourth sections of the 2015 paper, "the unreason of plurality" and "the non-ethical parallel", concisely announce the kernel of Chiba's aspiration. When you do not understand some object, there is possibility that it is *not* due to your ignorance or finitude as a subject; you may just have come to the endmost deadlock, "the genuine termination, one which terminates your interpretation by confronting you with the principle of mental block in front of something absolutely factual" (Chiba, 2015, p. 126).

For all its ostensibly gloomy predilection, this protreptic of Chiba is far from nihilism. He, probably having been acutely cognizant of imperfections inhering in positive and moralistic views, spurred us to take our head out of the sand, and face up to a few facts at which most of us, albeit faintly aware somewhere in the recesses of our mind, generally do not want to look straight. Unquestionably, it is never comfortable to cop to the reality that our friends as well as nobodies are, in the deepest sooth, arrantly above our understanding, and may unilaterally betray us out of the blue, with no reason, and that the being we consider the dearest is on no account more accessible than a stone on the curbside. Notwithstanding, unless one accepts the ubiquity of the non-interpretive, one cannot appreciate the plurality, or diversity in everyday vocabulary, of existences, and, without the appreciation, one cannot have the slightest chance to gain a partial access to others in their own right; besides, and perhaps most importantly, Chiba (2015) brought forward an incisive case almost at the end of the paper, stating: "Resignation and forgiveness may be impossible unless one grants the reality of non-causality and non-ethicality" (p. 126).

This observation epitomizes what the absolutization of “the non-interpretive” can do for us. In brief, by apprehending it as a primary, inborn attribute of everything, we can attain a novel outlook, according to which, we, whereas being able to build up each other’s understanding to a degree, can say confidently yes to the given plurality of existences just the way it is and welcome a surprise which others may afford at any time.

Conclusion: Living in the Non-interpretive World

In advance of making a concluding comment, let me encapsulate the preceding discussion. The first section provided an overview of Meillssoux’s Speculative Materialism and Harman’s Object-Oriented philosophy; in the second, I elucidated the meaning of “the non-interpretive”, how Chiba created it, and what novel standpoint we could gain by accepting it as a substantial property of all existences.

Lastly, I would like to experimentally deliberate over how the concept of “the non-interpretive” can update our worldview which is currently needed to adjust to the world which, despite the claims lodged by the proponents of globalization, seems to be becoming more and more fragmented. In this relativistic, post-truth world, “where alternative facts abound, demonstrable evidence is increasingly losing its ability to impact people’s entrenched opinions” (Kashyap, 2020, para. 5), it is likely that many of the sociocultural norms which had been traditionally shared by most people will be discredited, and, in my estimation, the modern idea that when people argue against each other, the more rational and logical argument will prevail is not an exception; in other words, truth will *not* always prevail anymore. This proclamation will sound a defeatist retreat, and

some will protest by saying that any conflict between human beings, who have reason, can theoretically be resolved by an exhaustive debate. Nonetheless, the actuality of the world is not as such: there has rarely been a reasoned dialogue between, say, Keynesians and Marxists, Korea and Japan, and Trumpians and anti-Trumpians. Brawls of this kind occur upon the globe all the time.

Allowing for the state of affairs, we ought to change, or at least reorganize our mindset; more specifically, the post-truth world necessitates us to reconsider what we ought to do when we are confronted by other people who firmly hold an opinion incompatible with ours. I figure that Chiba's concept of "the non-interpretive" can offer many hints on how to handle such a situation. Let us recall the quintessence of his argument: every being and everything is "the non-interpretive", namely, "what is absolutely non-relational to any interpretation" (Chiba, 2016b, para. 32), and "what exists just there, being intrinsic to itself" (Chiba, 2015, p, 118). This involves that the life that each of us leads goes on according to a totally disparate system which is impenetrable to others; to express it radically, each single one of us lives, in a sense, in a different world. I suppose this is one of the worldviews which can be adopted to live through this epoch of alternative facts. This is never a form of correlationism or relativism, because both of them, albeit acknowledging the plurality of *reality*, postulate only one noumenal world whose dimensions are experienced and interpreted differently by existences.

If one takes the perspective I sketched above, he/she will descry another option to respond to those whose world is structured by a bundle of facts which is different from that which constitutes his/her world. It is neither imposition of personal values nor insistence on receiving our opinions; rather, it will be to *invite* others – denizens of different worlds – to visit

our world, and, simultaneously, to *welcome* the otherness of their worlds just the way it is. I admit this will strike some people as too optimistic to be valid in the actual society where individuals scarcely hear opinions which are not congruous with theirs; despite that, few will dispute that we should constantly fine-tune our worldview so as to adapt to the practical conditions. Presuming that literally *all* are “the non-interpretive” and that each one of the other beings lives in an independent world may, I speculate, help us to do that. As a matter of course, this is a proposal, or rather an *invitation* that I want to make in concluding this paper.

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Western Balkans and the Internal Integration Processes

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Abstract

With the European flag, Germany is making great efforts to effect the Western Balkans' internal integration, but obviously the resistance from the countries of the region is very strong. Finally, the Americans are preparing to convince Western Balkan leaders, with the "stick and carrot", that their mutual integration in the region is not only beneficial for regional economic development but also for preserving world peace. Creating an economic or customs union would have multiple positive effects. The goal is to open a market of about twenty million people, which would vividly revive industry, commerce, agriculture, livestock, tourism, and so on. It would also greatly increase foreign investment. Above all, nations will have to come together in order to boost the region's economic development, as well as regional peace and stability. Given the real conditions in the region, which are specific by their nature, the key questions arise - to what extent is this possible, what are the means and ways of achieving this, and in what dynamics is it likely to occur? To be able to give an appropriate answer to this complexity, we have primarily used the comparative analysis method, but also the method of critical review by several authors.

Keywords: *Western Balkan, security, integration, mini-Schengen*

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Introduction

We live in a world which becomes more and more globalized slowly but surely. Everything which some time ago had a local or regional character has now become worldly - global: the economy has become global, wars have become global, the pollution of the environment has become global, the telecommunications and traffic also. Hence, all events, political, cultural, economic, religious, cannot stay trapped into small local or regional boundaries. As professor Bhagwati once argued "when implemented intelligently globalization could be the most powerful force for social good in the world today, providing especially great opportunities for economic and social uplift in the poorest pockets of the globe..." (Bhagwati, 2004, p. 72).

In this globalized world the connection and the mutual dependence between peoples is growing, therefore, the conscience for the need of dialogue and tolerance between people, cultures and religions has to grow also because that is what the future of all human kind will depend on. However regional and global integration processes are not always constant. Many regional societies have fallen in a deep crisis, which is not only a crisis of the institutions, the social state, the federalism, the nationalism, etc., but a crisis of ethics, coexistence orientations, of the system of values, etc.

The EU is the natural destination for the six Western Balkan countries that are still outside the Union - Albania, Bosnia Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia. And their path towards European integration - at varying speeds according to each case - will be defined and determined by a series of political, economic, social and institutional reforms set down by the European Commission (2018) in its Strategy for the Western Balkans (published at the beginning of February 2018). Very often, it is not so easy to

implement the *acquis communautaire*, without the influence of the European Union, that is, “unless the Union itself provides clear and tangible incentives to do so” (Trauner, 2009, p. 3). Very often, it is not so easy to implement the *acquis communautaire*, without the influence of the European Union, that is, unless the Union itself provides clear and tangible incentives to do so” (Trauner, 2009, p. 3). The EU encouraged rule adoption in justice and home affairs by including the respective rules and “by emphasizing their link to the country’s rapprochement with the Union” (Trauner, 2009, p. 20).

The Americans have appointed a special US envoy for the Western Balkans. He will have a difficult task to solve the huge internal problems in the region. Here, they should first insist on finding a solution to relations between Serbia and Kosovo, perhaps some correction of the Bosnian’s Dayton status. The Balkans is a European and global neuralgic point, which has been witnessed in the past. Therefore, pacifying this region means preserving regional and world peace. The Western Balkans has to create a common market, a common economic whole, a common energy policy, a common policy in telecommunications, transport, all of which would be complemented by the development of human rights, democracy and the rule of law. Realistically, Western Balkans has been pushing for more significant trade integration through CEFTA for years, but obviously the progress is very slow. This free trade agreement works between all Western Balkan countries and Moldova, but the expected effects are not sufficient.

The six Western Balkan countries are at different stages of the EU integration process. Serbia and Montenegro are in the negotiation process, Northern Macedonia and Albania are likely to get negotiations date by the end of March this year, Bosnia and Herzegovina is a potential candidate, and Kosovo is

still at an early stage. But the fact is that the Western Balkans has significant integration delays compared to Bulgaria and Romania. All the indications, in particular the great internal divergences around this issue, show that the EU is tired of expanding with new member states. This directly affects the Western Balkan countries, which will need many years to negotiate with the new EU membership negotiation methodology. This could lead to collective outbursts in this region, but also to increased geopolitical appetites of other countries, such as Russia, Turkey and China.

This region is more than ever faced with two choices: cooperation and integration in the face of conflict and war. Hence the need for some "new Schumann plan", since then French Foreign Minister Robert Schumann's 1950 statement is relevant also in today's political situation in the Western Balkans. The Multi-annual Action Plan for a Regional Economic Area in the Western Balkans (MAP) puts forward a structured agenda for regional economic integration, along the lines proposed by the Leader's Meeting, namely: promoting further trade integration, introducing a dynamic regional investment space, facilitating regional mobility and creating a digital integration agenda. The MAP stems from the commitments undertaken within the framework of the Central European Free Trade Agreement (CEFTA) and South East Europe 2020 Strategy (SEE 2020) and is based on CEFTA and EU rules and principles as reflected in the Stabilisation and Association Agreements (SAAs). It foresees implementation of actions at all levels in the period between 2017 and 2020 (with some actions extending until 2023). Here the rule of law should be understood as the "foundation upon which every other dimension of democratic quality ultimately rests" (Magen and Morlino, 2008, p. 7).

Security and Regional Co-operations

Initiating the process of regional co-operation is not a simple task at all and it remains a challenge. The last Western Balkan wars have greatly affected the internal economies of the Balkan countries, the international trade, and in some cases social and political international cooperation. The lack of economic cohesion, the high rate of the “grey economy”, the slow democratic transition process and the ethnical nationalism have all been identified as obstacles for efficient regional cooperation. There are several official regional initiatives concerning the Balkans: CEFTA 2006, Black Sea Economic Cooperation (BSEC), Southeast European Cooperative Initiative (SECI), Energy Community, South-East European Cooperation Process (SEECP) and many other official and unofficial initiatives. All these are aimed towards post-conflict consolidation, reconciliation and integration of the eponymous region to the Euro-Atlantic structures.

The EU attempts of promoting stability and regional co-operation have only had partial success. EU had success only in the use of its economic and political capacities in its purpose to encourage the domestic reforms. In this way, the EU probably succeeded less than NATO in overcoming the bilateral character of its relations with the Western Balkan countries and in encouraging multilateral regional form of co-operation. In any case the role of the Alliance was not only to defend its members but to “contribute to peace and stability on a global scale through the development of partnerships and through peace and stabilization operations” (Wioeniewski & Bartosz, 2010, p. 16). One of the promotion modes of this kind of co-operation can be the use of the channels that are open to bilateral agreements and the assistance program, in order to promote the multilateral inter-border co-operation in the areas of economic development infrastructure, transportation,

ecology, and crime prevention. On a military-political level, what should be emphasized are the modes that the new “common European defence” can use in promoting the regional co-operation in the Western Balkans by involving aspirants in various educational programs of the European Union (Ringsmose, 2011, p.15).

The Western Balkan countries have different level of approach to NATO institutions, i.e. to the military expertise that the Alliance is able to provide due to the fact that part of them are NATO member countries and part of them are not. The Alliance, for instance, can provide a great amount of financial support for its members and PfP/EAPC activities in the region and to encourage the dialogue about the security non-military aspects (such as the economic and cross-border co-operation, and thus contributing to decreasing ethnical tensions). Also, the Alliance can contribute more to “a bigger practical support in establishing and implementing bilateral and regional measures of building trust and cooperation” (Nikodinovska, Stefanovska, 2012, p.47). Also, these differences are deepened if some of the countries become full-members of NATO. The New Strategic Concept of NATO is informing the world about why the Alliance “is still vital and vigorous” (Ringsmose, 2011, p. 7).

However, the regional co-operation will have a limited effect in a long-term period if the countries that in fact are the biggest source of instability and conflicts in the region are excluded from NATO. Alliance in spite of the burden and the obligations “is still of vital importance for regional peace” (Alcaro, 2010, p.1). Although NATO is able to do more in order to improve the regional co-operation, the progress of the regional co-operation cannot be separated from a broader political and safety regional development. All regional countries should be involved in this process. The regional co-operation will have a limited effect in a long-term period if the

countries that in fact are the biggest source of instability and conflicts in the region are excluded.

In this context, Pridham thinks that NATO did not succeed in developing an efficient strategy of facing the abovementioned reasons for regional problems, caused by the defects during the process of democratization and violent nationalism (see, Pridham, 2008, p.56-70). On the other hand, in the long term the solution about the crises in Western Balkans and the expansion of the stability throughout the region of South Eastern Europe will “depend on the development of the democracies, which, according to same standards, will respect human and minority rights in every single country” (Clark, 2001, p. 45).

From the practice so far, it can be concluded that the EU has neither got sufficient power to induce democratization, nor to build states. While it has developed a comprehensive approach for democracy promotion, the EU lacks a clear strategy for state-building in the first place. Given the limits of the EU’s transformative power and the lessons learned by the US and NATO in Iraq and Afghanistan, there is no use of trying to develop one. Rather, the Commission and the member states should acknowledge that the main goal of the EU’s external relations is promoting regional stability more than changes.

The Berlin Process

The Berlin process is a diplomatic initiative linked to the future enlargement of the European Union by strengthening regional integration in the Western Balkans (The Western Balkans and the Berlin Process, 2018). It was initiated by Chancellor Angela Merkel in order to sustain the dynamics in EU integration process in light of increasing Euroscepticism and a serious slowdown of the accession process. It began with the 2014

Conference of Western Balkan States in Berlin, and was followed by the 2015 Vienna Summit, the 2016 Paris Summit, the 2017 Trieste Summit, the 2018 London Summit and the 2019 Poznanj Summit.

The goals of the Berlin process were outlined in the Final Declaration by the German Chair in 2014: “To make additional real progress in the reform process, in resolving outstanding bilateral and internal issues, and in achieving reconciliation within and between the societies in the region”, as well as to enhance “regional economic cooperation and lay the foundations for sustainable growth” (Anastasakis, Bennett, Sanfey, 2018, p. 1).

The Berlin Final Declaration states: “Germany is willing to carry out further measures within the framework of existing programmes on economic cooperation and development in order to support the region’s countries in making the most effective use of European measures for bringing them closer to the EU via the Instrument for Pre-Accession Assistance (IPA). German development cooperation has provided reliable support to the countries of the Western Balkans for 25 years and is an integral part of German endeavours to bring the countries closer to the EU and European standards” (Point 18 of The Final Declaration of the Conference on the Western Balkans - 2014, Berlin).

In recent years, as mentioned above, regional cooperation in the Western Balkans has been boosted by the development of the “Berlin Process” - a series of annual meetings of the six Western Balkan prime ministers and seven EU member states with a strong interest in this region (Berlin 2014, Vienna 2015, Paris 2016, Trieste 2017, London 2018, Poznanj 2019). Presenting the format of the WB6 in July 2017, the Vice President of the European Bank of Reconstruction and Development, EBRD, Pierre Heilbronn, announced that the WB6 would “form a

regional economic area, getting rid of non-tariff trade barriers and harmonizing laws in order to attract more investment” (Balkan Insight, 2019;).

It is well known that for years the EU has continued its collective treatment of the Western Balkans in the integration process, trying to create a level playing field to encourage those behind the reform process to keep up with leaders. Of the London Summit’s agenda, some participants questioned the emphasis on security. But some felt that the British Government was overly concerned about security issues, and that the agenda was unduly weighted towards the interests of the UK (which is concerned about importing terrorism, organized crime and the Russian threat) rather than those of the region. Some were of the opinion that strengthening the security apparatus in the region could be maligned to suppressing internal political opposition rather than combating organized crime or terrorism. Others recognized, however, the extensive corruption in the region-including at the highest levels of government-and its pernicious effects on governance.

Lack of progress in reducing corruption, and improving security and the rule of law in Western Balkans countries, were seriously affecting the scale and impact of foreign investment in the region. The creators of the Berlin Process were of the opinion to place greater emphasis on other issues as well, such as education, entrepreneurship, inequality, and youth development. Under the Multilateral Action Plan (MAP) for a Regional Economic Area (REA) agreed at the Trieste Summit in 2017, efforts are to be focused on: (i) promotion of further trade integration; (ii) introduction of a dynamic regional investment space; (iii) facilitation of regional mobility; and (iv) creation of a digital integration agenda (see: https://www.rcc.int/priority_areas/39/multi-annual-action-plan-for-a-regional-economic-area-in-the-western-balkans--map). So the region needs

Europeanization. A process of change in national institutional and policy practices “that can be attributed to European integration”, can be called “Europeanisation” (Olsen, 2002; Džankić, Keil & Kmezić, 2019).

Labour mobility within the region was seen as important in order to ensure that the right skills were available to support the investments undertaken. However, the most damaging mobility has been the emigration out of the region of the most skilled workers. The large displacement from the region, in particular of the vital and professional youth, represents a historic handicap for this part of Europe. In fact, there can be no sustainable development without this generation. But still potential returnees would bring with them not just their skills, but their “social remittances” and new ideas in the application of political economy earned and acquired while abroad in Western Europe and elsewhere. Ways therefore need to be found to make it easier and more attractive for the region’s diaspora.

All six countries in the region need to implement determinations of Action Plan's Area in the common trade policy in order to achieve the objective of creating an efficient regional economic area based on EU compliance to support efforts to attract more investment, to reduce trade costs and eliminate barriers to market access in order to optimize production costs. Western Balkan’s Regional Economic Area will help unleash the vast potential of the region by creating better and more sustainable economic opportunities for all, and attract greater volumes of Foreign Direct Investment than the current individual efforts. This work will reinforce the capacity of Western Balkans economies to meet the EU accession economic criteria, and to implement EU *acquis* on a regional scale before joining the EU. The Regional Cooperation Council is invited to review and inform the Western Balkans Summits

and/or Sherpas on regular basis on the progress achieved as regards to the deliverables defined in the implementation of this action plan with the involvement of Central European Free Trade Agreement - CEFTA - structures (see OECD/CEFTA, 2013).

Mini-Schengen

Leaders of Serbia, Albania and North Macedonia have signed a so-called “Mini-Schengen” deal, which, modelled on the passport-free zone of the EU, envisages free movement of people, goods, capital, and services among the three countries. Officials of the three countries said they expect all six countries of the Western Balkans to join the area soon (Balkan Insight, 2019). In a nutshell, the idea is to create a Balkan version of the European Union’s border-free Schengen area (See Çipa, 2019).

Diplomats are still wondering what’s behind the initiative of Albania, North Macedonia and Serbia, who, in October 2019, decided to advance regional cooperation by forming a so-called “Mini-Schengen” in the Western Balkans. The Prime Minister of Albania Edi Rama have said that the goal of all three countries was to be part of the European family, “while this family has its own problems, we can’t be hostages of the past” (Balkan Insight, 2019).

Common market and customs union in the Western Balkans Six will enable unobstructed flow of goods, services, capital and highly skilled labour, making the region more attractive for investment and commerce, accelerating convergence with the EU and bringing prosperity to all its citizens. “The countries of the region need to adapt to European standards as there is still a large gap between the spirit of the EU directives and the facts on the ground” (Renner, 2009, p. 12). However, the regional countries in integration processes are

also “challenged by high domestic adoption costs in terms of opposition and resistance to compliance with EU conditions” (Zhelyazkova, Damjanovski, Nechev, and Schimmelfennig, 2018, p. 11).

The aim is to transform the Region in which goods, services, investments, and skilled people move freely without tariffs, quotas or other unnecessary barriers. There is a significant potential to foster regional economic integration in Western Balkans Six economies, through the development of Regional investment reform agenda. The removal of barriers to regional investment offers the opportunity for economies of scale, geographically diversified businesses, and an overall more efficient allocation of resources within a regional market, thereby fostering the integration of companies from the region in international value chains (Cvetanovski, 2019).

It is obvious that Western Balkan countries are all individually very small and economically underperforming and they have tight markets and tight markets are inefficient. The market in the former Yugoslavia was certainly one broader market given the complementarity of production factors. Today the Western Balkan countries among themselves approximate have similar level of development and no West Balkan country can have drastically different sustainable development from the others. So, increased economic openness in this area can be of benefit to all (See, Bjelić, Dragutinović Mitrović and Petrović, 2016).

Although the frequent meetings between regional prime ministers have given impetus to the idea of creating the Western Balkan Custom Union, not all of them are enthusiastic about it. However, the business people in the Balkans readily welcome the idea. Hence, is it politically and economically realistic for the countries of the Western Balkans to create a more open, single market, which would not be hampered by

many non-tariff and bureaucratic barriers, until they enter the European Union, countries in the region, already signatories to the CEFTA treaty, are gradually removing all barriers to the free and accelerated flow of people, goods and capital, instead of having trucks waiting on their borders for hours or days. (see Gligorov, 2017).

Washington is hoping to bring the Western Balkan countries back to the negotiating table and nudge them toward a genuine solution to their years-old disagreements. According to Daniel Serwer, US doesn't want to abandon the region and leave it open to Russian influence - which has already become very strong (DW, 2019). Negotiations on regional integration are indispensable because the Western Balkans still have “lack state capacities and is even still pronounced and exacerbated by the contentedness of borders and political authorities” (Ricca, 2011, p.8). Even in such a constellation with high adoption power costs for incumbent governments (such as threats on coalition breakup in case of compliance) often times were "blocked rule adoption in a few cases" (Schimmelfennig, 2007, p.131).

Finally, regional integration can serve as an important stepping stone for the “Western Balkans to better integrate into European and global value chains, and converge faster with the rest of the continent” (Consolidated MAP, 2017, p. 3). The first thing that needs to be done is to equalize all customs clearance rates and procedures, and to establish good cooperation between the customs administrations in the region. Reforms are also needed in investment policy. The regional investment reform agenda is intended to contribute and add value to investment reform efforts, and ensure transparent and fair competition among the economies. The ultimate goal is to improve the attractiveness of the region for foreign and intra-regional business, and hence facilitate higher inflow of

investments and generate higher entrepreneurial activity, trade, and ultimately jobs. Finally, the Western Balkan economies will need to develop a common platform for investment promotion and work jointly on presenting the region as a sound investment destination to the foreign business community.

This idea is strongly supported by those who are aware that the common market enables the strengthening of the competitive positions of the national economies of the member states. At the same time, the proponents of this idea are of the view that economic rapprochement will neutralize much opposition among regional states. This would be in favor of peace in the region and beyond. But there are also many contradictions that arise either out of a fear from the hegemony of the larger peoples, or from the many prejudices and stereotypes in the perpetually troubled Balkans. Serbian opponents oppose this as a trap to create a Greater Albania. Albanian oppositionists think that Serbian economy is stronger and will dominate. They also fear that Kosovo may remain an unresolved issue. Bosnia and Herzegovina, too, has its many reasons; while North Macedonia fears it will not feel strong in that association (see, Beqiri, 2018). Kosovo, although participating in the Regional Economic Area, which aims to create a joint economic zone for the six Western Balkan countries, refuses to participate in the Mini-Schengen funds, arguing that Serbia is continuously obstructing its independence. And despite the fact that Montenegro are participating as a guest, they say their negotiations with EU is a priority for them.

Often, the question is, who would benefit from the Customs Union? Discussions about the Customs Union very often indicate that it might be most appropriate for Serbia, as it is - among the countries in the game - the largest exporter. At first glance, judging by the fact that Serbia has a trade surplus

with other countries, it should be most appropriate for it. But it's a narrow view. How much a country benefits from free trade depends not on its size but on the economic environment. If it were different, it would mean that, for example, Germany benefits from much greater use of the Customs Union in Europe than Greece or Bulgaria. Counting how much a country is suited to such a union can easily end up in sovereignty and nationalist rhetoric.

According to this logic, it can also be concluded that Albania and Montenegro will have the most benefits as countries that have the sea, or Kosovo that would benefit from traffic transit. The fact is that all regional countries would benefit from a possible Western Balkans customs union. Even Serbia and Kosovo would easily find solutions to their problems. Therefore, the common market and the customs union of the Western Balkans would be a salvation for the entire region, which is risking to be emptied of its population, and the various disparities can be settled by agreement intended to balance the interests of the member states. At the same time, this would be a quick training for all countries in the region to join the EU together.

Conclusions

1. Lack of progress in reducing corruption, and improving security and the rule of law in Western Balkan countries has seriously affected economic development and peace in the region for many years. Now, for the first time in the recent history, the countries of the region are able to recognize the common goal that unites them all. Their main goal is to achieve regional integration and membership in the European and Euro-Atlantic institutions and organizations. Key elements for

reaching these goals are integration, democratization, enforced good neighbour relations and political and economic reforms.

2. About half a million companies operating in the Western Balkans will have a better environment in which they can grow, invest, employ and utilize the benefits of the Regional Economic Area as an outlet for external markets. The purpose of the integration is to create conditions for all European countries to take part in building new architecture, and avoid the creation of new hostile separation lines.

3. The regional co-operation and integration into NATO and EU are complementary processes. All regional countries should be involved in this process. The regional co-operation will have a limited effect in the long term if the countries, that in fact are the biggest source of instability and conflicts in the region, are excluded. The regional cooperation and regional trade agreements are useful for international relations development. NATO officially supports this kind of co-operation. The reason for this is above all, due to the advantages of the geographical vicinity of the countries, and it will create and improve opportunities for improving trade and economic contacts and for communications, transport and energy networks. Furthermore, the regional co-operation will also improve good neighbour relations among these countries.

4. Reform efforts are underway in most of the economies in the region designed to address internal structural weaknesses, but considerable growth potential can be enabled through closer economic integration. Growth strategies have more chance of success if they are embedded in a consolidated system of regional cooperation in all relevant areas. Finally, this can serve as an important stepping stone for the Western Balkans to better integrate into European and global value chains, and converge faster with the rest of the continent.

5. The large displacement from the region, in particular of the vital and professional youth, represents a historic handicap for this part of Europe. In fact, there can be no sustainable development without this generation. Therefore, the common market and the customs union of the Western Balkans would be a salvation for the entire region, which is risking to be emptied of its populations, and the various disparities can be settled by agreement intended to balance the interests of the member states. At the same time, this would be a quick training for all countries in the region to join the EU together.

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Forced Sterilization According to the Criminal Code of the Republic of Kosovo: Origin and Figure of the Criminal Offense

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Abstract

Forced sterilization is a phenomenon that in many countries of the world has been applied as a method of reducing the number of sexual crimes, although in its beginnings, it was applied to people with mental illness, immigrants, those who belonged to another race, especially non-white people, and mostly to women and girls. Despite its pronounced expansion, forced sterilization is a completely unknown phenomenon in Kosovo. Even in the criminal legislation that was applied in Kosovo, there was no incriminated action. But, being under constant pressure of the need to adapt to international documents, the criminal code should have included this criminal offense, although the Constitution of the country provides that "the Republic of Kosovo respects international law" (Article 16, al.3) and that "legally binding norms of international law take precedence over the laws of the Republic of Kosovo" (Article 19, al.2). Therefore, this article will address the meaning, short story and crime - forced sterilization, including a comparative aspect with different countries of the world. Given the approach from several perspectives, the functional, teleological and comparative analysis of the legal

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norm, including the historical, evolutionary and statistical dimension, has been used in the treatment of the topic.

Keywords: *Criminal Code, Kosovo, forced sterilization, medical sterilization.*

Understanding and types of medical sterilization

Sterilization (lat. *Sterilis*: barren) is a surgical or non-surgical procedure by which humans or animals become incapable of reproduction. This is done by cutting the reproductive canals, removing the sex glands through surgery or destroying them through radiation. (Shiel, 2018). The method of sterilization of women is to connect the tubes, tighten or block them, to prevent the ovaries from penetrating the uterus - *Tubectomy* or removal of the uterus - *Hysterectomy*, while men are sterilized by connecting or cutting the canal to prevent sperm from fertilizing. - *Vasectomy*, removal of testicles - *Castration*, (Smith, 2010, p. 79-84) or Testicular Pulpectomy (*Testicular Pulpectomy*), which can be chemical or physical, in which case parts of the testicular nuclei are destroyed and, as a result, the levels of testosterone are significantly reduced. However, the body still produces some. (McMillan, 2014, p. 584)

Genesis and causes of sterilization

Eugenics is the selection of desired hereditary characteristics in order to improve future generations and usually has to do with humans (Wilson, 2019). Eugenics is the science of improving the human population, increasing the emergence of desirable hereditary characteristics, to improve the human race.

The word *eugenics* in the literal sense means *good creation, good in the east*. This expression was first used by the British scholar Sir Francis Galton, a cousin of Charles Darwin, in 1883,

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in his book *Inquiries into Human Faculty and Its Development*, although there are arguments that Plato may have been the first since antiquity, and as early as 378 BCE, his work *Republic* exhibited a society in which efforts were made to improve human beings through selection (Wilson, 2019).

In the beginning, the science of eugenics gained tremendous support, especially in the United States. Even Eugenics sympathizers were Theodor Roosevelt and US Supreme Court President Oliver Wendell Holmes, who thought that society's *desired* should be multiplied and its *unwanted* should be removed (Ball, 2014). Even this judge, in the case of *Buck v. Bell* (1927) had justified the court ruling, among other things, as follows: that society can prevent those who are unfit to continue their kind ... Three generations of imbeciles are enough" (Cook, 2016 & Raup, 2012). Defects are inherited directly from parents; from mentally handicapped parents, children with mental disabilities are also born, so necessary control is needed (Hamer, Quinlan & Grano, 2014, p. 176).

Though conceived as a science that would serve to advance man and his life, this was compromised as a science, due to abuses, especially after World War II. Since then, the term "eugenics" has meant inhumanity, filth and shame.

With the advancement of medical technology, modern eugenics comes to the fore, namely, genetic engineering, the context of which is completely different from the eugenics of the past. Modern eugenics is promising for the fact that the use of certain therapies or genetic interventions can prevent or cure diseases. But modern genetic engineering also comes with dilemmas: on the one hand, with the advancement of technology, people can routinely remove or avoid what they consider an undesirable trait in their offspring, because genetic testing already allows parents to identify some diseases of their child in the intrauterine phase and thus the possibility of

terminating the pregnancy, although it is debatable what is meant by the expression "undesirable or negative traits" (OHCHR & etc., 2014). This brings us back to the vicious circle, recalling eugenics according to chronology: at first thought useful to man, then misused, while today well transformed, but still debatable. This has been the case with biological innovations that were initially considered disgusting but later become commonplace, taking artificial insemination as an example (Kevles, 2015, p. 9-12). The same goes for sterilization. At first this intervention was considered useful. This is evidenced by the statement of the famous Viennese doctor, Dr. Adolf Lorenz, who found that "it is the duty of medicine to prevent disease, and when I say this, I mean mental illness and other diseases", including alcoholics, criminals and people with moral deficits (Gosney, 1934, p. 18). There were sterilization promoters all over the world and they belonged to scientific circles. This is why, according to Oxford references, eugenics is defined as positive and negative (Oxford Reference), so it is treated in good context and in bad context.

Brief history of forced sterilization in the US

The "father of sterilization" in the United States was Dr. Harry Sharp, who in 1899 carried out the first sterilization, although there was no law in place, and performed these operations with the consent of patients (Gosney, p. 19). However, forced sterilization dates back to the beginning of the twentieth century and applied to certain categories of people, namely selection.

Forced sterilization is one of the issues related to human rights that people, mainly women, have been facing for decades. Forced sterilization is imposed on poor ethnic and racial minorities living in rural areas or marginalized, silent and

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often invisible people in society (Balasundaram, 2011, p. 58). According to a World Health Organization (WHO, 2014) publication, victims of this way of population planning and racial hygiene have historically been women, especially women who were carriers of HIV, indigenous women and girls, ethnic minorities, mentally disabled people, even under 18 years of age, transgender persons (gender born contrary to physical gender), inter-sexual persons (born with undefined genitals), atypical sexual children, coloured population and other stigmatized categories.

At the beginning of the twentieth century, the so-called "eugenics laws" were issued. They were published in Oregon in 1907 (Largent, 2002, p. 195), Indiana in 1907, North Carolina in 1919 ("Law on the Moral and Mental Benefits or Physical Conditions of Prisoners in Criminal and Charitable Institutions"), in Canada in 1928, Sweden and Britain in 1930, some Central American states in 1941, Japan in 1948, and so on (Reilly, 2015, p. 358).

Sterilization is not always performed directly - with the use of pressure or violence. In many countries, national strategies have been devised to use sterilization as a way to convince the population that sterilization reduces poverty. In poor countries and with uneducated populations, persons who agreed to be sterilized were given certain money, things, or favours. Thus, in Latin America and India, women and men were promised stimulation if they agreed to be sterilized, in Porto Rico, which is considered one of the countries with the largest number of sterilized women in the world, home-to-home campaigns. In Sri Lanka midwives and other health workers have been involved in campaigns to persuade women to be sterilized (Balasundaram, p. 62 and 63).

In 32 U.S. states, in the twentieth century it was practiced against the "unwanted population," such as immigrants, non-

white people, poor people, unmarried women, people with disabilities, and the mentally handicapped. Sterilization was even envisaged as a method of combating crime, especially against prisoners. According to the data, in Oregon, in 1935, the sterilization of prisoners was implemented, because by sterilizing "morally degenerated or sexually perverted" prisoners and patients, the state would turn them into harmless citizens for the population, eliminating threats coming from these persons (Largent, p. 206). In San Diego, California, in 1955-1957, some 400 people sentenced to long prison terms chose to be castrated in exchange for their release (Jonuzi-Shala, 2011, p. 31). In California, forced sterilization was so rampant that 1/3 of the forced sterilization in the United States took place in that country, so this eugenics program later inspired the Nazis. The data show that Hitler at *Main Kampf* had expressed admiration for the "value of inventions" of the United States, praising Franklin Roosevelt and his government for embarking on "bold experiments", and stressing that it was inspired by the American model of "pure blood," thus denying that this method was a German discovery (Whitman, 2017, p. 7 and 15).

In the United States, from the enactment of the "Sterilization Law" in 1907 until the time the United States entered World War II, mental health authorities and prison authorities reported over 38,000 sterilizations (Largent, p. 192).

The data also testify to the racist aspect of sterilization. A 2002 study published in the medical journal *Obstetrics and Gynecology*, according to the National Survey on Family Growth, found that the number of sterilizations through the tubular method of African and Indo-American women and girls was higher than that of Euro-women (Volscho, 2010, p. 18 and 21)

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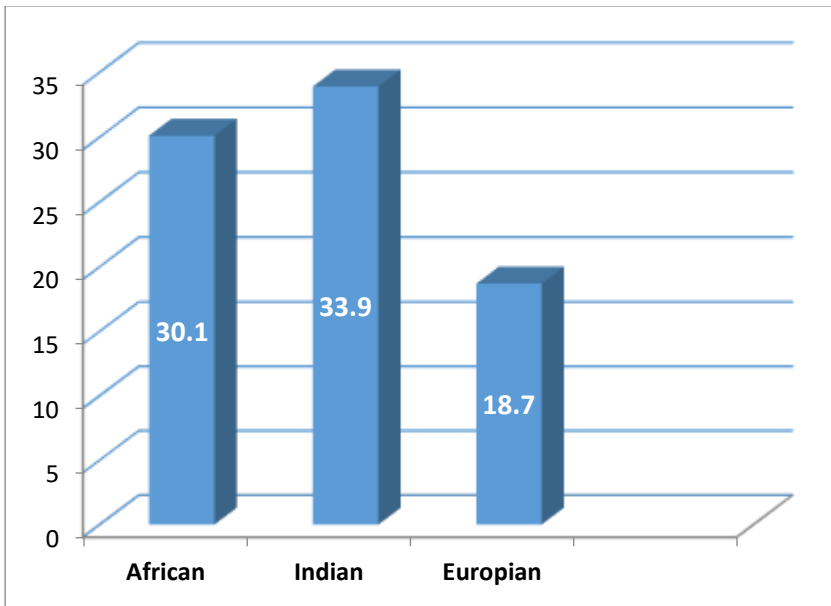


Figure 1. Tubal sterilization according to the ethnic group in the USA, 2004 (Volscho, 2010)

According to researcher Alexandra Stern, more than 20,000 people were forcibly sterilized in California between 1909–1979, out of a total of over 60,000 in the United States (Stern; 2016). While in California the size of forced sterilization was frightening, in other states the number was much smaller. Thus, in Virginia, in the period 1924–1979, there were 7,325 persons, in North Carolina about 8,000 (1921– 1983), in Michigan 3,786 (1921–1983), in Kansas 3,032 (1921–1963), in Minnesota 2,350 (1928–1963), in Oregon 2,341 (1921–1983), in Connecticut 557 (1921–1963), etc (Kaelber, 2014). It should be noted that in Minnesota alone from 1925 to 1945, 2,204 people were sterilized (Taylor, 2005, p. 237).

Forced sterilization as a method of combating sexual crime and as an expression of racist mentality has also reflected attitudes towards girls. Thus, a new expression is created in

English, the expression "moron", which is attributed mainly to young girls and women who were considered morally "imbecile", who were not able to control their congenital sexual deviation,. to continue with the intelligence scale (Hamer, Quinlan & Grano, p. 169) and other unscrupulous comparisons. This is evidenced by the case of Elaine Riddick Jessie, a 13-year-old poor girl with alcoholic parents living in a ghetto in North Carolina, who was born as a result of sexual assault by her neighbour in 1968 and was sterilized a few hours after birth. This served as a reason for eugenics supporters to articulate their gender prejudices through a pamphlet sent to the homes of Winston-Salem town in North Carolina, which read: "Girls especially need to be protected by sterilization "because they cannot be expected to take the moral or social responsibility for their actions," reinforcing sexual stereotypes and later placing them as "scientific" discoveries (Hamer, Quinlan & Grano, p. 169). Therefore, in North Carolina, 77% of sterilized persons were women and more than half of them were under the age of 20 (Kaelber, 2014). For the same reasons, even in Minnesota the number of sterilized women and girls was 77%, considering them mentally retarded (Taylor, p. 237).

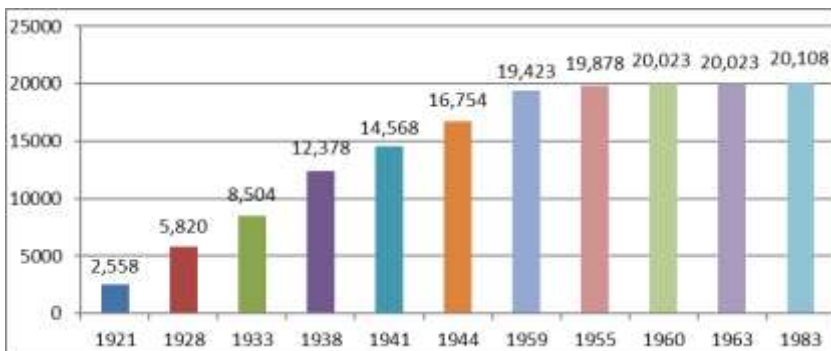


Figure 2: Forced sterilization in California over the years
(Kaelber, 2014)

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In the annals of the US Supreme Court there are many court decisions, among which the most popular are the case of *Jacobson v. Massachusetts* (1905), *Mallory v. Priddy* (1918) and especially the case of *Buck v. Bell* (1927).

Latin America has done the same. In Brazil, forced sterilization was applied mainly to African-Brazilian women; in Porto Rico, 1/3 of women today are sterilized, while in Peru, according to the Institute for Population Studies (2010), about 100,000 indigenous women were forcibly sterilized. In which case the Institute discovered that the UN Population Fund (UNPF) had been used for the forced sterilization campaign, for which in 1998 the Peruvian government apologized publicly (Balasundaram, p. 63).

Forced sterilization in Asia

In addition to the US, forced sterilization has been practiced in other countries as well. In Japan, in 1948, the "Law on Eugenics Protection" was adopted, which allowed the state to forcibly sterilize not only mentally disabled people, but also all persons "whose health is at risk". In order to save their lives (Waseda Chronicle, 2018 & Koya, 2010, p. 135). The purpose of that law was to prevent the birth of offspring with hereditary diseases, such as psychosis and leprosy, but in 1996 the law was changed to "Mother's Health Law", which prohibited sterilization against the will, although the number of sterilized persons multiplied; it was under 6,000 in 1949 and in 1956 it reached over 44,000 people (Koya, p. 135).

India (Singh, Ogollah, Ram & Pallikadavath, 2012, p. 187) was the first country in the world to launch an official family planning program in 1952 in order to reduce population growth; during the first phase it included the rhythm method, but due to failure, in the period 1956 - 1960 the government

began to offer free diaphragm pairs and spermicidal vaseline. To speed up this pace, methods such as intrauterine devices (IUD) and vaginal plates were also used, combined with the educational component of family planning. In 1966, the sterilization of men began to be undertaken, and the government introduced a program to stimulate money. During the Indian Emergency of 1975-1977, in response to the enormous population growth of the 1960s, aggressive sterilization camps were held across the country and about 8.3 million sterilizations were performed, of which 75% were women who had their uteruses removed, and the others were men.

Compulsory sterilization in Sri Lanka has been practiced from the 1980s to the present day (Balasundaram, p. 58). Between 1963 and 2000, the fertility rate dropped from 5.0 to 1.9, using sterilization as a contraceptive (Balasundaram, p. 59). Forced sterilization of women ranges from 41% to 45%, while in communities in tea plantation areas it is over 45%, also promoted by the management itself (Balasundaram, p. 59 cit) “according to Sri Lankan Civil Rights Organization Report” of 2008.

According to the BBC correspondent from Delhi (Biswas, 2014), forced sterilization in India has frightening proportions. This method of population control has been sponsored by the state since 1970 when India drafted a program on population growth ban and eugenics causes. This is also described in the novel Salman Rushdie *Midnight's Children* (Rushdie, p. 437-439), which proves that this was undertaken in 1975 by Indira Gandhi's son, Sanjay, who began what was described by many as a terrible campaign "to sterilize poor people. There were police reports surrounding the villages and practically pulling men into surgery. According to the BBC (2014), in the period 2013-2014 alone, about 4 million people were forcibly sterilized,

of which about 100,000 were men. In India, financial favours were provided for people who sterilized voluntarily. The same was true in Singapore, where under the 1980 program, each sterilized woman was rewarded with \$ 5,000 (Singh, Ogollah, Ram & Pallikadavath, p. 187).

Compulsory sterilization in Europe

Even in Europe (Puppink, 2012) "eugenics laws" were issued in the early twentieth century, but sterilizations were taken against the will and were selective. In Switzerland, in 1928, an eugenic law was issued to continue with Denmark (1929), Norway and Germany (1934), Finland and Sweden (1935) and Estonia (1937). In Sweden, in the period 1935 - 1945, 15,486 people were forcibly sterilized, mostly Roma, while in Denmark between 1929 and 1945, 3,608 people were forcibly sterilized. In Norway, although such a law was enacted in 1934, the practice of sterilization has existed since the 1920s and has been applied to patients with mental health problems (Haave, 2007, p. 46). In Switzerland, between 1935 and 1975, 63,000 Swiss, including a 14-year-old girl who was considered ill because her mother and grandmother were mentally ill, were sterilized under Eugenic law (Wecker, 2012, p. 520 dhe 523). In Czechoslovakia this happened to the Roma population from the 1960s until the end of communism, when they were subjected to sterilization in exchange for monetary compensation, and the use of threats to hand over their children under state care (Cahn, 2017, p. 10). These efforts were widely supported until the late 1990s, when Czechoslovakia's first post-communist government put an end to these policies, although doctors and social workers in its successor states (the Czech Republic and Slovakia) continued these practices secretly, massively and systematically until the early 2000s. In 2009, former Czech Ombudsman, Otakar Motejl,

publicly stated that he believed there were over 90,000 victims in the former Czechoslovak countries (Cahn, p. 10). Meanwhile, in Slovakia this happened even after the fall of the communist regime; Roma women and girls were massively subjected to this program, even in state hospitals. Thus, in 2000, the first trial known as the "VC case against Slovakia" took place (Puppincck, 2011 & ECLJ, 2009), when a Roma citizen filed a case alleging that she had given birth to her second child and sterilization has been undertaken against it. The hospital denied the allegations, arguing that her sterilization was carried out on medical grounds (her uterine rupture was endangered) and that she had given her authorization after being warned by doctors about the danger posed to her in another possible pregnancy. The following are other cases of Roma women: *N.B vs Slovakia, I.G., M.K. and R.H. against Slovakia* (Puppincck; 2011, ECLJ; 2009, 2010, 2004), etc.

An interesting fact has to do with Norway. During the years of German occupation, there were about 3 million inhabitants, of whom the corpus of "inappropriate" persons was estimated at 12%, which included 15,000 people with mental health problems, 30,000 mentally ill, and about 7,500 hospitalized mental patients (Haave, p. 55).

Requirements, decisions and surgical interventions carried out in accordance with the Law of 1942			
	Women	Man	Total
Requests	459	111	570
Positive decisions	440	100	540
Surgical interventions performed	419	83	502
Surgical interventions performed (%)	91.3%	74.8%	88.1%

Figure 3: Number of persons against whom applications for sterilization and further progress have been submitted in Norway (Haave, p. 49)

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Sterilization in Europe has also been undertaken against sex offenders, using castration. In Denmark, in the period 1929 - 1959, due to long prison sentences handed down against perpetrators of rape, about 300 convicts had chosen the possibility of castration, in exchange for serving shorter prison sentences (Jonuzi-Shala, p. 31). The same was true in Germany and the Czech Republic; the demands had to be made by the prisoners or offered by the institution itself, thus rightly provoking debates of an ethical nature (McMillan, p. 584, Ryberg & Petersen, 2014, p. 593). The same thing happened in San Diego, California, when between 1955 and 1957, nearly 400 people agreed to be castrated in exchange for their freedom (Jonuzi-Shala, p. 31 and 48).

Sterilization as a method of maintaining health in Kosovo, Albania and Croatia

Sterilization is one of the family planning methods. Therefore, in the relevant laws of most of the world it is permissible, if it is carried out in accordance with the law. According to the "Health Law" of Kosovo (2013), Article 86 stipulates that artificial sterilization can be performed at an individual request of both sexes after medical consultation, but also in cases where a patient's health is threatened, based on the recommendation of a specialist physician and patient's written consent.

According to the "Law on Reproductive Health" of Albania (2009), sterilization is considered one of the contraceptive methods, which must be performed voluntarily (Article 26). According to Article 15, al.2, sterilization is a legal method for family planning and is performed only in the following cases: when a patient gives his or her written consent and meets the age criterion. According to Article 16, each

individual has the right, in accordance with his or her own desires, to undergo surgical methods for sterilization. Also, each individual has the right to defend his or her reproductive abilities, complaining against any actions, decisions or injuries caused by third parties when the rights related to reproductive health are violated (Article 17).

In Croatia, on 8/02/2020, the draft law on "Health measures for the realization of the right to freely decide on the birth of children" was processed in the Assembly, but has been delayed since 2016 due to numerous objections. Among other things, it is predicted that sterilization can be performed only on people who give consent and who are over 35 years old (Hrvatski Sabor, 2019), but this can happen even if these conditions are not met, if this is done for health reasons (Article 10, al.2). If the person is under this age and is incapacitated, the parents or guardian decide on this intervention (Articles 11 and 12).

International documents

International human rights documents related to family planning, respectively, planning issues have been updated in the last decade. In almost all international documents this issue is defined in a general context, without concretizing it as such.

However, in 2011 the Council of Europe issued the "Convention on the Prevention and Combating of Violence against Women and Domestic Violence" (Istanbul Convention), which, in addition to domestic violence, also defines forced sterilization as a part of non-domestic violence. The Convention obliges States to enact laws or take measures to prevent compulsory sterilization. According to Article 39, the Convention obliges the parties to guarantee that they will punish persons who, intentionally and without prior consent,

or contrary to medical procedures, perform surgical interventions aimed at disrupting a woman's ability to reproduce naturally.

The figure of the criminal offense - forced sterilization

Compulsory sterilization is a new criminal offense in the Criminal Code of the Republic of Kosovo of 2019, defined in Article 179, in Chapter XVI, "Criminal offenses against life and body." The purpose is to preserve human reproductive health. The object of protection against this criminal offense is human life and bodily integrity, while the object of action is the human reproductive organ.

The country's penal code prohibits sterilization when it is undertaken for reasons that: a) are not medical and b) without the consent of the person to whom it is applied. Therefore, sterilization as an intervention is allowed, only if the conditions are met according to Article 86 of the Law on Health (2013).

The criminal offense has a basic form and a serious form. The basic form of the criminal offense (al.1) exists when sterilization is undertaken for non-medical reasons and without the consent of that person. The expression "without consent" means the lack of will, that is, of consent, which can be expressed in gestures, words or actions, which clearly prove that man opposes enterprises of this nature. So, in order for this criminal offense to exist, the use of force or intimidation is not required. Their use can be taken as an aggravating circumstance in the case of sentencing. The consent of the other person (husband, wife, parents, etc.) does not preclude the existence of a criminal offense.

The actions performed are alternately defined: the removal of human reproductive organs or their disability in any other way. This means that, in addition to the physical removal

of reproductive organs, the offense under Article 179 will exist even if the reproductive organs are tied up, blocked, destroyed or cut off. Bonding, blocking, destruction or cutting are performed through surgical intervention, in addition to the destruction of the reproductive organ, which can also be performed through radiation.

In order for a criminal offense to exist under Article 179, two conditions must be cumulatively met: that sterilization be carried out without medical reasons and that sterilization be carried out without the consent of the person. This means that the offense will not exist if it was undertaken for medical reasons, although there was no consent.

The criminal offense under Article 179 is considered committed when the reproductive organs have been removed or in any other way the reproductive organs have been disabled. In other words, this criminal offense is considered committed when the sterilization of a person has been caused, respectively, a person's reproductive organs have been incapacitated, in which case these organs can in no way perform their reproductive function. Otherwise, this criminal offense will not exist if the actions that cause sterilization are taken, but the object of the action is missing (the person is barren, not fertile, the reproductive organs cannot perform their function, regardless of the causes which have caused this condition, such as: accidents, illnesses, problems from birth, voluntary sterilization or sterilization against desire, which has occurred earlier). So, in order for this criminal offense to exist, the passive subject must have been reproduced by the reproductive organs, but as a result of the intervention, these organs have lost their function, i.e. the reproductive ability.

The attempted criminal offense exists if the removal of reproductive organs or disability in any other way has been undertaken, but such intervention has proved unsuccessful and

the person has not lost the reproductive capacity. This can happen due to inadequate means or radiation, lack of knowledge, etc.

The perpetrator of a criminal offense under Article 179 may be any person. When it comes to legal sterilization, this is done only by a gynaecologist in the relevant hospitals or clinics. Whereas, when it comes to this criminal offense, there may be two situations: it can be performed by a gynaecologist in the respective clinics and hospitals, but without the consent of the patient or it can be performed by other incompetent persons and without the consent of the patient. es. Therefore, in addition to the gynaecologist, each perpetrator may be a doctor of another profile, a medical student, nurse, midwife, a person in the radiation clinic or another person.

The passive subject of the criminal offense can be any person who has not given consent for sterilization. This includes men and women, as well as girls and boys who have reached sexual maturity. The age of the passive subject is an aggravating circumstance in the case of sentencing, given that in the KPC it is not foreseen as a serious form of criminal offense. Also, the fact that sterilization is performed on a person who is of reproductive age but who does not have children can be taken as an aggravating circumstance.

The question that arises is: can there be a merging of the criminal offense - forced sterilization with criminal offenses - minor bodily injury (Article 185) or serious bodily injury (Article 186). This is because in the legal description of the criminal offense under Article 186, al. 2, point 2 it is defined as "permanent disability or weakening of a vital part of another person's body", while in al. 2, point 5 of the same article it is defined as "permanent damage to the health of another person". Actions under Article 179 and Article 186, al. 2, points 2 and 5, fully correspond to each other, if the vital human organ is also

considered its reproductive organs (2.2.), or if the expression "health" includes the reproductive organs (2.5.). Given that the jurisprudence of the criminal offense - forced sterilization does not exist, these dilemmas may be exacerbated by the sentence provided; for the basic form of the criminal offense of forced sterilization, the sentence is from 1 to 8 years of imprisonment, while for the criminal offense of serious bodily injury (al. 2, points 2 and 5), a sentence of imprisonment from 1 to 10 years is foreseen. The criminal offense of forced sterilization is a special criminal offense in relation to the criminal offense of grievous bodily harm. Therefore, in this case there is an ideal fictitious union based on the specialty report (*lex specialis derogat legi generali*). In this case, forced sterilization is a special form of serious bodily injury, because by performing forced sterilization, the elements of severe bodily injury are realized according to al. 2, points 2 and 5.

The offense can only be committed intentionally. Intention involves the perpetrator's awareness of the fact that he is disabling the person for reproduction.

Giving consent to the person for sterilization precludes the existence of a criminal offense. Also, there will be no criminal offense when consent for sterilization has not been granted, but its realization is imposed by a patient's condition and that is when he or she is in danger of death. Only in such a case is lack of consent for sterilization irrelevant.

The serious form of the criminal offense (al.2) exists when as a result of forced sterilization according to al. 1, serious bodily injury or serious damage to health has been caused or when the person died. In relation to the consequences, the perpetrator must have acted negligently. Commission of the serious form of criminal offense is punishable by imprisonment of 5 to 15 years.

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In terms of characteristics, the criminal offense of forced sterilization is carried out only by action. Regarding the number of actions committed, they are part of a simple criminal offense, in terms of consequences: it is a material criminal offense, while in terms of the duration of the consequences, it is a criminal offense of the state.

An issue concerns the legal description of the criminal offense under Article 179, al.1, raising the dilemma of how to act if a person (not a doctor) performs sterilization with the consent of the person? In this case, he / she may be responsible for committing the criminal offense of illegal exercise of medical or pharmaceutical activity, according to Article 256, but for this offense the sentence is much lower, imprisonment up to 1 year.

And finally, the reasons for the exclusion of illegality, such as: the consent of the injured party in the case of surgical interventions and the exercise of a doctor's duty, and the eventual occurrence of this phenomenon could obviously be relativized.

Compulsory sterilization as a criminal offense in comparative terms

Compulsory sterilization is not provided for in the Criminal Code of Albania. In the criminal codes of Slovenia, Croatia and Serbia, it is not envisaged as a special criminal offense, but as one of the actions within the framework of crimes against humanity or war crimes. Even in the Criminal Code of Belgium, Finland, France and Switzerland, forcible sterilization is provided for only in the framework of crimes of international law.

But, in addition to Kosovo, forced sterilization is envisaged in the criminal codes of the countries of the region, such as Montenegro, Macedonia and the Republic of Serbia.

According to the Criminal Code of Montenegro, this criminal offense has a form and the legal description stipulates that “anyone who using violence or intimidation sterilizes another person in order to prevent his reproduction, is sentenced to imprisonment by 3 months to 5 years”.

The Criminal Code of Macedonia does not envisage it as a special criminal offense, but as a form of the criminal offense “Illegal termination of pregnancy”. Article 129, al. 4 provides that “a person who unlawfully or through fraud or by exploiting a woman's lawsuit, illegally, through surgical intervention or in any other way interrupts her reproductive capacity, shall be punished by imprisonment. from 3 to 10 years”, while in al.5 the most serious form of criminal offense is foreseen, and this is the situation if this action is taken against a minor woman or when a woman has been seriously injured or when she has died. Its perpetrator is sentenced to imprisonment of not less than 5 years.

Meanwhile, regarding Bosnia and Herzegovina, this offense is not provided for in the Criminal Code of the Federation, but only in the Code of the Serbian Republic. Article 134, “Compulsory Sterilization”, stipulates that “anyone who operates on another person in order to prevent his or her natural reproduction, without the consent of that person, shall be punished by imprisonment of 1 to 8 years”, while the severe form will exist if this action is committed against a child and the prescribed punishment is imprisonment of 2 to 10 years.

Even in the Turkish Penal Code, forced sterilization is an incriminated act. According to Article 101, “when a person sterilizes a man or woman without his or her consent, he or she is sentenced to 3 to 6 years in prison. If the offense is committed

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by an unauthorized person, the penalty is increased by 1/3. When sterilization is performed by an unauthorized person, but with the consent of the sterilized person, he or she is punished with imprisonment of 1 to 3 years”.

Also, in the Criminal Code of Azerbaijan, according to Article 136.2, “the undertaking of an operation for the purpose of medical sterilization without the consent of a person is considered a deprivation of the ability to continue that type of person, even if undertaken to protect a woman from pregnancy. with a fine of 500 to 1000 manats (545 Euros, my notice) or with imprisonment of up to 3 years, in addition to the deprivation of the right to stay in the workplace or engage in certain activities for a period of up to 3 years or without setting a deadline”.

Conclusion

The incrimination of forced sterilization in the Criminal Code of the Republic of Kosovo, of 2019 reflects a situation of approximating our laws with international documents. These are purely formal actions, because fighting crime requires real and much deeper action and commitment. Thus, the fight against crime has many dimensions, in addition to the formal one.

Both incrimination and decriminalization should not occur without empirical research of the particular phenomenon. This also has to do with the research of the presence of forced sterilization not only in the present, but also in the past in Kosovo. Only after the issuance of the relevant results could concrete steps be taken, including incrimination.

Otherwise, reform cannot happen by merely providing for various criminal offenses in the code. The legislator must first identify the interest: which interest must be protected by certain norms. Reform occurs if norms are set out that have a

purpose, make sense, have meaning and reason, and that society needs. *Ratio legis est anima legis*.

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***Leader-driven Change from Aquino to Duterte:
Towards a Redirection or Restructuring in
Philippine Foreign Policy?***

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Abstract

The global perceptions of leaders have significant influence in a state's foreign policy. In the Philippines' case, the striking contrast between Presidents Benigno Aquino III, who possesses a moralist and liberalist views, and Duterte, who holds a legalist and realist global perceptions, led to significant changes in their foreign policies. These are evident in their conflicting stance on two cases involving the death penalty of a Filipino worker in Indonesia in 2013; and the country's maritime arbitration case with China filed in 2013 and eventually won in 2016. Their divergence caused important leader-driven changes, which may result in either a redirection or a restructuring in the country's foreign policy.

Keywords: *leaders, global perceptions, foreign policy, Philippine Foreign Policy.*

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Introduction

Abraham Lincoln once told his cabinet: "Gentlemen, the vote is 11 to 1 and the 1 has it."

Such statement reveals the significant power and influence of leaders in making decisions concerning the nation. Snyder et al (1962, p. 65) asserts that: "It is one of our basic methodological choices to define the state as its official decision makers – those whose authoritative acts are, to all intents and purposes, the acts of the state."

Generally, a leader acting in behalf of his/her country influences state policies and actions. In matters related to the nation's foreign policy, such individual "shapes history because it is their choices and decisions that drive the course of events" (Breuning 2007, p. 11). When a single individual has the power to make choices concerning how a state is going to respond to a foreign policy problem, he/she becomes the "predominant leader" acting as the critical decision unit. Hermann et. al (2001, p. 84) describes such leader as the one person that has "the ability to commit the resources of the society and the power to make a decision that cannot be readily reversed."

This "predominance" of state leadership is highlighted in this study, emphasizing the individual level of analysis in determining the extent of its influence in a state's foreign policy. It underscores Herman's (1976, p. 328) contention that "the more authority (or personal control) heads of state have over foreign policy, the more likely their personal characteristics are to affect foreign policy behavior." Culling from studies of political psychology and cognitive theory, Alden and Aran (2012, p. 19) argues that it is important to "focus on the mind of the decision maker, its powerful effect on the framing of particular foreign policy issues, and the

consequent impact on the formulation and selection of policy options.”

Specifically, this study examines the global perceptions of state leaders that guide their foreign policies and consequently affect state actions. How a leader views the world provides the general notion of his/her predisposition towards international affairs. In effect, a leader’s global perceptions influence how he/she will define the situation when confronted with an international or bilateral issue, and consequently influence the approach or strategy the government will adopt in its foreign policy.

And with the examination of the global perceptions of individual leaders, there is a high probability of encountering differences between them that may result in changes in the state’s foreign policy. This is especially apparent when examining successive leaderships with divergent perspectives and approaches in foreign policy issues. However, this study acknowledges Gustavsson’s (1999) contention that leaders are seen as only one factor among many that may influence policy change. In fact, it also recognizes the valid assertions of scholars such as Foyle (1999) and Greenstein (1969) who have previously warned not to assume that leaders “always” matter (given the existence of other political, structural, and institutional constraints influencing policy). Yet for the purpose of this study, it emphasizes the importance of these individuals and their own unique global perceptions, which provide powerful explanations in the modification of a state’s foreign policy.

Specifically, this study subscribes to Hermann’s (1990) theory of “leader-driven change.” Such change is the result of “the determined efforts of an authoritative policy maker, frequently the head of government, who imposes his own vision of the basic redirection necessary in foreign policy (p.11).” In particular, the leader-driven change in this study

examines one head of state to another. This is in contrast to “self-correcting” leader-driven change, which occurs when the head of the existing government elect to move in a different policy direction or change course in his/her foreign policy (Hermann 1990, p. 5). Either way, both types of leader-driven change reinforce Gustavsson’s (1999) argument that at the individual level of analysis, the state decision-maker is at the core of the foreign policy change.

The focus on leader-driven change and its impact on the state’s foreign policy raises the following questions: Since leaders have the responsibility of making decisions in behalf of the state, how do their global perceptions shape a country’s foreign policy in dealing with international issues or problems? And in examining leaders individually, how do their different global perceptions affect changes on how the state pursues its external affairs? To what extent do their diverse perspectives and the consequent changes affect the shift in the country’s foreign policy?

To address these questions, this study provides an assessment on the global perceptions of Philippine Presidents Benigno Aquino III (2010-2016) and Rodrigo Duterte (2016-2022) and their impact in the country’s foreign policy. Aquino holds a moralist and liberalist views, while Duterte possesses legalist and realist global perceptions in addressing external issues. Their differences are evident in how they addressed the two cases examined in this study. The first focuses on Mary Jane Veloso, an overseas Filipino worker who was sentenced to death in Indonesia for drug trafficking in 2013. The second case discusses the Philippines’ arbitration case against China on the West Philippine Sea, which it filed in 2013 and eventually won in 2016.

Both cases bring to light their differences in global perceptions, resulting in significant changes that correspond to

a particular shift in the country's foreign policy. This study then distinguishes two types of change and its consequent foreign policy shift--- changes in problem/goal result in the 'redirection' of the state's foreign policy, while a change in international orientation cause a 'restructuring' in its foreign policy.

This study argues that the divergent global perceptions between leaders resulted in changes in the state's policy goals. These are manifested in policy statements or actions of Duterte that departs from or rejects Aquino's initial problem stipulations or prior goals on both cases. But despite the striking contrast between their global perceptions, this does not translate into the transformation of the country's international orientation, which requires a pattern of changes in its external activities and partnerships. Thus, this study contends that the Philippines experiences a redirection and not a restructuring of its foreign policy, and consequently reflected a "weakened" stance for the country and inconsistencies in its actions.

This evaluation of global perceptions of leaders and foreign policy change aims to further add to the literature on leader-driven change affecting a state's approach on international issues. Though there are several studies (Hermann 1990, Holsti 1982, and Breuning 2007 among others) examining the influence of leaders, there are only a few (such as Doerer 2013) which discussed the degree in which they impact the shift in foreign policy. This is considered relevant because examining the peculiarities of successive state leaderships can provide scholars, policy makers, and observers an informed understanding on the policy changes they may initiate and their possible impact on the country.

Moreover, an analysis on the Philippines may be an interesting reference for other countries that are highly influenced by leader-driven changes in its foreign policy. This is

particularly relevant for states with similar personality-based political culture and underdeveloped political institutions. By examining the global perceptions of leaders, this study therefore seeks to provide observers a cautionary indication of a country's policies and actions, and to make sense of its possible alterations as reflected in the case of the Philippines. At the conclusion of this study, it then recommends future analysis of the global perceptions of successive leaders to identify their differences and their subsequent policy changes. This should determine the prospects of whether the country will undergo a restructuring or a redirection in its foreign policy.

Global Perceptions of Leaders

This study's focus on leader-driven change takes its reference on previous literature on American presidents and their foreign policies. In Neustadt's work on *Presidential Power* (1990), he focused on the "personal" rather than "institutional" presidency, which emphasizes on the importance of leadership style. Although he initially puts each American president in an institutional context that constrain their actions, Neustadt's description of presidential power emphasized the fundamental importance of their personal characteristics. He also discussed the ability of presidents to obtain the kind of "personal influence of an effective sort on governmental action," which he defined as presidential power. Such emphasis on the "personal" presidency is especially relevant in the Philippines' case with a less developed foreign policy organization in political institutions. As claimed by Hermann (1976, p. 328) in her earlier work, "the personal characteristics of the predominant leaders will more likely impact its foreign policy in underdeveloped states."

Another important literature is Barber's (1972) book entitled *The Presidential Character*, which examines the 'personal' in the presidency. It employs psychobiography to explain the character, worldview, and style of modern presidents. He explains that 'style' reflects the habitual way a president performs his political role; 'character' seen as the way in which a president orients toward life and his own merits; and 'worldview' involves the leader's primary and politically relevant beliefs (1972, p. 6). Barber notes that these components of the presidential character fit together in a dynamic package understandable in psychological terms.

While presidential style and character are important, this study emphasizes on the worldview that has significant implications on the global perceptions of Philippine presidents. How situations are assessed will be based on a leader's observations of reality that seeks to simplify and organize the external environment. Departing from 'strict rationality,' these perceptions provide insights into why a state behaves the way it does from the way its decision makers identify their situation (Snyder et al 1962, p. 65). According to their 'definition of the situation,' the perceptions of leaders influence their decisions and the implementation of their state's foreign policy. It also introduces distortions in how leaders perceive reality based on three associated elements:

'Belief' refers to a leader's fundamental assumptions about the world affects a leader's interpretation of his environment and consequently the strategies that the leader employs; 'Ideology' involves a set of values and principles that determine and guide his/her behaviour; 'Images' affect how a leader views international events as well as other countries and leaders. Such images are rooted in a leader's stereotypes, biases, and other subjective sources (Boulding 1959).

The examination of a leader's belief, images, and ideology provides the basis of his/her general orientation or predisposition in international affairs. These interrelated factors of the leader's global perceptions tend to shape the content or substance of the state's foreign policy. Through its assessment, one is able to comprehend his/her predispositions and approaches in dealing with a foreign policy problem---"how he will define the situation and the style of behavior he will likely emphasize" (Hermann 1980, p. 12-13). Having knowledge of how a leader views the world provides important indications into a country's policy stance and actions on international issues.

Changes in Foreign Policy: Towards Redirection or Restructuring?

In the assessment of the leaders' global perceptions, their differences manifest shifts in the state's foreign policy in varying degrees. This study thus deviates from Eidenfalk's (2009) assumption that "the process of policy change begins with a change in the environment, and not with the individual decision-maker," though this is a common probability. Instead, it argues that policy adjustments can begin with individuals, who have certain global perspectives that can contribute to the particular characteristics of the change in policy.

This is particularly evident when examining two successive leaders with different global perceptions that result in changes in a country's foreign policy adjustments. In fact, the degree of divergence in the global perceptions of leaders determine the level of change in a state's foreign policy. Thus, this study contends that the lesser the differences in perception, the less drastic the changes in the state's foreign policy. Whereas the wider the differences in the leader's global

perception, the more radical the changes in the state's foreign policy.

Such modifications can be subjected to four graduated levels of change. To identify these levels, the definition of 'foreign policy' is initially established. According to Hermann (1990, p.5), it is a "program (plan) designed by authoritative policy makers to address problem or pursue goals that entails action toward foreign entities. This program presumably specifies the conditions and instruments of statecraft." Based on this definition, he enumerates the levels of policy changes as follows:

(1) Adjustment Changes. Changes occur in the level of effort (greater or lesser) and/or in the scope of recipients (such as refinement in the class of targets). What is done, how it is done, and the purposes for which it is done remain unchanged.

(2) Program Changes. Changes are made in the methods or means by which the goal or problem is addressed. It involves new instruments of statecraft (such as the pursuit of a goal through diplomatic negotiation rather than military force). What is done and how it is done changes, but the purposes for which it is done remain unchanged.

(3) Problem/Goal Changes. The initial problem or goal that the policy addresses is replaced or simply forfeited. In this foreign policy change, the purposes themselves are modified.

(4) International Orientation Changes. This entails a basic shift in the state's international role and activities. Not one policy but many are more or less simultaneously changed.

With emphasis on the last two levels of change, this study argues that they correspond to a characterization of the state's foreign policy shift: changes in problem/goal results in the 'redirection' of the state's foreign policy, while changes in international orientation causes a 'restructuring' of its foreign policy.

This argument builds on Hermann's (1990) discussion on changes in a state's foreign policy. According to him, "the last three forms of change--- change in means (program), ends (goal), or overall orientation indicate a foreign policy redirection" (p.6). But this study deviates from Hermann's (1990) definition and contends that problem/goal changes (which commonly starts with adjustments and program changes in a state's foreign policy) can already be characterized as a foreign policy 'redirection.' Such change involves policy statements or actions that are incompatible, if not open rejection, of previous goals. This study then detaches the change in international orientation from Hermann's (1990) definition of foreign policy redirection, and instead separately labels it as foreign policy 'restructuring.'

Such transformation in the state's international orientation has graver implications than problem/goal changes in its foreign policy. Holsti (1982, p. 20) defines international orientation as the "general attitudes and commitments toward the external environment, and is rarely revealed in any one decision, but results from a series of cumulative decisions to adjust state's objectives, values, and interests with conditions and characteristics of the external environments." And according to Hermann (1990, p. 5-6), "in contrast to lesser forms of change in terms of the state's approach to a single issue, an orientation change involves dramatic shifts in both words and deeds in multiple issue areas with respect to the state's international role and activities as well as its relationship with

external entities.” In particular, such change usually occurs “both in the pattern of partnerships (trade shifts from US to China) and in the type of activity (a country withdraws from an international organization).” This study then characterizes such change in international orientation as foreign policy restructuring because of the gravity of its effect and its prolonged impact on the state.

Examining the Predominance of Philippine Presidents in Foreign Policy

The case of the Philippines highlights the leaders’ important role in crafting and implementing its foreign policy. Philippine presidents are considered “predominant leaders” who have the power and authority to make critical decisions on the country’s external affairs. With constitutional authority, the president’s power has wide political latitude to make quicker and more decisive actions concerning the country’s external affairs. Often referred to as the chief architect of foreign policy, a Philippine president “can redefine priorities, dictate the tone and posture in the international community, and even personally manage diplomacy with selected countries if he/she so wishes, subject to some structural constraints” (Baviera 2015). As Preston (2010, p.3) describes, this type of leader can “authoritatively allocate resources and personally make policy decisions for the state, in which case an analytical focus upon the leaders themselves tells us a great deal about their likely foreign policies.”

This study therefore seeks to focus on the ‘predominance’ of Philippine presidents as a major entity in the country’s foreign policy, though it also recognizes other relevant factors. It acknowledges the significance of Preston’s (2010) proposition to take a more nuanced approach that requires “examining his/her given situational contexts in order to determine how

much the environment will allow restructuring, and how much these constrain their behaviors (p. 3-4).” However, such assessment involving institutional or political restrictions have limited constraints in how Philippine presidents make or implement policies. And because of its personality-based political culture, the Philippine presidency possesses much leeway to put his/her personal stamp on the nation’s foreign policy. In fact, an assessment of the Philippines’ international affairs and external relations is generally based on an evaluation of presidential administrations such as the Marcos foreign policy (1965-1986), the Ramos (1992-1998) foreign policy, or the Arroyo foreign policy (2001-2010).

To examine Philippine foreign policy, it is important to initially acknowledge the challenging task in assessing the global perceptions of Aquino and Duterte. Such task requires getting ‘inside’ the minds of leaders to understand their attitudes and beliefs with respect to a particular issue (Arnold Wolfers 1962). This is the reason why Wilkenfeld et al. (1980, p.42) concludes that this “psychological domain is the most elusive and least amenable to systematic empirical analysis.”

Yet despite the difficulties of direct observation, it is still possible to obtain data and make some fairly accurate judgments on the global perceptions of Aquino and Duterte. Indirect means are utilized in this study, which include analyzing speeches and public statements, drawing insights from public interviews or biographies, making inferences about traits and motivations from behavior, evaluating their public reputations, or relating previous foreign policy decisions and actions to suggest a particular inclination. This indirect approach is inspired by Margaret Hermann (1976; 1980) who developed a rigorous leader assessment-at-a-distance technique from a huge collection of path-breaking research that explored how leaders shape and affect foreign policy

Global Perceptions of Benigno Aquino III

Aquino was born on 8 February 1960 in Manila, Philippines. His father was Benigno Aquino Jr., who was regarded as a national hero after his assassination for his unrelenting pursuit to reinstitute democracy in the Philippines during the dictatorial regime of Ferdinand Marcos. His mother was Corazon Cojuangco Aquino, the most prominent figure of the 1986 People Power Revolution that toppled Marcos and led to her installation as the first female president of the country.

With his political pedigree, Aquino also established his career in politics. A fourth-generation politician, he started his political life as a member of the House of Representatives for nine years, and subsequently served as a senator for three years. Aquino eventually became the 15th President of the Philippines after winning the 2010 national elections. Never considering himself as the nation's "saviour," Aquino pledged to "set the example" himself to be an ethical and honest public servant.

Aquino's perceptions about the world is largely shaped by his morals beliefs and liberal ideology. Because of the political legacies of his parents, Aquino continued to espouse democratic values in his governance platform. Often regarded as an 'accidental president,' he is also regarded as a "unique conception of political ambition based on a moralistic fulfilment of a larger obligation to the collective" (Heydarian 2013).

Aquino is also influenced by the images he holds about the world. Though he perceives the anarchic world as unfair and corrupt, Aquino believes that through democratic institutions and good governance, it can be better. It is a paradigm that "assumes the application of reason in paving a way for a more orderly, just and cooperative world, restraining disorder that can be policed by institutional reforms" (Dizon and Cabalza 2016).

Global Perceptions of Rodrigo Duterte

Rodrigo Duterte was born on March 28, 1945 in Leyte, Philippines. His father served as a local mayor and governor, while his mother was a public school teacher. He became Davao City mayor in 1988, re-elected six times, and occupied the position for more than twenty years before becoming the country's president. Duterte succeeded Aquino as the 16th president of the Philippines after winning the 2016 national elections.

Duterte won the presidency as an anti-elite politician with a tough-talking attitude. According to Tanyag (2018), Duterte was skilled in harnessing public emotions as a "constitutive element of governance such as the propagation of oppositional thinking of 'us versus them.'" Based on his promise of overnight salvation, he has effectively tapped into the public's frustrations over government inefficiencies led by the corrupt and insensitive political elites.

Duterte's perception about the world is shaped by his personal beliefs and ideology. He believes in the principle behind 'consequentialism' in which the end justifies the means (that are presumably wrong) to achieve a supposed (and often uncertain) outcome. This is reflected in his autocratic tendencies that promote the methodical use of the state's coercive power in order to achieve prompt implementation of policies. An example of such autocratic tendency is his administration's brutal 'war on drugs' that allegedly involved extra-judicial killings of mere drug suspects without due process.

A novice in international relations, Duterte is also influenced by the images he holds about the world. He views the anarchic world in "black and white, with hardly any shades of grey in between" (Misalucha-Willoughby 2016). This resonates with his own philosophy that emphasizes less on morality, which he regards as irrelevant in determining

whether the state's action is good or bad, as long as it paves the way for the pursuit of his version of national interest or political goals. To survive in the anarchic world, he believes that the state should exercise its relative power to safeguard its interests.

Case Analysis

To assess the impact of Aquino and Duterte's contrasting global perceptions, this study presents cases that reveal the consequent differences in the country's foreign policy and approach.

The Philippines' Petition to Save the Life of Filipino Worker in Indonesia

Mary Jane Veloso, a Filipino worker, was arrested in Yogyakarta International Airport in April 2010 for carrying heroin in her luggage. Throughout her trial, she maintained her innocence, claiming that she was duped by an international criminal syndicate and unknowingly brought drugs on her way to work as a maid in Indonesia. Yet Veloso was eventually sentenced to death for drug trafficking and she was scheduled to be executed by firing squad on 29 April 2015. President JokoWidodo earlier rejected appeals for clemency, maintaining that countries with nationals facing death sentences in Indonesia should respect the 'supremacy' of its laws.

With mounting pressures from the Filipino public, the Aquino administration made numerous appeals to save Veloso. It filed several requests for judicial review on Veloso's case and pleaded to commute her sentence to life imprisonment. It also cited the ASEAN Mutual Legal Assistance Treaty (MLAT), an important treaty that aims to fight transnational crimes in the region.

At the eleventh hour before Veloso's scheduled execution, Aquino made a phone call and talked directly to the Foreign Minister of Indonesia. This was considered a breach in normal diplomatic protocol when state leaders are supposed to directly talk with their counterparts. In that last-minute phone call, Aquino invoked the ASEAN treaty and notified Indonesia that it had custody over Veloso's recruiters who were allegedly involved in human trafficking and drug smuggling. He then requested the Indonesian Foreign Minister to spare Veloso so she can testify as a witness in these illegal activities.

After Aquino's phone call and hours before Veloso's scheduled execution, the Indonesian government granted her a temporary reprieve. It announced that the deferment of Veloso's execution was for her to testify against members of the criminal syndicate who victimized her. While it continued with the execution of other foreign nationals convicted of drug trafficking, the Indonesian government explained that its decision to delay the execution of Veloso was to fully ascertain if she was just a mule, and not a drug dealer.

Case Status:

President Widodo insisted that Veloso's death sentence was "not a cancellation but a postponement." He maintained that her fate would depend on prevailing laws in Indonesia and how the Philippine court would rule on the case against her recruiters.

In contrast to Aquino's vigorous efforts, Philippine President Rodrigo Duterte meanwhile admitted that he felt awkward about "begging" President Widodo to spare Veloso's life. Because of his hard-line stance against illegal drugs, Duterte announced that he would be ready to accept Indonesia's decision about the case and "we will respect the judgement of its courts. We will honor what the laws are in

their country. We will not impose. We will not demand. Nothing. (Kabiling 2016)."

In January 2018, the Philippine court barred efforts to secure Veloso's testimony in Indonesia, stating that this would violate the constitutional rights of the accused. Such right entitles her alleged recruiters to confront Veloso in person. However, the Indonesian government does not allow foreign convicts to temporarily leave the country even for the purpose of providing testimonies, and also prohibits deposition via online video-conferencing. In the end, Indonesia may eventually revoke Veloso's temporary reprieve from death row, and proceed with her execution if there will be no significant developments in her case.

Aquino's 'Moralist' vs. Duterte's 'Legalist' Global Perception

Aquino's utmost consideration for the sanctity of human rights and the preservation of life reflect his moralist global perception. This brought about his profound keenness to fight for Veloso's survival, which is manifested in his strong commitment and proactive stance to save her.

As a result, the Philippines under his administration made various efforts to spare her from the death penalty. This included requesting for judicial review, invoking a regional treaty, and making a national appeal to President Widodo. Instead of conceding her fate to the death penalty, the country was able to convince Indonesia to make her a state witness that eventually kept her alive (albeit temporarily pending her ongoing case). The decision of the Indonesian government to grant Veloso a last-minute suspension of her execution is considered a temporary victory for the Philippines.

In contrast to Aquino, Duterte subscribes to a more legalist perspective that focus less on morality in determining or judging state actions. He stresses more on the respect for

other countries' sovereignty and rule of law. He believes that anyone involved in illegal drugs should be punished. And with his own anti-narcotics campaign, Duterte exhibits lack of concern over Veloso's death penalty case in Indonesia.

His global perception resulted in the Philippines' indifferent policy stance on Veloso's case--- bequeathing her fate into the hands of Indonesia's prevailing laws, minus the moral considerations. The country's "hands-off" attitude under the Duterte led to its diminished resolve to save Veloso without any drive to find alternatives to address the legal impediments in her ongoing case in Indonesia's court.

The Philippines' Arbitration Case against China

In April 2012, the Philippine Navy deployed its military vessel to arrest the Chinese fishermen illegally poaching in the Scarborough Shoal. China quickly dispatched maritime vessels to prevent the Philippine Navy from capturing its fishermen. With both countries' vessels squaring off at the shoal, the Philippines and China found themselves locked in a "face-to-face test of sovereignty" (Ratner 2013, 1). However, the Chinese government scored a tactical victory when the Philippines "conceded a dramatic ten-week standoff by withdrawing its maritime vessels, under the facing-saving auspices of an oncoming typhoon" in June 2012 (Ratner 2013, 2). Since then, China has retained its maritime vessels at the shoal, effectively seizing it and exercising control of the area.

Since the 2012 Scarborough Shoal standoff, the Philippines under the Aquino administration had to employ diplomatic and legal approaches to counterbalance China's illegal activities and aggressive intrusions. Its reaction on the escalating maritime tensions has been 'sustained defiance.' According to Baviera (2016, 125): "These incidents helped build

its resolve to do exactly what China asks it not to do---internationalize the South China Sea disputes and invite a greater role for the US in the resolution of the disputes.” And most importantly, his administration raised the stakes by filing a case against China before an Arbitral Tribunal under the United Nations Convention on the Law of the Sea (UNCLOS) in January 2013.

Following the three-year proceedings, the PCA finally issued its decision in July 2016 in favor of the Philippines. The Chinese government rejected the arbitral tribunal’s decision. But for the Philippines, the arbitral proceedings were intended to achieve a peaceful and durable solution to the maritime dispute.

Arbitration Award Status:

After Duterte assumed the presidency in 2016, his administration focused on reviving bilateral ties that have been effectively frozen during the Aquino administration. Thus when the PCA delivered its ruling on the Philippines’ case against China merely two weeks into his presidency, Duterte chose to downplay the country’s legal victory. In his state visit to China in October 2016, he regarded the tribunal’s ruling as “a piece of paper with four corners,” and that the case would “take the back seat” in his meeting with Chinese President Xi Jinping. Further, Duterte stated: “The arbitral award gives us the right. China has the historical right. And they’re insisting. In this situation, do we argue, or do we just talk? I would say, let us put it [off] to some other day (Zhen 2016).” His policy statement caused a diminished international pressure on China to comply with the award that is favorable to the Philippines. His administration’s effort to bilaterally engage China marks a reversal in Philippine foreign policy since he took office in June 2016.

Aquino's 'Liberalist' vs. Duterte's 'Realist' Global Perceptions

Aquino's liberal perspectives are reflected in diplomatic approaches that sought to avoid military confrontations with China. This included the Aquino administration's signing of the Enhanced Defense Cooperation Agreement (EDCA) with the US in 2014, which was perceived as a strategic move to counterbalance China's heavy-handed behaviour over the South China Sea. The agreement allowed American forces to have strategic rotational presence in the Philippines and granted extensive access to the country's military facilities. EDCA is expected to be the Philippines' deterrent against any military confrontation with China.

In addition, Aquino's liberal perspective is manifested in his emphasis on regional institutions to address maritime issues with China. He lobbied his ASEAN colleagues to unify as a bloc and to seek a central position among claimant states in the region. He also renewed calls for the immediate adoption of the implementing guidelines and a more binding code of conduct in response to Chinese maritime intrusions.

Most importantly, Aquino's liberal perspective is demonstrated in his adherence to international legal institutions. Through the arbitration case, he deems that a sovereign state such as the Philippines can gain an equal footing in the court of law despite the apparent power asymmetry with China. Aquino's idealist convictions and liberal principles asserts that "right is might" rather than "might makes right."

Such legal effort revealed the Philippines' strong commitment to defend its maritime interests and its refusal to concede to China's more superior military power in the South China Sea. The historic legal case against the Chinese was a bold move by the Aquino administration that no country, much less a small state, dared to do. But when the Philippines filed

and eventually won its case, it temporarily lost whatever diplomatic goodwill it had with China during Aquino's term.

Meanwhile, Duterte holds a realist perspective that focuses on relative power that influences his policy on China. Because of the power asymmetry between the two countries, he believes that the Philippines cannot win control over its territories, even if the country achieved victory in its arbitration case. According to Duterte's spokesman, while the administration never shelved the arbitral ruling, "it only remains unenforceable because no foreign force seems persuaded to help us enforce it. Neither do we have the capability of enforcing it alone by force (Romero 2019)."

Moreover, Duterte's global perception exhibits a clear-cut 'either-or' approach in managing the Philippines' relations with China. His verbal insinuations suggest that if he pushes the country's arbitral award, the Philippines will have to face military confrontations. According to Duterte: "I cannot afford at this time to go to war. I cannot go to a battle which I cannot win and would only result in the destruction and probably a lot of losses for our Armed Forces (Ranada 2016)."

In his desire to renew ties with China, Duterte toned down his government's actions regarding the country's maritime interests that may be deemed hostile by the Chinese. For one, he disregarded the Philippines' defense alliance with the US declaring that: "If America cared, it would have sent its aircraft carriers and missile frigates the moment China started reclaiming land in contested territory, but no such thing happened" (Lacorte 2015). His administration also ceased lobbying for regional support against China's maritime aggression in the South China Sea. This was evident during the country's ASEAN chairmanship in 2017, when it released its chairman's statement avoiding any reference to China's ongoing reclamation activities in the area. There was also no

mention of the Hague ruling, which declared that China has no legal basis to claim historic rights over the South China Sea.

Rather than confronting China to respect the tribunal ruling, Duterte opted to renew relations with China. Specifically, he aims to gain as much economic concessions from China as possible, such as financial assistance and direct investments that the Chinese are willing to provide. Thus in his state visit to China in 2016, Duterte brought home USD 24 billion in investments, credit and loan pledges from the Chinese government aimed at funding the Philippines' infrastructure projects. These economic pledges reveal Duterte's notion that the Philippines is better off not to be trapped in a political deadlock by flaunting its arbitral award that is hard to enforce.

Goal Changes Towards a Redirection in Philippine Foreign Policy

The differences in the global perceptions between Aquino and Duterte generally exposes their keenness and interest (or lack thereof) in both cases. Aquino displayed a determined keenness to initiate proactive efforts to save Veloso in Indonesia and to defend the country's maritime interests through its arbitration case against China. But Duterte overturned Aquino's previous efforts in both cases. He exhibited a lack of interest in saving Veloso and expressed disinterest in pushing for its arbitration victory to promote its maritime rights. This dramatic turnaround manifest a significant leader-driven change in the Philippines' foreign policy goals.

In the first case analysis, the prior goal of keeping Veloso alive under Aquino's term is ignored by the Duterte administration. Aquino's moralist views and adherence to human rights is manifested in his government's proactive and concerted efforts to save her. But because of Duterte's legalist

perspectives and respect for the rule of law and other country's sovereignty, he passively left her fate to Indonesia's justice system. In effect, the change in the Philippines' foreign policy goal diminished its resolve to conclusively spare Veloso from Indonesia's death penalty.

In the second case, the initial goal of Aquino to counterbalance Chinese aggression through the Philippines' arbitration case is set aside by Duterte. Aquino's liberalist perspective motivated the filing of the case to push for the country's maritime rights, which are constantly threatened by China's military might. But Duterte's realist perspective downplayed the Philippines' arbitration victory believing that it is unenforceable given China's superior military capabilities. Whereas Aquino's goal focused on the defense of the country's maritime rights, Duterte's goal opted to concentrate on gaining economic concessions from the Chinese and renew bilateral ties. Since power asymmetry with China is evident, the Philippines under the Duterte administration instead seeks to benefit from it. As a result of such goal change, the Philippines' displayed conflicting policies towards China.

Conclusion

These leader-driven changes in the country's policy goals essentially reflect a redirection in its foreign policy. They are manifested in the policy statements or actions of the Duterte administration that reject or conflict with Aquino's initial goals. This consequently caused a "weakened" stance and inconsistencies in the country's policies and actions on both cases. In the long term, the frequent changes in policy goals may tend to result in the lack of continuity in the country's foreign policy especially on ongoing issues with other countries.

But such leader-driven change does not yet represent a shift in the country's international orientation. This refutes the general notion that changes in the leaders' global perceptions result in changes in the country's international orientation. Hence, both cases do not lead to a restructuring in its foreign policy, which carries graver consequences and long-standing implications. For a change in the country's international orientation to occur requires a pattern of changes in its external policies and partnerships. This may involve consistently overlooking death row cases of overseas Filipinos or continuously downplaying the country's arbitral award in bilateral dealings with the Chinese government or in regional or international forums. It may also include focusing on the country's ties with China and discounting other traditional relations with US, Japan, or Australia. But it remains to be seen whether or not such pattern will occur that will cause a transformation in the country's international orientation and consequently lead to its foreign policy restructuring.

This study therefore recommends future studies regarding leader-driven change to discern the extent of foreign policy shifts the country will further undergo. In particular, an analysis on the global perceptions of succeeding leaders after Duterte can determine the consequent changes in Philippine foreign policy. If the next Philippine president holds a divergent global perception relative to Duterte, he/she may enact changes in policy goals that may result in another foreign policy redirection for the Philippines. But if the successor possesses similar global perception, then he/she will likely continue the policy goals of Duterte highlighting a pattern that may eventually change the country's international orientation and subsequently cause a restructuring of Philippine foreign policy.

Leader-driven Change from Aquino to Duterte: Towards a Redirection or Restructuring in Philippine Foreign Policy?

The Philippines typically experience modifications in its foreign policy and its approach towards other countries each time it undergoes transitions in presidential administrations with their own idiosyncrasies. The extent of the differences between its leaders has implications on the level of change and the magnitude of the country's foreign policy shifts. Thus it is worthwhile to examine its state leaderships to be able to estimate the kind of foreign policy it will pursue especially on prevailing issues that require constancy in strategic attention. Generally, such analysis on the Philippines may also serve as an interesting reference for other countries that are highly influenced by leader-driven changes in its foreign policy.

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Queer Pedagogy and Engaging Cinema in LGBTQIA+ Discourse in Africa

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Abstract

Postmodernism ignited a rapid growth in oppositional cultures in the late 20th and early 21st centuries. Among these oppositions are feminism, animal right movements and queer culture. The oppositional forces, silenced by the power, discourse, and knowledge of dominant cultures, countercultures strive to speak for themselves and resist all forms of subjugation and marginalization. In the West, oppositional cultures have been able to create a queer cinema of resistance. African queer cinematic engagement came late with Mohammed Camara's 1997 film-*Dakan*, believed to be the first film to focus primarily on LGBTQIA+ themes from West Africa. Ever since the above film pushed the queer sexual orientation into the center of discourse in Africa, film industries such as Nigeria's Nollywood and Ghana's Ghollywood and the South African film enterprise have followed suit. The questions that emanate in this study are, do these narratives on new sexual identities-LGBTQIA truly reflect indigenous African ethos? Is queer cinema germane in creating spaces for new sexual identities in Africa? Against this backdrop, this study examines African queer cinema as a struggle against heteronormative and oppressive tendencies. Employing Michel Foucault's perspective on knowledge, power and discourse as theory, this study uses content analysis to interrogate selected African

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queer cinematic narratives. Among other findings, I argue that African queer cinema resists heteronormativity and other sexually oppressive categories and that this enterprise is geared towards creating a voice for the LGBTQIA+ community across the African continent.

Keywords: *LGBTQIA+, Film, Africa, Nollywood, Queer.*

Introduction

The struggle to decriminalize LGBTQIA+ individuals and practices is gaining traction throughout the world due to several counter-discourses, movements, and the adoption of oppositional cultures. Although these sexual identities and communities have received less criticism in the West (in fact, they have been given the right to life with the legalization of all identities in some Western nations), numerous countries (especially those on the African continent) have been a home for discrimination against members of the LGBTQIA+ community. Criminalization of LGBTQIA+ individuals and practices in countries such as Nigeria, Uganda, Cameroun, Liberia, Libya, Senegal, Somalia, and others is often a product of religion, morality, and a biased justice system. The belief that non-heterosexual relationships and identities are un-African is predominant in cases of LGBTQIA+ marginalization. Same-sex practices are often considered violations of the moral ethos of the African society, and in some cases, as demonic in nature. Against this backdrop, Vasu Reddy claims that “according to African stereotypes, anti-straight sexuality is a disease/sickness; a possession by evil or demonic spirits; an occult practice; or simply a despicable influence from the ‘morally decadent’ West” (Reddy, 2002, p. 1). Same-sex individuals and practices are seen as queer in Africa. According to Nowlan, “queers are outraged gays, lesbians, bisexuals,

transgendered people, and allied misfits and outsiders who seek to move from expression of rage toward demanding satisfaction in response to what outrage them, including by seizing and appropriating what they can when this is not given them in response to their demands” (2010, p. 3). Nowlan’s definition of the term ‘queer’ implies that to be queer is to be a member of the African LGBTQIA+ community.

Presidents Sam Nujoma of Namibia and Robert Mugabe of Zimbabwe once opined that LGBTQIA+ were social misfits and not fit to live. In the words of Mugabe as cited by Chikura-Mtwazi (2018), having a non-straight sexual orientation “degrades human dignity. It is unnatural, and there is no question ever of allowing these people to behave worse than dogs and pigs. If dogs and pigs do not do it, why must human beings? If you see such people parading themselves arrest them and hand them over to the police” (p.1). In furtherance of his hate for the LGBTQIA+ culture, Mugabe also criticizes all allies of the LGBTQIA+ club. He articulates that he “find it extremely outrageous and repugnant to “his human conscience that such immoral and repulsive organizations, like those of queers, who offend both against the law of nature and cultural norms espoused by our society, should have any advocate in our midst and elsewhere in the world” (BBC, 1999, p.1).

In light of several African cultures that openly reject anything connected to LGBTQIA+ identities and culture, there has been a dearth of critical works on LGBTQIA+, cinema pedagogy, and their intersection in Africa. In the face of the oppression that the LGBTQIA+ community goes through, cinema has brought these identities into the center of discourse to deconstruct homophobia and decriminalize queer identities in Africa. Since these films present LGBTQIA+ identities and experiences in a positive light, they hold tremendous educational promise. Thus, African queer cinema can be used

as pedagogy to orientate audiences on the need to accept, embrace and celebrate sexual cultures. Presenting students films created to give voice to members of the LGBTQIA+ community and empower their ranks can help students understand several key tensions in play within many African cultures today. For instance, whether African film LGBTQIA+ narratives truly reflect an indigenous African ethos; whether queer cinema can create space(s) for LGBTQIA+ identities in Africa; and whether films about the LGBTQIA+ community are pedagogical. This chapter explores these issues along with the politics of sexuality and LGBTQIA+ identities in Africa. Furthermore, this analysis examines African queer cinema as a struggle against heteronormative and oppressive tendencies. Employing Michel Foucault's (year) perspective on knowledge, power, and discourse as theory, this chapter uses content analysis to investigate African queer films such as Mohammed Camara's *Dakan* (1997), Moses Ebere's *Men In Love* (2010) and Adaora Nwandu's *Ragtag* (2006), among other selected African queer cinema narratives as pedagogical mediums that exemplify queer identities.

Pedagogy and the Politics of Sexuality and LGBTQIA+ Identities in Africa

It is imperative for educational institutions (especially in Africa) to adopt critical methodologies and examine the current state of LGBTQIA+ discourse since the continent has failed to keep pace with their Western counterparts regarding LGBTQIA+ issues. While it is true that the hesitation on Africa's part could be attributed to hegemonic masculinity and heteronormativity, that is not an acceptable excuse. Africa must rethink its monolithic approach to addressing LGBTQIA+ issues. In fact, educators in the secondary and tertiary settings should strive to

enlighten African students how to transcend heteronormativity and engage in investigative methodological approaches to LGBTQIA+ issues.

The colonial experience, globalization, and postmodernism have placed African same-sex discourse into the international discussion about implementing social justice. However, there are still lingering issues with granting LGBTQIA+ individuals in Africa the same rights and liberties as elsewhere in the world. These issues may stem from blatantly false assertions that LGBTQIA+ identities in Africa are Western constructions and the idea that the LGBTQIA+ community was not present in Africa prior to the transatlantic slave trade and colonial experience. In short, some Africans believe that the LGBTQIA+ community is due to Western interference. The socio-political response to these false claims has been varied and has led to differing perspectives about inclusion and acceptance for LGBTQIA+ populations. "Politicians, religious leaders and traditional spokesmen, [have] insisted ever more strongly that the very idea of same-sex practices was foreign to Africa, and that it had been imported from the West" (Awondo, Geschiere, & Reid, 2012, p. 148). However, numerous literary, descriptive, and quantitative methodological studies conducted by scholars in the social sciences and humanities confirm that "there is evidence showing not only that same-sex intimacy was tolerated in ancient Egypt, but that at certain periods same-sex relationships were legally recognized" (Dowson, 2006, p. 96). According to Evans-Pritchard, "among the Azande, in precolonial Sudan, male same-sex marriage was legally recognized where dowry was paid to boy-wives and damages were awarded for infidelity" (1970, p. 72). The Meru people of Kenya, the Bantu of Angola, and the Zulu of South Africa also tolerated transgender men and allowed them to marry other men. Gay prostitution is

also reported among the Hausa of Nigeria (Greenberg, 1988, p. 60). We must not forget that indigenous Hausas were pagans and non-Muslims. The indigenous Hausa customs created space(s) for the culture of gay prostitution. It was in the wake of the 19th century that the Fulani Jihad, led by Uthman Dan Fodio, displaced traditional practices, and imposed Islamic religious belief systems on the Hausa states. This dislocation and imposition included the oppression of the LGBTQIA+ community and the introduction of Islamic marriage traditions, rooted in the framework of heteronormativity. These findings suggest that at least some people of precolonial Africa expressed queer identities.

While religious “conservative voices see the queer practice as a Western imposition” (Schoonover & Galt, 2015, p. 90), one must not forget that queer sexual exploration has been part of the historical African experience. According to Aljazeera, in precolonial times, there were traces of same-sex marriage in some ethnic nationalities in Uganda (2014, p. 1). In fact, “among the Langi people of Uganda, effeminate males were allowed to marry men” (Al Jazeera, 2014, p. 1). The incursion of the West, which ushered in Christianity, brought about the change in this status quo. It also may have changed how queer was socially constructed to take on a more sinister definition. Historically, what are now considered queer practices in African societies were not considered queer. It is, therefore, wrong to “state that same-sex positioning is unAfrican” (Reddy, 2002, p. 5). Even after gaining independence from imperialist nations like Great Britain and Spain, residual control over African states remained visible. Transculturality and transnationality made possible via this lingering control helped popularize queer culture in Africa. Western ideals have been the springboard on which Africa has saddled many of its traditions. Pickett asserts that “in the 20th

century sexual roles were redefined once again. With the decline of prohibitions against pre-marital sex for the sake of pleasure, even sex outside of marriage, it became more difficult to argue against gay sex. It was in this context that the gay liberation movement took off" (2015, p. 1). The debate over the decriminalization and legitimization of same-sex marriage in Africa continues to gain momentum, though many Africans still exhibit actions and express statements fueled by homophobia. To some Africans, to be queer is to be a child of the devil, and non-heterosexual identities are shown disdain. For example, in 1995, Mugabe, stood out as a reference point for African homophobia when he proclaimed that "non-heterosexuals were worse than pigs and dogs and deserved no rights whatsoever" (BBC, 1999, p.1). In 1997, the Namibian president, Sam Nujoma, with equal measure of intolerance as his Zimbabwean counterpart, described same-sex engagement as a gruesome inhuman perversion which should be uprooted totally from society" (Lyonga, 2014, p. 97). Moreover, the support of the West sought for by the LGBTQIA+ community in Africa have yielded little to no results. Adamu Ibrahim (2015) states that, "with the role of European colonial legislation, Christianity, Islam and Western/American conservatism, and global LGBT rights activists and organizations, it appears as if the debate on LGBT rights in Africa is far from being solely African. It is a universal debate that is simultaneously taking place in other parts of the world, sometimes with the same actors involved in the West and Africa. To the extent that the homophobic discourse is transcontinental, LGBT rights activism is becoming inevitably multi-local as well" (p. 266).

While the LGBTQIA+ community in Africa has begun seeking support globally, some Africans have greeted Western aid with anger. For instance, when former United States President Barrack Obama visited Kenya, the chants of "Adam

and Eve, not Adam and Steve, we do not want Obama and Obama; we do not want Michelle and Michelle. We want Obama and Michelle and we want a child!" (Liang, 2015), rang through the air. This was a warning to President Obama to desist from promoting queer activism in Kenya. The globalization of queer discourse has supplied the motivational force behind the legalization of LGBTQIA+ practices. In other words, South Africa's integration of the LGBTQIA+ community into society and the legalization of same-sex marriage stems from the assimilation of ideals of the West's paradigm of transcontinentality.

The criticism leveled upon gays, lesbians, transgenders, bisexuals, and other queer identities charted a new course in the history of LGBTQIA+ in Africa. "Perhaps the most significant recent social change involving queerness is the emergence of the gay liberation movement in the West. In philosophical circles, this movement is, in part, represented through a rather diverse group of thinkers who are grouped under the label of queer theory" (Pickett, 2015, p. 1). LGBTQIA+ liberation movements counter existing anti-LGBTQIA+ efforts. Desmond Tutu, a South African Anglican priest of international repute, fully articulates this by saying, "I cannot but be as God has made me. And so, I spoke against the injustices of apartheid, about racism, where people were penalized for something about which they could do nothing, their ethnicity. I, therefore, could not keep quiet when people were hounded for something they did not choose, their sexual orientation (Tutu, 2008, p. 1).

Tutu fought relentlessly to end apartheid in South Africa. It should be noted that Tutu's sympathy for marginalized LGBTQIA+ community members should not be construed as advocacy for the LGBTQIA+ cause. One assumes he is only concerned about the right to life and the existence of people

with non-heterosexual orientations. Tutu has been instrumental to South Africa's sympathy for the LGBTQIA+ cause. "In November 2006, South Africa passed the Civil Union Act, becoming the fifth country in the world and the first in Africa to legalize same-sex marriage" (Awondo, Geschiere, & Reid, 2012, p. 157). Apart from Tutu, Imam Muhsin Hendricks has also supported the oppressed LGBTQIA+ community. He emphasizes the biological construction of sexual positioning. According to Hendricks, "when I was five years old, my mannerisms were very effeminate. When I reached puberty, my first attraction was to a boy in my class. Although I later got married to a woman, due to social pressure, we must understand that similar gender placement is not *haram*. Islam gives us leeway to think" (Qantara, 2014, p.1). Despite the religious inclinations of Tutu and Hendricks, they are aware of the need for the inclusivity of diverse identities in society.

In Nigeria, Wole Soyinka, Charles Oputa, and Chimamanda Adichie have advocated for a sexually liberal Africa (Nigeria especially). Nigeria had been critical of the LGBTQIA+ community. President Goodluck Jonathan's administration addressed this with the formal signing of *The Same-sex Marriage Prohibition Law of 2014*. The law endorses "punishment of a sentence of up to 14 years imprisonment and also criminalizes the formation, operation, and supports for gay clubs, societies, and organizations with sentences of up to 10 years imprisonment" (Onuche, 2015, pp.91-98). Passage of this law was met by an outcry from Nigerian pro-gay activists such as Adichie. Her manifesto against this anti-LGBTQIA+ law reads that "the new law that criminalizes homosexuality is popular among Nigerians. But it shows a failure of our democracy, because the mark of a true democracy is not in the rule of its majority but in the protection of its minority...holy books of different religions do not have equal significance for

all Nigerians but also because the holy books are read differently by different people. The Bible, for example, also condemns fornication and adultery and divorce, but they are not crimes” (Adichie, 2014, p. 1).

It is pertinent to note that “Christian (and Islamic) leaders are often a driving force behind attacks on queer culture” (Awondo, Geschiere, & Reid, 2012, p. 148). In the Christian and Islamic creed, fornication and adultery, just like same-sex practices, are crimes and considered sinful. In most traditional African societies, such as in the Hausa, Igbo, Zulu, Akan, and Urhobo ethnic groups, fornication and adultery are also anathema. It becomes flawed to criminalize same-sex marriage yet exclude fornication and adultery.

In Cameroon, Alice Nkom, attorney, and founder of the Cameroonian gay rights organization ADEFHO (Association for the Defense of Homosexuals in Cameroon), has been at the forefront of advocating for the decriminalization LGBTQIA+. Nkom’s advocacy stems from the rise of homophobia in Cameroon (Ndjio, 2012, p.120). Her human rights defense of gays in Cameroon has received positive appraisal from the international community.

Western governments have also criticized anti-LGBTQIA+ sentiments in Africa. According to Amnesty international, “same-sex orientation is illegal in 38 of 54 African countries” (n.d, p.3) This contrasts most countries in the West, where same-sex marriage has been legalized. At the genesis of the criminalization of same-sex relations in Nigeria, the United States, Canada, Britain, the United Nations, and European Union called for a repeal of the decision of the Nigerian government. Nwokolo (2014, p. 1) claims that “John Kerry, the US Secretary of States called the Act a dangerous restriction on freedoms. William Hague, the UK Foreign Secretary opined that ‘the Act is a disappointment’. Ms. Linda Thomas-

Greenfield, the U.S. Assistant Secretary of State for Africa hinted on the need 'to mount pressures on the President to change the law and respect human rights for all Nigerians despite sexual orientations' and lastly the UN High Commissioner for Human Rights, Navi Pillay said that the same-sex marriage prohibition law is "draconian and illegal."

The multitude of international opinions do not merely make the LGBTQIA+ debate transnational; they also broaden the horizons of LGBTQIA+ discourse. A scrutiny of the United States' perspective on the LGBTQIA+ debate suggest that the legitimization of queer identities does not necessarily promote LGBTQIA+, but instead is geared toward protecting the rights of queer individuals to live in a society where the stigmatization of the LGBTQIA+ community has reached its crescendo.

African academics have historically been critical of queer culture. Paradigmatically, Obasola Kehinde posits that "non-normative sexual positioning is unethical and unnatural. Therefore, it should be condemned in strong terms" (Kehinde, 2013, p. 77) Kehinde seems to forget that societies are subject to change when he goes further, stating that "though there has been a few dissenting voices, the general consensus in Africa is that monosexuality should not be allowed to take root. It is foreign to African culture. Its manifestation should be treated as an aberration rather than a socially acceptable behavioral pattern" (Kehinde, 2013, p. 92). Kehinde's position stems from his cultural and religious beliefs. This reveals that one cannot separate the African academia from the African cultural and religious spaces. Academics are products of cultures and religions. In fact, while scholarship influences culture, it also has been influenced by culture.

The LGBTQIA+ debate has been a subject of discourse in African cinemas that includes numerous cinematic cultures

such as Nollywood in Nigeria, Senegal, Cameroon, Ghana, and South African film industries. Of the three important films that serve as case studies in this chapter, first is *Dakan* which “is commonly understood as the first gay film in sub-Saharan Africa” (Schoonover & Galt, 2015, p.90). Additionally, Nwandu’s *Ragtag* and Ebere’s *Men in Love* (2010) are also a reference point to African queer cinema. The above narratives show that African queer cinema can create inclusive spaces for LGBTQIA+ identities in Africa. These narratives can be used pedagogically to galvanize support for the oppressed LGBTQIA+ community and also show educators and students how to combat hegemonic masculinity and heteronormativity, which motivate undue harm to LGBTQIA+ individuals.

African LGBTQIA+ Cinema as Pedagogy

African queer cinema is a response to the criminalization of LGBTQIA+ practices and unfair treatment meted on community members. Eprecht observes that “African gays and lesbians have written their own memoirs, fiction, and poetry to add crucial insider insights to the discussion” (2018, p. 140). These memoirs have often been translated and adapted onscreen. Moreover, queer cinema has become a medium of perspective and advocacy for the marginalized LGBTQIA+ community. The African queer filmmaking enterprise was heavily influenced by the American New Queer Cinema (ANQC), which is “a kind of independent film-making which shares some of the main principles of Queer Theory, which is also against the idea of heteronormativity” (Maria, 2015, p. 16). ANQC’s social justice and activist agenda emphasizes full integration of LGBTQIA+ communities into a world dominated by hegemonic masculinity and heteronormativity. The narration of queer lives by African cinema can be used

pedagogically to teach students about queer individuals and why they should not be oppressed. Queer cinema breaks the barriers created by heteronormative cultures by centering on the lives of LGBTQIA+ culture and characters. In *Queer Images: A history of gay and lesbian film in America*, Benschhoff and Griffin (2006) propose five characteristics of queer cinema. They articulate that “a movie might be considered queer if it deals with characters that are queer... Films might be considered queer when they are written, directed, or produced by queer people or perhaps when they star lesbian, gay, or otherwise queer actors... A queer film is a film that is viewed by lesbian, gay, or otherwise queer spectators... Queer films include any and all kinds of films that invite and encourage spectators to identify with characters who are considerably different from who spectators normally conceive themselves to be, and who they normally identify as. This can include films that encourage straight audiences to identify with gay, lesbian, bisexual, and transgender characters, but it can also include many other kinds of identifications with ‘the other’ as well, including identification across lines of race and class” (pp.10-12).

One must remain critical of Benschhoff and Griffin’s claim that a film could be considered queer simply by the fact that it was written, directed, or produced by individuals who identify as queer. To be clear, Benschhoff and Griffin erroneously claim that individuals who identify as queer who are filmmakers could write, produce, and direct a film with heteronormative themes, with no elements that challenge that heteronormativity, and the film would still be considered to land in the genre of queer cinema. The issue with their assertion is that a primary feature of queer cinema is the presentation of non-heteronormative characters and themes. Since it is possible for queer allies who do not identify as queer to also produce films that call challenge hegemonic masculinity and

heteronormativity, then Benschhoff and Griffin's classification of queer cinema fails to be exhaustive.

The students must understand that African queer films involve a struggle between straight and non-straight individuals. While some films some are critical of LGBTQIA+, some other films others are advocacies for the non-straight sexual orientations. In Mohamad Camara's *Dakan*, the characters of Destiny, Sori, and Manga fall in love. However, they are separated by their families. While Sori gets married and has a child, Manga's mother sends Manga to an herbalist to seek a gay "cure". He eventually enters into a relationship with Oumou, a white woman. Many years later, "when the men see each other again in a bar, they immediately recognize their mutual desire. Despite their love for their families and genuine relationships with women, Manga and Sori ultimately leave everything behind to be together" (Schoonover & Galt, 2015, p. 89). In *Dakan*, world of tolerance is created. Although Manga's mother sees counter-normative identities as abnormal, she does not consider heterosexuality as a do or die affair. She sees norms as societal constructs and as such, are liable to change. The name 'Dakan' means destiny, and as the title of the queer *Dakan* connotes, one could be born gay. Here, the filmmaker puts the African concept of predestination to play. Although in some traditional African societies (such as among the Yoruba people of Nigeria), there is the belief that destiny can be subjected to change, in most societies, the reverse is the case. This, therefore, becomes complex as *Dakan* defines monosexuality as a biological construction.

In Nwandu's *Ragtag*, a transnational Nigerian film, two non-heteronormative characters, Raymond and Tagbo are presented. They are separated from each other like Sori and Manga at the age of twelve. They reunite many years later, and their love for each other resurfaces as they continue their

intimate and sexual exploration of each other. They continue to stick to each other despite Tagbo father's disapproval of their gay relationship. *Ragtag* and *Dakan* share the feature of displacement and reunion of the gay characters. Despite being displaced by the society, Sori and Manga finally reunite at the end of the narrative. This affirms that no matter how discriminatory members of the LGBTQIA+ community are treated, the global movement for the inclusion and acceptance of LGBTQIA+ identities will pay off. The filmmaker reassures the queer community that liberation from oppression at the hands of the larger society is a task that must be done. Sori and Manga's unity and Rag (Raymond) and Tag's (Tagbo) attitude teaches the imperative of harmony and togetherness of all queer categories to achieving acceptance.

Rag Tag is the ideal use of the film narrative to educate viewers against discriminating and criminalizing LGBTQIA+ identities. The film "challenges the tendency of closeting queerness in African films, or of representing it as evil, and abnormal. To use Naficy's words in a gendered context, *Rag Tag* destabilize[s] the traditional binarism of space" (Lyonga, 2014, p. 101).

African societies adhere to religious precepts and commandments than the West. Islam and Christianity, two dominant religions in Africa are anti-LGBTQIA+. This lends credence to the destructive appraisal of LGBTQIA+ in Africa. Unlike *Dakan*, *Ebere's Men in Love* places same-sex orientation in the domain of social construction. In this film, equivalent sex alignment is frowned at. Although he aligned with Alex sexually, Charles later becomes critical of non-straight sexual orientation. Alex, his friend and gay partner is also looked at in disdain and hate by Whitney, Charles' wife on her realization that the latter engaged/engages in same-sex relationship with her husband, she frowns at it. The film even ends with a *Deus*

Ex Machina whereby, prayers deliver Charles from the servitude of same-sex inclination. Films such as this would appeal to an anti-LGBTQIA+ Nigerian audience. This film advocates the transcendental approach at “unqueering” queer characters. *Men in Love*, therefore does not portray the pedagogy of LGBTQIA+, a shift in power and knowledge of sexual reorientation like *Dakan* and *Rag Tag* do. *Men in Love* is an expression of the Nigerian filmmaker’s ideology, unlike Nwandu (the director of *Tag Tag*), who has been influenced by Western ideals.

Most African filmmakers that have interrogated the LGBTQIA+ condition have made the non-LGBTQ sexual inclination dominate heteronormativity. In fact, most of them align with the LGBTQIA+ minority and use their films to speak against the social injustice met on them (LGBTQIA+). *Dakan* deviates from the mainstream Nigerian film narratives that depend on the *Deus Ex Machina* for conflict resolution. This film “fits into some of the universal narratives favored by the queer” (Schoonover & Galt, 2018, p. 123). With the failure of the herbalist to cure Manga of his same-sex intimacy with Sori, the filmmaker, Camara seems to posit that same-sex is not a spiritual possession and dysfunction as popularly believed in Africa. It has nothing to do with the fetish and the transcendental. The Anti-gay community made *Dakan* “controversial precisely for its *direct* representation of non-heterosexuality, perceived by many African critics as un-African, sinful, or an unwanted relic of European colonialism” (Epprecht, 2008, p. 132). The destructive critique of LGBTQIA+ cultures in Nollywood has led to these narratives as being secondary to the plot. *Men in Love* fully explicates that “traditionally, Nollywood films on non-heterosexuality center on heterosexual couples, with the non-straight persons assigned backseat roles as secondary characters, who attempt to ruin

heterosexual relationships but fail in the end. Like films such as *Emotional Crack* (Oduwa, 2009), *Last Wedding* (Iroegbu, 2004) and *End Time* (Nnebue, 1999), *Men in Love* tows this Nollywood mainstream representation of non-heterosexuality” (Lyonga, 2014, p. 101).

Conversely, the opening scene of *Dakan* displaces the heteronormative film culture and brings the gay from the closet to the public. This scene reveals a close shot of Sori and Manga kissing passionately inside a car. While the anti-LGBTQIA+ audience is held spellbound with disgust as the sight of two kissing young men, the pro-LGBTQIA+ spectator – especially the queer categories – sees this as a “meaningful resistance to the power of the straight majority as explicated by Foucault” (Pickett, 2015, p. 5). Politics of power play is replete of the subject matter of every queer film. In films of this repertoire, there is a power tussle between the hetero and non-hetero cultures. The outcome of this scrimmage is determined by the filmmaker or the society in which the film is produced. Educators and students must understand that in the Nigerian queer cinema has been critical of the non-hetero position. Films that valorize gay rights and advocacy for social justice are frowned upon in Nigeria. This stems from the country’s cultural background where the two dominant religions—Christianity and Islam perceive same-sex relations as demonic. To compound this challenge, the Nigerian Film and Video Censors Board (NFVCB) a body responsible for regulating the content of what is churned out of the Nigerian screen has always influenced the content of every film narrative. The NFVCB are well known to suppress narratives that oppose perceived moral ethos and norms of the Nigerian society.

Most Nollywood films are economically driven. The Nigerian filmmaker who is conscious of the capital which he has spent in the filmmaking process examines what he is to

churn into the market to facilitate box office success in a morally conscious society. Conversely, transnational Nigerian films such as *Rag Tag* have gone beyond the frontiers of religion and African cultural beliefs to explore the question of sexual identity within the domain of the materialistic and the profane. Hence, this binarism is clear of *Men in Love* and *Rag Tag*. While the latter, a product of the Nigerian Diasporic filmmaker breaks the border of cultural beliefs, the former is subtle in its subject matter as it disapproves of same-sex desire.

Dakan, as a cinema of commitment, is a challenge to the hetero-culture “for it demands to speak and to educate in public in the traditions of African political cinema, and yet it also proposes a queer mode of publicity. The film refuses to place queer lives in opposition to postcolonial politics: it demands to be seen both as postcolonial and as gay” (Schoonover & Galt, 2015, p. 91). The queer film audience is sensitized on the creation of identities with the medium of film. While this form of pedagogy is contextualized in a particular scheme, it is also imperative to note that simply viewing a film is not enough. Observing a Film can be sometimes passive for some audiences. Hence, dialogue among the teacher and students in the African classroom setting must take place for there to be any hope that the message of acceptance and inclusion to sink into their perspectives is achieved. This is “an intentional attempt to influence how identities are created within certain social relations that do not support marginalized groups. When educators are aware of positionality, power and their own backgrounds as well as their students’ backgrounds, meaningful learning can take place” (Lagomarsino, 2015, p. 9). The audience is the student who understands what it means and takes to be identified with a particular identity and the need to depoliticize the *hetero* and *homo* binary. At this point, the *homo* is not a distortion of sexual identity. Rather, it is a

regeneration of past identities. *Dakan* aligns with this full acceptance model of LGBTQIA+ identities which supposes that “same-sex culture and heterosexuality are two aspects of sexuality, neither being the counterfeit nor the other, both being right or wrong depending on the context of their expression (Pierson, 1990, p. 257). Advocates of the model believe that those who identify with LGBTQIA perspectives are born with the trait in them just like albinos, blacks and heterosexuals are created the way they are. As such, members of the LGBTQIA+ community should neither be forced to renounce their identity, nor be marginalized by the heteronormative majority. Addressing “the question of subjugation and silencing of the oppressed and marginalized” (Binebai, 2015, p. 206) sexual minorities in homophobic Africa is therefore the thrust of *Rag Tag* and *Dakan*. *Dakan* and *Rag Tag* are produced for the purpose of “breaking discriminatory labels which have led to ill treatment and oppression of the LGBT community” (Maria, 2015, p. 18). This “cinematic visions of queerness, whether through queer characters and narratives or through representations of queer desire, have the capacity to make the global legible” (Schoonover & Galt, 2015, p. 89).

This recent proliferation of LGBTQIA+ films in Africa reveals that filmmakers have begun to utilize the medium of the queer film narrative for pedagogical activism. While the filmmakers have succeeded in this, Educators must also play their role. The awareness on the persuasive power of film is not new. Shehu (1992) posits that “film has the power to change the orientation of its viewers and influence their thought pattern” (p.78). To this end, in the classroom, the Educator could integrate the cinema in his/her teaching process by exhibiting films that are critical of domination of a sexual orientation by another. After exhibiting these films in the classroom, the tutor would ask the students to narrate their experiences and how

they intersect or differs to the situation in the films. With this, students would come out of their shell to express themselves on their perceived fears and strengths on issues that bother on sexuality. With this, the Educator could be termed a social worker who uses the medium of film to guide the student on identity construction and protection. This is a way of protecting the student from perceived molestation and sometimes, depression. The Educator at this time, has been able to utilize the cine medium to impact positively into the life of the student.

Other African films that explore the LGBTQIA+ motif include Shamim Sarif's *The World Unseen* (2007), Catherine Stewart's *While You Weren't Looking* (2015) and John Tengrove's *The Wound* (2017). Arif's *The World Unseen* (2007), makes the student understand that same-sex disposition is apt in a homophobic continent such as Africa. In this narrative, Mariam and Amina's love and affection for one another grows and they get entangled even in the core of oppression. Stewart's *While You Weren't Looking* (2015) is a South African film with a multicultural setting which does a comparative survey of the experiences of lesbians in urban and rural settings.

Schoonover and Galt (2015, p. 92) reveal that "queer cinema could easily be considered activist films, insisting through their fictional worlds that the spectator reconfigure their assumptions about their worlds outside the cinema." Renowned African queer films such as *Dakan* and *Rag Tag* are mostly box office hits among gay communities. Paradigmatically, *Rag Tag*, the first Nigerian film about LGBTQIA+ experiences, was premiered at the 2006 San Francisco International Lesbian, Gay, Bisexual, Transgender (LGBT) Film Festival.

LGBTQIA+ praxis gave rise to queer theory which aligns with Foucauldian aesthetics. Foucault's approach to power

discourse and knowledge reveals that “a discourse is an institutionalized way of speaking or writing about reality that defines what can be intelligibly thought and said about the world and what cannot. For example, a new discourse of *sexuality* had fundamentally changed the way we think about desire, pleasure, and our innermost selves” (Foucault, 2016, p. 1). He goes further to submit that “discourses about sexuality did not discover some pre-existing, core truth about human identity, but rather created it through particular practices of power/knowledge” (Foucault, 2016, p. 1). Creative works within the queer genre break this power/knowledge held by the heterosexual community. *Dakan* and *Rag Tag* epitomize Foucault’s aesthetics of power. Knowledge shifts from the majority (hetero) to the minority (LGBTQIA+ community). *Dakan* and other queer films dislodge the power of heteronormativity. There is a transformation from ignorance to awareness. Sori, Rat, Tag and Manga’s sexual engagements are placed before the audience without the filmmaker concealing them. Their gasp for breath when they caress with their eyes closed and mouths open, and the sound they emit in the course of caressing and kissing, makes one realize the pleasure the duo of Manga and Sori derive from it. The bond they have in the film and how the filmmaker portrays these characters is similar to James Cameron’s portrayal of Jack and Rose in the classic, *Titanic* (1998). This pedagogical exercise is a struggle against heteronormative, homophobia, and oppressive tendencies. Educators could use films such as *Rag Tag* and *Dakan* that push against oppression of LGBTQIA+ to make students understand that they can stand firm in the light of oppression. Students actually comprehend what they see easily than what they are being told. Hence, since the medium of film a visual one, it would be easier to convince students that they do not need to be intimidated by draconian laws that forbid their sexual

orientation. In the same vein, Educators must be selective in the type of films they exhibit in classrooms on sexual education. Films that balance the sexual divide-LGBTQIA+ and straight sexual orientation are what the students must see so that they will not in turn become oppressors of straight sexual culture. With this, the Educator would realize that queer films “would bring the self out of the closet, annexing whole new genres, revise histories in their own image, and seemingly most impressive of all, rapidly become the in thing such that you don't even have to be queer to get the picture” (Rich, 1992, p. 49).

Conclusion

Queer cinemas in Africa are a pedagogical alliance that is geared towards speaking for the LGBTQIA+ minority that has been marginalized by the non-gay community. This creative enterprise creates space(s) for the exploration of sexual identities and the deconstructing of the notion of LGBTQIA+ as unAfrican. Politics, religion, and justice have been the major drivers of the LGBTQIA+ debate which graduated into the criminalization of LGBTQIA+ identities in countries such as Nigeria, Cameroon, Uganda, Zimbabwe among others. The decriminalization agenda of African queer films led to the production of *Dakan* and *Rag Tag*. These films are a paradigm shift from the anti-queer film in which same-sex marriage had always been demonized and portrayed in a bad light. *Men in Love*, though also explore the LGBTQIA+ genre contrasts the ideology portrayed in *Dakan* and *Rag Tag*. It advocates for a LGBTQIA+ free world where heterosexuality must thrive, while other sexual identities must be oppressed. Queer films affirm that inclusivity of the LGBTQIA+ community can be a primary duty of cinema. African queer cinema resists

heteronormativity and other sexually oppressive categories and this enterprise is geared towards creating praxis for the LGBTQIA+ community across the African continent.

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Instruction for authors

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Thesis is an international research journal with double-blind peer review, which is published by AAB College in Prishtina. The journal presents an international forum for Balkan region, for empirical, qualitative, critical and interpretative studies, on different issues, and mainly in social and human sciences.

The journal accepts original high quality articles from various theoretical and methodological approaches and is also open to interpretative and critical articles, as well as monographic review. The length of an article should be between 4000-7000 words, including references, appendix and/or other notes. The length of the review for the monograph should not exceed 1000 (one thousand) words.

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Online ISSN: 2623-8381

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Thesis is published twice a year, the Spring and Fall edition. Materials of the journal are also available online with open access. The deadline for submitting papers to the Spring edition is March 15, while for the Fall edition is October 15, in the editorial email: thesis@aab-edu.net.

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The manuscript text should be structured in principle as follows:

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Abstract (100-150 words); Keywords: 5

Introduction

Heading...

Bibliography and sources.

Appendix

Style guidelines

The editorial board uses APA Style, 6th edition (www.apastyle.org). Please, do not use footnote, or avoid endnote as much as possible.

APA Style

In text citation/reference of a scientific source, is as follows:

Last name of the author, year of publishing and page – if needed, e.g: (Bourdieu, 1997, p. 7).

Author in a sentence

Another study for this issue (Smith, 2016) emphasizes that...

Author at the beginning of the sentence:

Smith (2016) emphasizes that...

Wolton (2009, p. 53) says that internet offers an ocean of information, but every day we choose to be on diet by choosing only the information that is beneficial to us, not time-consuming.

Wolton (2009) says that internet offers an ocean of information, but every day we ask “how to interconnect communication

ghettos who communicate only vertically and not horizontally through other communication tools" (p. 53).

In 1974 Zukowski invented the term Literacy information to describe...

Two authors in a book

Smith and Jonnes (2016) emphasize that...

Citation within a part of the sentence:

Another study for this issue (Smith, 2016) puts the main emphasis on the previous behavior in the environment where the child lives, because "the environment presents the nest where the child gathers information which later, he/she will imitate or apply in everyday behavior" (p. 6).

Different conflicts, terrorist attacks, insecurities etc., made citizens or even political actors, ask: "Why do they hate us" (Arndt, 2006, p. xviii). This is very important, because "today's hate brings tomorrow's urge of insecurity and instability not only within the country, but also for the global security" (p. 34).

Some authors for the same issue:

As the public diplomacy researchers point out (Nye, 2004; Gilboa, 2008; Anholt, 2004; Melissen, 2007)), having a positive image...

If two authors have the same last name, the first letter of the name is also written:

Authors Smith J. and Smith F. (2016) highlight some key features ...

Three to five authors in one book:

If a work has three (3), four (4) or five (5) authors, cite all authors the first time and from then on include only the last name of the first author followed by the words et al. ('et al.' is Latin for 'and others')

Eg. (Nye, Melissen, Szondi, Leonard, 2015).

Eg. (Nye et al., 2015)

Over 6 authors in one work:

If a work has six (6) or more authors, cite only the last name of the first author followed by et al. each time you refer to this work. In the bibliography all are written.

For example:

As noted in the recent study of corruption and political nepotism in Kosovo (Plepi et al., 2015), in this case neither exist...

More work by one author in a year:

As Plepi (2015a) points out, economic growth and welfare also increase family harmony, but such a phenomenon has been impossible to measure so far in Kosovo, or studies of this phenomenon are "regretful" (Plepi, 2015b).

Entities and institutions as authors

The full name of the institution should be indicated in the first citation, while the following citations may be used if the name is particularly long.

The international network of humanitarian aid associations has increased considerably in recent years in Kosovo (the Active Learning Network for Accountability and Performance in Humanitarian Action [ALNAP], 2010).

Subsequent citations:

(ALNAP, 2010)

Bibliography

General rules

When a source has up to seven (7) authors, include all names in the reference list by dividing authors by commas.

In case of books without an author, place the title of the book in the first position instead of the author. Write the full name of institutions or associations (see example at the bottom).

Date of book publication:

The date comes after the author, separated by a full stop and is inserted between the round brackets. In case of documents without a date, use the abbreviation "n.d." in brackets (no date).

Translated books:

In case of foreign translated books, indicate the name of the translator.

Examples:

Wolton, D. (2009). *Informer n'est pas communiquer*. Paris: CNRS Editions.

Tuch, H. N. (1990). *Communicating with the world: U.S. public diplomacy overseas*. Washington, D.C.: Georgetown University.

Chapter or article within an edited book or summary:

Melissen, J. (2011). Concluding reflections on soft power and public diplomacy in East Asia. Nö: S.J. Lee & J. Melissen (ed). *Public diplomacy and soft power in East Asia* (247-262). Basingstoke: Palgrave Macmillan.

Journal

Gilboa, E., (2008). Searching for a Theory of Public Diplomacy. *The Annals of the American Academy of Political and Social Science*. Los Angeles: Sage, n.2. Vol3, (55-77).

Journal from website

Last name of author, first letter of the name. (2013). Online title. *Title of the online journal*. Place: Publishing house. The link or doi, eg.:

Gilboa, E., (2008). Searching for a Theory of Public Diplomacy. *The Annals of the American Academy of Political and Social Science*. Los Angeles: Sage. doi: xyuu222ioooooe./e45

Piaget, J. (1969). *The psychology of the child*. New York, NY: Sage. (translated in Albanian by Filan Fisteku, *Child's psychology*).

In text: (Piaget, 1969)